# UTAH STATE BULLETIN

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

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

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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# TABLE OF CONTENTS


**EDITOR'S NOTES** ..... **1**

INCORRECT FILING ID FOR RULE R82-9 ..... I

**EXECUTIVE DOCUMENTS** ..... **2**

PROCLAMATION ..... 2

2026-12E ..... 2

**NOTICES OF PROPOSED RULES** ..... **3**

GOVERNMENT OPERATIONS, FLEET OPERATIONS ..... 4

R27-10. Identification Markings for State Motor Vehicles ..... 4

COMMERCE, CONSUMER PROTECTION ..... 6

R152-78B. Liability for Publishers and Distributors of Material Harmful to Minors Rule ..... 7

EDUCATION, ADMINISTRATION ..... 10

R277-101. Public Participation in Utah State Board of Education Meetings ..... 11

R277-108. Annual Assurance of Compliance by Local School Boards ..... 14

R277-110. Educator Salary Adjustment ..... 18

R277-211. Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions ..... 23

R277-301. Educator Licensing ..... 31

R277-304. Teacher Preparation Programs ..... 39

R277-306. Educator Preparation Programs for School Psychologists, Audiologists, Speech-Language Pathologists, Speech-Language Technicians, Counselors, and School Social Workers ..... 47

R277-322. LEA Codes of Conduct ..... 52

R277-334. Classroom Technology and Artificial Intelligence Governance ..... 57

R277-406. Early Learning Program and Assessments ..... 64

R277-409. Public School Membership in Associations ..... 69

R277-445. Classifying Small Schools as Necessarily Existent ..... 73

R277-460. Distribution of Substance Abuse Prevention Account ..... 76

R277-462. Comprehensive School Counseling Program ..... 81

R277-465. CPR in Schools ..... 85

R277-486. Professional Staff Cost Program ..... 89

R277-626. Carson Smith Opportunities Scholarship Program ..... 93

R277-717. High School Course Grading Requirements ..... 98
R277-802. Educational Enrichment Programs for Deaf, Hard of Hearing, Blind, and Visually Impaired Students ..... 102
R277-927. Teacher and Student Success Act (TSSA) Program ..... 107
ENVIRONMENTAL QUALITY, AIR QUALITY ..... 112
R307-101. General Requirements ..... 112
R307-105. General Requirements: Emergency Controls ..... 124
R307-110. General Requirements: State Implementation Plan ..... 128
R307-110-13. Section IX, Control Measures for Area and Point Sources, Part D, Ozone ..... 133
HEALTH AND HUMAN SERVICES; POPULATION HEALTH, HEALTH PROMOTION AND PREVENTION ..... 136
R384-201. School-Based Vision Screening for Students in Public Schools ..... 136
HEALTH AND HUMAN SERVICES, INTEGRATED HEALTHCARE ..... 144
R414-303-10. Refugee Medicaid ..... 145
TAX COMMISSION, PROPERTY TAX ..... 147
R884-24P-33. 2026 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-107 ..... 147
GOVERNMENT OPERATIONS, TECHNOLOGY SERVICES ..... 161
R895-4. Subdomain Naming Conventions for Executive Branch Agencies ..... 161

**NOTICES OF CHANGES IN PROPOSED RULES ..... 165**

ENVIRONMENTAL QUALITY, AIR QUALITY ..... 166
R307-110-13. Section IX, Control Measures for Area and Point Sources, Part D, Ozone ..... 166

**NOTICES OF 120-DAY (EMERGENCY) RULES ..... 170**

HEALTH AND HUMAN SERVICES, INTEGRATED HEALTHCARE ..... 170
R414-303-10. Refugee Medicaid ..... 170

**FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION ..... 173**

GOVERNMENT OPERATIONS, FLEET OPERATIONS ..... 173
R27-4. Vehicle Replacement and Expansion of State Fleet ..... 173
R27-5. Fleet Tracking ..... 174
R27-6. Fuel Dispensing Program ..... 175
R27-8. State Vehicle Maintenance Program ..... 176
R27-10. Identification Markings for State Motor Vehicles ..... 177
COMMERCE, PROFESSIONAL LICENSING ..... 177
R156-75. Genetic Counselors Licensing Act Rule ..... 177

EDUCATION, ADMINISTRATION ..... 178
R277-101. Public Participation in Utah State Board of Education Meetings ..... 178
R277-409. Public School Membership in Associations ..... 179
R277-445. Classifying Small Schools as Necessarily Existent ..... 180
R277-460. Distribution of Substance Abuse Prevention Account ..... 181
HEALTH AND HUMAN SERVICES; DATA, SYSTEMS AND EVALUATION, RESEARCH AND EVALUATION, HEALTH CARE STATISTICS ..... 182
R428-1. Health Data Plan and Incorporated Documents ..... 182
R428-2. Health Data Authority Standards for Health Data ..... 184
R428-10. Health Data Authority Healthcare Facility Data Reporting Rule ..... 185
R428-12. Health Data Authority Survey of Enrollees in Health Plans ..... 186
HEALTH AND HUMAN SERVICES, PATIENT SAFETY PROGRAM ..... 187
R429-1. Patient Safety Surveillance and Improvement Program (PSSIP) ..... 187
R429-2. Health Care Facility Patient Safety Program ..... 189
HEALTH AND HUMAN SERVICES, HEALTH CARE FACILITY LICENSING ..... 190
R432-200. Small Health Care Facility - Four to Sixteen Beds ..... 190
R432-300. Small Health Care Facility - Type N ..... 191
R432-650. End Stage Renal Disease Facility Rules ..... 192
R432-700. Home Health Agency Rule ..... 194
R432-725. Personal Care Agency Rule ..... 195
R432-750. Hospice Rule ..... 196
R432-950. Mammography Quality Assurance ..... 197
HEALTH AND HUMAN SERVICES, ADMINISTRATION (HUMAN SERVICES) ..... 198
R495-830. Qualifications for Forensic Evaluator ..... 198
HEALTH AND HUMAN SERVICES, CHILD AND FAMILY SERVICES ..... 199
R512-2. Title IV-B Child and Family Services and Title IV-E Foster Care, Prevention, and Permanency ..... 199
R512-31. Foster Parent Due Process ..... 200
R512-32. Children with Reportable Communicable Diseases ..... 201
R512-40. Identification, Home Studies, and Approval of Adoptive Families for Children in the Custody of Child and Family Services ..... 202
R512-51. Fee Collection for Criminal Background Screening for Prospective Foster and Adoptive Parents and for Employees of Other Department of Health and Human Services Licensed Programs ..... 203
R512-80. Definitions of Abuse, Neglect, and Dependency ..... 204
HEALTH AND HUMAN SERVICES, RECOVERY SERVICES ..... 205
R527-3. Definitions ..... 205

R527-258. Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program ..... 206
PUBLIC SAFETY, HIGHWAY PATROL ..... 207
R714-164. School Bus Inspection, Maintenance and Auditing Requirements ..... 207
R714-560. Technology and Equipment for Officer-Involved Critical Incident Investigation ..... 208

**NOTICES OF RULE EFFECTIVE DATES ..... 210**

# EDITOR'S NOTES

EDITOR'S NOTE

Incorrect Filing ID for Rule R82-9

On 08/16/2026, the Office of Administrative Rules received an email asking if there was a typographical error in the ID number for Rule R82-9.

In the Notices of Effective Dates published in the August 15, 2026, Bulletin on page 79, Rule R82-9 was shown as published in the June 1, 2026, Bulletin as ID 57999. This is correct.

However, Rule R82-9 was published as a Repeal and Readopt under ID 57993 in the June 1, 2026, Bulletin. This is incorrect. It should have been ID 57999.

Any questions should be directed to Nancy Lancaster, Managing Editor, at rulesonline@utah.gov.

**End of the Editor's Notes Section**

# 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.

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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 12th Extraordinary Session at the Utah State Capitol in Salt Lake City, Utah, on the 19th day of August 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 18th day of August 2026.

(State Seal)

Spencer J. Cox
Governor

ATTEST:

Deidre M. Henderson
Lieutenant Governor

2026-12E

**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 August 01, 2026, 12:00 a.m., and August 14, 2026, 11:59 p.m. are included in this, the September 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 October 01, 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 December 30, 2026, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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

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

---

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

| NOTICE OF SUBSTANTIVE CHANGE | |
|---|---|
| **TYPE OF FILING:** Amendment | **Filing ID: 58139** |
| **Rule or section number:** | **R27-10** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Government Operations, Fleet Operations |
| **Building:** | Taylorsville State Office Building |
| **Street address:** | 4315 S 2700 W |
| **City, state:** | Taylorsville, UT |
| **Mailing address:** | 4315 S 2700 W |
| **City, state and zip:** | Taylorsville, UT 84129 |

**2. Contact Persons**

| Name: | Phone: | Email: |
|---|---|---|
| Cory Weeks | 801-419-6729 | coryweeks@utah.gov |

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

**3. General Information**

**A. Rule or section catchline:**

R27-10. Identification Markings for State Motor Vehicles

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

This rule is changing to comply with the Governor's new branding guidelines.

**C. Summary of the new rule or change:**

This rule modifies the vehicle marking requirements to comply with branding guidelines provided by the governor's office in 2026.

**5. Fiscal Information**

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

**A. State budget:**

This change will not have an impact on the state budget because the change will be made moving forward and there were no costs associated with managing the change.

**B. Local governments:**

This rule does not apply to local governments.

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

This rule does not apply to small businesses.

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

This rule does not apply to non-small businesses.

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

This rule does not apply to any other group of people.

| F. Compliance costs for affected persons: |
|---|
| Because the governor's office allowed the Division of Fleet Operations to make the changes moving forward, without having to modify vehicles with the previous branding, there will be no additional 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 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: | ☒ |
|---|---|

| B. Summary of reasonable alternatives or modifications: |
|---|
| The major alternative would have been to require all existing fleet vehicles to be modified with updated branding.<br><br>This would have created significant cost and logistical difficulties. |

**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 63A-9-601(1)(c) | | |

**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:** | 10/01/2026 |

**12. Effective Date Information**

| **This rule change MAY become effective on:**<br>(NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date) | 10/08/2026 |
|---|---|

**13. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Cory Weeks, Director | **Date:** | 08/03/2026 |

**R27. Government Operations, Fleet Operations.**
**R27-10. Identification Markings for State Motor Vehicles.**
**R27-10-1. Authority and Purpose.**

(1) Pursuant to Subsection 63A-9-601(5), the division is responsible for ensuring that state vehicles for agencies are marked as required by Section 41-1a-407. If "EX" license plates are required, then the identification mark is also required.

(2) This rule is authorized by Subsection 63A-9-601(1)(c).

**R27-10-2. Identification Markings.**

(1) The standard identification mark shall be a likeness of the [~~Great Seal of the state of Utah~~]Utah icon from the State of Utah Branding Guidelines.

(a) [~~Light-, Medium-, and Heavy-duty trucks, service vehicles, and off-road equipment shall be clearly marked, on each front door, with an eight-inch State Seal. At the option of the entity operating the state vehicle or equipment, the identification mark may include a banner not more than four inches high which may bear the agency's logo and the name of the department or division. All identification markings must be approved by the division before use.~~

~~(b)~~ ]Non-law enforcement passenger vehicles shall be marked with a translucent identification sticker, [~~four~~]six inches in diameter on the furthest rearward window in the lower-most rearward corner, on each side of the vehicle.

(b) Agencies may choose to use an agency specific 10 inch decal door marking on the front driver and passenger side doors that complies with the state branding guidelines for the purposes of identifying the vehicle's use.

(2) Identification mark requirements are not intended to preclude other markings used to identify special purpose vehicles.

(3) [~~Vehicles used for law enforcement purposes may, at the discretion of the operating agency, display a likeness of the Great Seal of the state of Utah in the center of a gold star for identification purposes. Other~~]Law enforcement and other emergency response vehicles are not precluded from displaying additional appropriate markings.[~~At the option of the agency, the State Seal may be placed on the front door above any molding and, where practicable, shall be at least four inches below the window. The optional banner portion of the identification mark shall be placed immediately below the State Seal.~~]

(4) Identification markings shall clearly identify vehicles or equipment as being the property of the state. Additional markings should be applied with discretion so as not to detract from that intent.

**R27-10-3. License Plates.**

(1) Every vehicle owned, operated, or leased for the exclusive use of the state shall bear a license plate displaying the letters "EX."

(2) Plates issued to Utah Highway Patrol vehicles may bear the capital letters "UHP" a beehive logo, and the call number of the vehicle for which the plate is issued. In lieu of the identification mark described in this rule, the Utah Highway Patrol may use a substitute identification mark of its own specification.

**R27-10-4. Exceptions.**

(1) Neither the "EX" license plates nor the standard identification marks need be displayed on state vehicles if:
(a) the state vehicle is in the direct service of the Governor, Lieutenant Governor, Attorney General, State Auditor, or State Treasurer;
(b) the state vehicle is used in official investigative work where secrecy is essential;
(c) the state vehicle is provided to an official as part of a compensation package allowing unlimited personal use of that vehicle; or
(d) the personal security of the state vehicle's occupants would be jeopardized if the identification mark were in place.
(2) If a vehicle does not have EX plates, the agency must assist the division with annual registration requirements.
(3) An agency marker that does not meet the specifications of Section R27-10-3 must be approved by the division.

**KEY: motor vehicles**
**Date of Last Change: 2026[~~February 21, 2023~~]**
**Notice of Continuation: August 3, 2026**
**Authorizing, and Implemented or Interpreted Law: 41-1a-407; 63A-9-401; 63A-9-601(1)(c)**

| **NOTICE OF SUBSTANTIVE CHANGE** | |
|---|---|
| **TYPE OF FILING:** New | **Filing ID: 58148** |
| **Rule or section number:** | **R152-78B** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Commerce, Consumer Protection |
| **Building:** | Heber Wells Building |

| | |
|---|---|
| **Street address:** | 160 E 300 S |
| **City, state:** | Salt Lake City, UT |
| **Mailing address:** | PO Box 146704 |
| **City, state and zip:** | Salt Lake City, UT 84114-6704 |

**2. Contact Persons**

| Name: | Phone: | Email: |
|---|---|---|
| Katherine Hass | 801-530-6601 | dcprules@utah.gov |

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

**3. General Information**

**A. Rule or section catchline:**

R152-78B. Liability for Publishers and Distributors of Material Harmful to Minors Rule

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

This rule is being proposed to establish commercially reasonable age verification standards and to aid the Division of Consumer Protection's (division) administration and enforcement of Title 78B, Chapter 3, Part 10, Liability for Publishers and Distributors of Material Harmful to Minors.

**C. Summary of the new rule or change:**

This rule defines terms, establishes the "commercially reasonable" standard with respect to age verification and geolocation detection performed in accordance with Section 78B-3-1002, establishes a safe harbor in accordance with Section 78B-3-1006, and establishes standards for data collection and disposal.

**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 73 (2026 General Session) |

**5. Fiscal Information**

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

**A. State budget:**

The proposed rule is not anticipated to have a fiscal impact on the state budget beyond that already described in the Fiscal Note to SB 73, passed in the 2026 General Session.

**B. Local governments:**

The proposed rule is not anticipated to have a fiscal impact on local governments beyond that already described in the Fiscal Note to SB 73 (2026).

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

This rule may have a fiscal impact on small businesses; however, that impact is inestimable because the number of small businesses to which this rule will apply is not readily available and is fluid.

Costs will vary depending on the commercially reasonable age assurance and geolocation detection methods chosen by a covered commercial entity, and the number of age verification and geolocation checks the covered commercial entity performs.

While the division is unable to estimate aggregate costs to small businesses, it estimates that each age verification attempt will cost between $0.01 and $0.12, with those costs decreasing over time.

The division estimates that a covered commercial entity may spend approximately $0.01 per person who attempts to access a covered website for geolocation detection and geolocation obfuscation detection, with costs decreasing at larger scales.

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

This rule may have a fiscal impact on non-small businesses; however, that impact is inestimable because the number of non-small businesses to which this rule will apply is not readily available and is fluid.

Costs will vary depending on the commercially reasonable age assurance and geolocation detection methods chosen by a covered commercial entity, and the number of age verification and geolocation checks the covered commercial entity performs.

While the division is unable to estimate aggregate costs to non-small businesses, it estimates that each age verification attempt will cost between $0.01 and $0.12, with those costs decreasing over time.

The division estimates that a covered commercial entity may spend approximately $0.01 per person who attempts to access a covered website for geolocation detection and geolocation obfuscation detection, with costs decreasing at larger scales.

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

The proposed rule is not anticipated to have a fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities beyond that already described in the Fiscal Note to SB 73 (2026).

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

Aggregated costs are inestimable because the number of covered businesses and non-small businesses to which this rule will apply is not readily available and is fluid.

Additionally, the division is unable to calculate the number of people who will attempt to access from Utah covered websites operated by covered commercial entities.

However, the division estimates that each age verification attempt will cost between $0.01 and $0.12, with those costs decreasing over time.

Further, the division estimates that a covered commercial entity may spend approximately $0.01 per person who attempts to access a covered website for geolocation detection and geolocation obfuscation detection, with costs decreasing at larger scales.

**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 | Inestimable | Inestimable | Inestimable | Inestimable | Inestimable |
| Non-Small Businesses | Inestimable | Inestimable | Inestimable | Inestimable | Inestimable |
| Other Persons | $0 | $0 | $0 | $0 | $0 |
| **Total Fiscal Cost** | **Inestimable** | **Inestimable** | **Inestimable** | **Inestimable** | **Inestimable** |
| **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 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 13-2-106(1) | Section 78B-3-1005 | |

**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:** | 10/01/2026 |

**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) | 10/08/2026 |

**13. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Katherine Hass, Division Director | **Date:** | 08/14/2026 |

**R152. Commerce, Consumer Protection.**
**R152-78B. Liability for Publishers and Distributors of Material Harmful to Minors Rule.**
**R152-78B-101. Purpose.**

The purpose of this rule is to:

(1) to establish commercially reasonable age verification standards that a commercial entity may meet to comply with Section 78B-3-1002, including standards for:

(a) third party age verification services;

(b) location obfuscation detection and geolocation services;

(c) user privacy and data protection; and

(2) aid the division's administration and enforcement of Title 78B, Chapter 3, Part 10, Liability for Publishers and Distributors of Material Harmful to Minors.

**R152-78B-102. Authority.**

This rule is promulgated in accordance with Subsections 13-2-106(1) and Section 78B-3-1005.

**R152-78B-103. Definitions.**

(1) "False positive" means an age verification system's incorrect determination that a person attempting to access a commercial entity's website described by Subsection 78B-3-1002(1) is not a minor.

(2)(a) "False positive rate" means the rate at which a commercial entity's age verification system incorrectly determines that a person attempting to access a commercial entity's website described by Subsection 78B-3-1002(1) is not a minor.

(b) "False positive rate" is calculated as (false positive rate = false positives ÷ (false positives + true negatives)).

(3) "Geolocation obfuscation" means a virtual private network, proxy server, or other location technology that masks a person's or device's geographic location.

(4) "Geolocation obfuscation detection system" means a method, process, or technique used to identify:

(a) whether a person's or device's location is masked; or

(b) whether a person is in Utah.

(5) "Proxy server" means any intermediate hardware, software, or network routing service configured to intercept, filter, relay, or re-route data requests and responses between a client device and a destination network or server.

(6) "True negative" means an age verification system's correct determination that a person attempting to access a commercial entity's website described by Subsection 78B-3-1002(1) is a minor.

(7) "Virtual private network" means a system that allows a computing device to link to a network of computers from a remote location by a secure means of communication in a way that causes the remote computing device to appear to have the same characteristics as the network to which it connects.

**R152-78B-201. Commercially Reasonable Methods -- Age Verification -- Geolocation Obfuscation.**

(1) A commercially reasonable age verification method is a measure calculated to enable the commercial entity to identify with at least 95% accuracy whether a person attempting to access a website described by Subsection 78B-3-1002(1) is a minor.

(2)(a) A commercially reasonable geolocation obfuscation detection system is a measure calculated to enable the commercial entity to identify with at least 95% accuracy whether a person attempting to access a website described by Subsection 78B-3-1002(1)(a) is in Utah.

(b) To determine whether a person attempting to access a website described by Subsection 78B-3-1002(1) is in Utah, a commercial entity may analyze latent signals, including:

(i) connection latency;

(ii) a device's or browser's time zone setting; and

(iii) other relevant data transmitted by the device or browser.

**R152-78B-202. Safe Harbor.**

(1) A commercial entity's age verification system qualifies for the safe harbor described by Section 78B-3-1006 if:

(a) the methods used by the age verification system produce outcomes that satisfy the criteria in the following table:

TABLE
Accuracy of Age Verification Outcomes

| Actual Age Range of Individual Attempting to Access Website Described by Subsection 78B-3-1002(1) | Maximum False Positive Rate |
|---|---|
| 17 years old | 2% |
| 16 years old | 1% |
| 14 - 15 years old | 0.1% |
| 8 - 13 years old | .1% |
| 7 years old or younger | .1% |

(b) the commercial entity provides reasonable means by which a Utah user may challenge an incorrect age verification result; and

(c) the commercial entity uses a geolocation obfuscation detection system to identify whether a person who accesses a website described by Subsection 78B-3-1002(1)(a) from Utah is obfuscating the person's geolocation.

(2) For each person identified as accessing the commercial entity's website while obfuscating the person's geolocation in accordance with Subsection (1)(c), the commercial entity shall require the person to:

(a) share the person's location to confirm the person is not located in Utah;

(b) disable the person's geolocation obfuscation and age verify if the person is located in Utah; or

(c) age verify.

(3) A commercial entity may use a third party's age verification system, provided that the third party complies with the requirements of Title 78B, Chapter 3, Part 10, Liability for Publishers and Distributors of Material Harmful to Minors and this rule.

**R152-78B-203. Age Verification Data -- Permitted Use and Disposal.**

(1) A commercial entity may not collect more than the least amount of data reasonably necessary to comply with Section 78B-3-1002.

(2) A commercial entity shall comply with a consumer's request to delete in accordance with Section 13-61-203.

**KEY: age verification, material harmful to minors, data privacy**
**Date of Last Change: 2026**
**Authorizing, and Implemented or Interpreted Law: 13-2-106(1); 78B-3-1005**

| NOTICE OF SUBSTANTIVE CHANGE | |
|---|---|
| **TYPE OF FILING:** Amendment | **Filing ID: 58149** |
| **Rule or section number:** | **R277-101** |

**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:**

R277-101. Public Participation in Utah State Board of Education Meetings

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

The amendments are needed to clarify requirements pertaining to the procedures followed by the Board in its conduct of the public's business.

**C. Summary of the new rule or change:**

The amendments add clarifying language specifying that any policy-related comments or materials not permitted to be made or shown during the public comment portion of the meeting due to the Utah State Board of Education's (Board) rules of decorum will be available in meeting minutes and labeled as explicit or potentially offensive.

In addition, the amendments simplify language related to electronic meetings.

**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.

Board administrative personnel already record, compile, format, and publish meeting minutes and public submissions. Labeling restricted materials as explicit or potentially offensive and appending them to the minutes is a minor procedural task that will be absorbed within existing operational workflows and staff hours.

Because no new software, staff Full-Time Equivalencies (FTEs), or administrative appropriations are required, there is no incremental cost or savings to the state budget.

**B. Local governments:**

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

Rule R277-101 applies strictly to the internal public meeting and electronic participation procedures of the Board.

It places no operational, administrative, or reporting requirements on local school districts or charter schools. Therefore, local education agencies will experience zero incremental costs or 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 administrative rule governs public comment procedures and meeting protocols for Board meetings.

It contains no provisions regulating, taxing, or placing compliance burdens on commercial entities or small businesses. Consequently, there is 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.

The change ensures that restricted policy-related public comments remain part of the public record within meeting minutes under a specific label.

This adjustment alters internal record-keeping practices and places no financial liabilities, fees, or out-of-pocket expenses on individual members of the public, meeting attendees, or taxpayers as an aggregate class.

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

There are no compliance costs for affected persons.

Individual members of the public participating in or submitting materials for Board meetings are not required to spend funds, purchase technology, or pay filing fees as a result of this record-labeling requirement.

Therefore, 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 | Section 52-4-1 | Subsection 53E-3-401(4) |
| Section 52-4-207 | | |

**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:** | 10/01/2026 |

**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) | 10/08/2026 |

**13. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Elisse Newey, Deputy Superintendent of Policy | **Date:** | 08/14/2026 |

**R277. Education, Administration.**
**R277-101. Public Participation in Utah State Board of Education Meetings.**
**R277-101-1. 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) Title 52, Chapter 4, Open and Public Meetings Act, which directs that the deliberations and actions of the Board be conducted openly;

(c) Section 52-4-207, which allows the Board to adopt a rule governing the use of electronic meetings; 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 describe procedures to be followed by the Board in its conduct of the public's business in order to:

(a) hear from those who desire to be heard on public education matters in the state;

(b) effectively and efficiently utilize the time of the Board;

(c) balance desire for public information with other demands on the Board's time; and

(d) allow the Board to conduct electronic meetings as needed.

**R277-101-2. Definitions.**

(1)(a) "Anchor location" means the physical location from which an electronic meeting originates.

(b) The anchor location for an electronic meeting of the Board, unless otherwise designated in the meeting notice, shall be the offices of the Utah State Board of Education, 250 East 500 South, Salt Lake City, Utah 84114.

(2) "Chair" means:

(a) the duly elected Chairperson of the Board;

(b) a Vice-chair when conducting a meeting of the Board; or

(c) the Chair of a Board standing committee.

(3) "Electronic meeting" has the same meaning as defined in Section 52-4-103.

**R277-101-3. Public Participation.**

(1) The general public may attend meetings of the Board, unless a meeting is closed in accordance with Section 52-4-204.

(2) The general public may speak to the Board regarding any issue when acknowledged and recognized by the Board Chair during scheduled public comment.

(a) The chair may give priority to an individual or group who submits a written request to address the Board prior to the meeting, including a brief description of the issue to be addressed.

(b) The Board may not take action during the public comment portion of a meeting.

(c) A Board member may request that an item raised during public comment be placed on a future agenda for possible action in accordance with Board bylaws.

(d)(i) The Chair may limit the time available for individual comments.

(ii) The Chair may request groups to designate a spokesperson.

(iii) The Board shall include in its meeting agenda the amount of time set aside for public comment and the restrictions on individual speakers or group spokespersons.

(3)(a) A member of the general public may speak to items on the agenda:
(i) during the time designated for public comment; or
(ii) at the discretion of and as invited by the Chair, when the item is properly before the Board or a committee.
(b) The Chair may request that public comment be provided in writing.
(4)(a) All presentations to the Board or one of its committees shall exemplify courteous behavior and appropriate language.
(b) Any policy-related comments or materials not permitted to be made or shown during the public comment portion of the meeting due to the Board's rules of decorum will be available in meeting minutes and labeled as explicit or potentially offensive.
(5) The Chair may invite additional comment to the Board or a committee in the Chair's discretion.
(6) In accordance with Subsection 52-4-202(6)(b), at the discretion of the Chair, the Board may discuss a topic raised by the public in an open meeting even if the item was not included in the public meeting notice.
(7) At the discretion of the Chair, a member of the public may request to comment in the committee meeting by raise of hand.

**R277-101-4. Electronic Meetings**.
(1) The Board may conduct electronic meetings in accordance with the requirements set forth in Subsection 52-4-207(3).
(2)(a) The Board may allow a member of the Board or member of the public to participate in a Board meeting electronically consistent with available equipment capability.
(b) The chair shall announce the participation of an individual participating in an electronic meeting and the Board secretary shall note the individual's participation in the meeting minutes.
(3) [~~If the Board conducts an electronic meeting a quorum of the Board shall be present at a single anchor location for the meeting.~~
~~(4) Notwithstanding Subsection (3), the Board chair may waive the requirement that a quorum be present at a single anchor location in the event of a pandemic or other public emergency so long as a quorum is present, either physically at the anchor location, or electronically, for the meeting.~~
~~(5)~~ ]If the Board conducts an electronic meeting, any member may participate and vote electronically, so long as the Board meets quorum requirements.

**KEY: school boards, open government, electronic meetings**
**Date of Last Change: 2026[~~July 9, 2020~~]**
**Notice of Continuation: August 6, 2026**
**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 52-4-1; 53E-3-401(4); 52-4-207**

| NOTICE OF SUBSTANTIVE CHANGE | |
|---|---|
| **TYPE OF FILING:** Amendment | **Filing ID: 58150** |
| **Rule or section number:** | **R277-108** |

**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:** |
|---|
| R277-108. Annual Assurance of Compliance by Local School Boards |
| **B. Purpose of the new rule or reason for the change:** |
| The rule amendments are needed to update the reference to the incorporated document, as well as to clarify the reporting deadline requirements. |

**C. Summary of the new rule or change:**

The amendments replace the Incorporated Document, Local Education Agency (LEA) Compliance and Assurance Checklist for 2024-2-24 with the updated document for the 2026-2027 School Year.

The amendments clarify that if the reporting deadline is not met by LEAs, then it may result in federal funds/grants being withheld.

The amendments also remove the rule's oversight categorization of "Category 3".

**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 regulatory classification clause is a technical clean-up measure.

Updating the date of the incorporated checklist is a routine annual administrative maintenance task.

Utah State Board of Education (USBE) staff compile, host, and maintain the electronic compliance checklist as part of regular ongoing job duties.

These changes do not create new state programs, alter state funding allocation formulas, or require additional state administrative staffing or expenditures.

Consequently, there are no incremental costs or savings to the state budget.

The incorporated annual assurance checklist does not have any new costs or changes for USBE or LEAs; it simply updates language and references to various statutory changes from the recent legislative sessions.

**B. Local governments:**

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

School districts and charter schools are already required by state and federal law to complete and submit an annual electronic assurance checklist to the USBE. Updating the reference year to the 2026-2027 school year maintains this established annual attestation process.

Because LEA administrators execute this electronic submission as part of their standard ongoing compliance workflow, updating the checklist date does not impose new operational mandates, software requirements, or reporting structures beyond existing administrative routines.

Therefore, no incremental costs or savings will be realized by LEAs. The incorporated annual assurance checklist does not have any new costs or changes for USBE or LEAs; it simply updates language and references to various statutory changes from the recent legislative sessions.

**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 applies exclusively to public education entities (school districts, charter schools, and the Utah Schools for the Deaf and the Blind). It contains no provisions that regulate, touch upon, or mandate compliance from private commercial operations.

Therefore, it will have 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.

The amendments strictly govern public LEA compliance reporting and internal state board classification. They impose no direct financial obligations, tax changes, out-of-pocket fees, or cost savings on parents, students, educators, or individual taxpayers as an aggregate class.

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

There are no compliance costs for affected persons.

Because individual administrators and entities perform this attestation as part of standard duties using existing electronic systems, no entity within an affected class will need to purchase hardware, hire additional personnel, or pay filing fees.

The incremental compliance cost per individual entity 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) | |

**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)** | Local Education Agency (LEA) Compliance and Assurance Checklist for the 2026-2027 School Year |
| **Publisher** | Utah State Board of Education |
| **Issue Date** | April 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:** | 10/01/2026 |

**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) | 10/08/2026 |

**13. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Elisse Newey, Deputy Superintendent of Policy | **Date:** | 08/14/2026 |

**R277. Education, Administration.**
**R277-108. Annual Assurance of Compliance by Local School Boards.**
**R277-108-1. Authority[~~,~~] and Purpose[~~, and Oversight Category~~].**

(1) This rule is authorized by:

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

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law and allows the Board to interrupt disbursements of state aid to any district which fails to comply with rules adopted in accordance with the law.

(2) The purpose of this rule is to provide local school boards with a checklist of laws requiring local school board action and a means of assuring that local boards are in compliance.

[~~(3) This Rule R277-108 is categorized as Category 3 as described in Rule R277-111.~~]

**R277-108-2. Definitions.**

"Assurance document" or "checklist" means the Annual Assurances of Compliance checklist incorporated by reference in Section R277-108-3.

**R277-108-3. Incorporation of Annual Assurances of Compliance.**

(1) This rule incorporates by reference the Local Education Agency (LEA) Compliance and Assurance Checklist for [~~2024-2025~~]2026-2027 School Year, which lists the required state and federal compliance information for identified programs and funds, including:

(a) Board Rule;

(b) State statute;

(c) Federal Code of Regulations; and

(d) Federal Law.

(2) A copy of the current Annual Assurances of Compliance List is located at:

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

(b) the Utah State Board of Education - 250 East 500 South, Salt Lake City, Utah 84111.

**R277-108-4. Assurance Document Creation and Availability.**

(1) The Superintendent shall provide a checklist of laws and State Board of Education Administrative Rules which require action or compliance by June 1 of each year to school district superintendents, the superintendent for the Utah School for the Deaf and the Blind and charter school directors.

(2) The checklist described in Subsection (1) shall be approved by the Board and shall identify laws and rules along with required compliance dates and reporting forms, if different or necessary than or in addition to the annual assurance document.

(3) The Superintendent shall consolidate all required reporting and compliance forms and provide for electronic reporting, to the extent possible and ensure the assurance document is available publicly.

**R277-108-5. Process, Procedures, and Penalties.**

(1) An LEA shall submit the required annual responses to the assurance document and other compliance forms on or before dates identified by the Board.

(2) An LEA's assurance document shall contain a signed attestation by the appropriate authority attesting to the accuracy and validity of all responses and assurances provided by an LEA.

(3) If an LEA cannot provide required assurances, compliance information or forms by required dates, an LEA shall provide to the Superintendent a written explanation of the LEA's inability and provide an anticipated submission date.

(4) An LEA's request for additional time to provide the assurance shall be reviewed by the Superintendent and accepted or rejected in a timely manner.

(5) The Superintendent shall request a written explanation from an LEA and identified schools that fail to meet the reporting and compliance deadlines and that have not provided an explanation and request for a delayed submission date.

(6) Following an opportunity to provide explanations and request a delayed submission date, an LEA and identified schools shall be notified of penalties assessed by the Board against the LEA in accordance with Rule R277-114, state law, or federal law.

**R277-108-6. Reporting Deadlines.**

(1) Responses for the assurance document from an LEA are due to the Superintendent no later than July 1 of each year.

(2) Failure to provide the assurance document by July 1 may result in federal funds or grants being withheld.

**R277-108-7. Record Retention.**

Responses to the assurance document, as required by the Board, shall be kept on file by the Superintendent for five years, together with letters of explanation and documentation of penalties, as directed by the Board.

**KEY: local school boards, compliance, assurances**
**Date of Last Change: 2026[~~June 7, 2024~~]**
**Notice of Continuation: December 13, 2022**
**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4)**

| NOTICE OF SUBSTANTIVE CHANGE | |
|---|---|
| **TYPE OF FILING:** Amendment | **Filing ID: 58151** |
| **Rule or section number:** | **R277-110** |

**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: |
|---|
| R277-110. Educator Salary Adjustment |

| **B. Purpose of the new rule or reason for the change:** |
|---|
| The rule amendments are due to the passage of HB 372 during the 2026 General Session. |
| **C. Summary of the new rule or change:** |
| The amendments clarify that the Utah State Board of Education (Board) may no longer issue credentials for individuals performing the functions of an audiologist or a speech-language pathologist. Instead, these professionals will be licensed strictly through the Division of Professional Licensing (DOPL).<br><br>The proposed amendments update administrative and reporting procedures to ensure Local Education Agencies (LEAs) can seamlessly verify and receive funding for audiologists and speech-language pathologists who now hold DOPL licenses rather than Board credentials.<br><br>The amendments also remove the oversight categorization of "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:** | HB 372 (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.<br><br>The proposed amendments perform three administrative cleanup actions:<br>1) strike an outdated internal oversight category reference (Subsection R277-110-1(3)),<br>2) strike obsolete past effective date references (Subsections R277-110-3(4)(a) and (4)(b)), and<br>3) update Subsection R277-110-3(11)(a) to replace fixed, static figures ($4,200 and fiscal year 2022-23) with dynamic references to the baseline adjustment amount in Section 53F-2-405 and the "prior fiscal year."<br><br>The actual funding allocations and statutory baseline amounts for the Educator Salary Adjustment program are established directly by the Utah Legislature through statute (Section 53F-2-405) and annual appropriations.<br><br>Updating the rule text to reference the underlying statute continuously aligns administrative language with state law without creating new state programs, altering disbursement mechanisms, or requiring additional agency staffing.<br><br>Consequently, 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.<br><br>School districts, charter schools, and the Utah Schools for the Deaf and the Blind (USDB) distribute educator salary adjustments according to legislative appropriations and statutory criteria in Section 53F-2-405.<br><br>Replacing static historical figures ($4,200 and FY 2022-23) in rule text with relative statutory language ensures ongoing consistency with state law, but imposes no new accounting workflows, payroll system modifications, or reporting mandates on LEAs.<br><br>Because the rule change itself does not alter the net funding received or distributed by LEAs beyond existing statutory requirements, local governments will experience no incremental costs or 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 applies exclusively to public education entities (school districts, charter schools, and USDB) and their licensed employees.

It contains no provisions that regulate, tax, or impose compliance obligations on private commercial enterprises or small businesses.

Therefore, it will have 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.

The edits update rule definitions and statutory cross-references.

The actual salary adjustments provided to public educators are dictated by legislative appropriations and statute, rather than being created by these administrative rule text revisions.

As a result, no direct financial gains, liabilities, or out-of-pocket expense changes will be experienced by educators, parents, or taxpayers as an aggregate class due to this rule change.

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

There are no compliance costs for affected persons.

Because updating administrative rule text to mirror statutory references requires no new reporting steps, hardware, or out-of-pocket fees from individual educators or school administrators, the incremental compliance cost per individual entity within any affected class 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 53F-2-405(5) |

**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:** | 10/01/2026 |

**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) | 10/08/2026 |

**13. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Elisse Newey, Deputy Superintendent of Policy | **Date:** | 08/14/2026 |

**R277. Education, Administration.**
**R277-110. Educator Salary Adjustment.**
**R277-110-1. 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 53F-2-405(5), which authorizes the Board to make rules to administer the educator salary adjustment program.

(2) The purpose of this rule is to outline a consistent method for enacting educator salary adjustments in accordance with Section 53F-2-405.

[~~(3) This Rule R277-110 is categorized as Category 2 as described in Rule R277-111.~~]

**R277-110-2. Definitions.**

(1) "Educator" has the same meaning as defined in Subsection 53F-2-405(1).

(2) "Educator Salary Adjustment" or "Adjustment" means funds allocated by the Board to an LEA in accordance with Subsection 53F-2-405(3).

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

(4) "USIMS" has the same meaning as defined in Subsection R277-312-2(6).

**R277-110-3. Procedures.**

(1) An LEA shall:

(a)(i) have employee evaluation procedures consistent with Title 53G, Chapter 11, Part 5, School District and Utah Schools for the Deaf and the Blind Employee Requirements; or

(ii) if an LEA is exempt from the requirements of Subsection (1)(a)(i), have employee evaluation procedures in place to receive funds under Section 53F-2-405;

(b) put the adjustment appropriation into the LEA's salary schedule each year that funds are appropriated by the Legislature;

(c) ensure the amount of the adjustment is the same for each eligible full-time-equivalent educator position in the LEA;

(d) ensure that each eligible employee who is not a full-time educator receives a proportional salary adjustment based on the number of hours the employee works in the employee's current assignment as an educator; and

(e) ensure that each educator who receives an adjustment has not received an unsatisfactory rating on the educator's three most recent evaluations as described in Subsection 53F-2-405(4)(c).

(2) Notwithstanding Subsection (1)(e), an LEA may grant an adjustment to a new hire who has successfully completed the position hiring process and been selected for an educator position.

(3) Once an educator qualifies for an adjustment in a designated school year, the adjustment becomes an ongoing part of the educator's salary.

(4)(a) [~~Beginning July 1, 2023, an~~]An educator shall receive at least the amount described in Subsection 53F-2-405(4)(a) for the educator salary adjustment.

(b) [~~Beginning July 1, 2024, an~~]An educator shall receive an annual adjustment of an amount equal to the amount described in Subsection 53F-2-405(4)(d) based upon legislative funding allocations.

(c) The Superintendent shall distribute funds to LEAs for the educator salary adjustment based on LEA educator data submitted by October 15.

(d) An LEA may be required to provide funding to meet benefit costs for educators under this program.

(5) A school building level administrator shall receive an annual adjustment of $2,500 and benefits as provided in Subsection 53F-2-405(7).

(6) Each LEA shall annually note on the appropriate salary schedule:

(a) the amount of the educator salary adjustment;

(b) the positions qualifying for the adjustment; and

(c) performance rating requirements in accordance with Subsection 53F-2-405(4)(c).

(7) Each LEA shall annually maintain record of performance ratings for an educator receiving an adjustment in accordance with this rule.

(8)(a) The Superintendent shall remit to LEAs an estimated educator salary adjustment allotment through monthly bank transfers and allotment memos beginning in July of each year.

(b) The Superintendent shall adjust the allotment amount in November of each year to match the number of qualified educators in CACTUS or USIMS, including eligible educators licensed by the Division of Professional Licensing as described in Subsection 53F-2-405(1).

(9) An adjustment to CACTUS or USIMS made after October 13 may not count toward an LEA's amount for educator salary adjustments until the following year.

(10) An LEA may not include educator salary adjustments when calculating the weighted average compensation adjustment for non-administrative licensed staff.

(11) For purposes of ensuring that an LEA may not reduce or artificially limit an educator's salary to convert the salary supplement in this section into a windfall to the LEA as required in Section 53F-2-405 an LEA shall:

(a) increase the total wage compensation of each educator, including salary and stipends, by [~~at least $4,200,~~]the applicable baseline adjustment amount described in Section 53F-2-405, from the educator's compensation in fiscal year [~~2022-23~~]from the educator's compensation in the prior fiscal year; and

(b) appropriately code educator salary and payroll provided through the educator salary adjustment to the educator salary adjustment program code in accordance with Rule R277-113 and the LEA's program accounting policy.

**KEY: educators, salary adjustments**
**Date of Last Change: 2026[~~October 8, 2024~~]**
**Notice of Continuation: April 15, 2022**
**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-2-405(5)**

| NOTICE OF SUBSTANTIVE CHANGE | |
|---|---|
| **TYPE OF FILING:** Amendment | **Filing ID: 58152** |
| **Rule or section number:** | **R277-211** |

**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:**

R277-211. Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions

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

The rule amendments are due to the passage of SB 312 during the 2026 General Session.

**C. Summary of the new rule or change:**

The amendments clarify new procedures for the Utah State Board of Education (Board) to follow when suspending an educator's license.

These procedures require findings in some cases as to whether an educator should be able to work in the schools in some capacity, notwithstanding the suspension of the educator's license.

**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 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.

The proposed amendments establish new operational, record-keeping, and procedural standards for the Utah Professional Practices Advisory Commission (UPPAC) investigations and educator licensing discipline: Public Database of Final Disciplinary Actions (Subsection R277-211-10).

The rule mandates that the Superintendent create and maintain a public, searchable online database of final Board disciplinary actions and license reinstatements (searchable by educator name, Local Education Agency (LEA), and school, with an automated 10-year removal window). The Information Technology (IT) programming and interface configuration required to implement this database will be integrated into existing Utah Schools Information Management System (USIMS) and web portal frameworks using existing internal software development resources.

Therefore, no new legislative appropriations are required.

UPPAC Records Management and Case Files (Sections R277-211-3, R277-211-11): The rule formalizes a comprehensive records management system (Section R277-211-11), establishes a 6-month target window for investigators to submit reports (Subsection R277-211-3(4)(f)), requires a 10-day notice letter to educators (Subsection R277-211-3(2)), and guarantees educators digital access to case and evidence files at no cost (Subsection R277-211-3(8)). These requirements will be handled electronically by current UPPAC administrative and legal staff within standard operating workflows.

Because all new requirements will be absorbed using existing staff hours and ongoing operational budgets without requesting additional state funds, there is no incremental cost or savings to the state budget.

**B. Local governments:**

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

The amendments focus on state-level UPPAC administrative procedures, investigator standards, and Board licensing actions.

Section R277-211-12 outlines standards for superintendents and principals regarding the supervision of non-licensed employees, volunteers, and contractors.

Because local education agencies (LEAs) and school administrators already exercise supervisory oversight over school personnel and volunteers pursuant to existing statutory duties (Title 53G), this section formalizes existing administrative expectations rather than imposing new operational mandates. LEAs are not required to hire personnel, purchase software, or alter local employment structures.

Consequently, there are no incremental costs or savings to local governments.

**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 applies exclusively to state educator licensing disciplinary procedures, UPPAC operations, and public school administrative supervision. It contains no provisions that regulate, tax, or place compliance burdens on private commercial enterprises or small businesses.

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

The amendments provide significant procedural protections, transparency, and clarity for educators undergoing UPPAC review, including guaranteed access to digital copies of UPPAC case and evidence files at no cost (Subsection R277-211-3(8)), written procedural guides for unrepresented educators Subsection (R277-211-6(2)(j)), recorded interviews, and established 6-month investigation timelines. The rule also enhances transparency for the general public by providing access to final Board disciplinary decisions via an online database (Section R277-211-10).

While these updates improve procedural due process and public access, they do not impose any direct financial liabilities, taxes, or out-of-pocket fee increases on educators, complainants, or the public as an aggregate class.

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

There are no compliance costs for affected persons.

Individual educators participating in UPPAC proceedings are explicitly granted free access to digital copies of their case and evidence files under Subsection R277-211-3(8), preventing out-of-pocket reproduction costs. Because no individual educator, administrator, or member of the public is required to pay compliance fees, purchase technology, or incur mandatory out-of-pocket expenses under this rule, the incremental compliance cost per individual entity 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-6-506 | 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:** | 10/01/2026 |

**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) | 10/08/2026 |
|---|---|

**13. Agency Authorization Information**

| **Agency head or designee and title:** | Elisse Newey, Deputy Superintendent of Policy | **Date:** | 08/14/2026 |
|---|---|---|---|

**R277. Education, Administration.**
**R277-211. Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions.**
**R277-211-1. Authority[,] and Purpose[~~, and Oversight Category~~].**

(1) This rule is authorized by:

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

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

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

(2) The purpose of this rule is to provide procedures regarding:

(a) notifications of alleged educator misconduct;

(b) review of notifications by UPPAC; and

(c) complaints, consents to discipline, and defaults.

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

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

**R277-211-2. Initiating Proceedings Against Educators.**

(1)(a) The Executive Secretary shall refer a case to UPPAC to make a determination if an investigation should be opened regarding an educator upon receiving a notification of alleged educator misconduct implicating a violation of Rule R277-217, Educator Standards, or Utah law.

(b) The Executive Secretary may refer a case to UPPAC upon the Executive Secretary's own initiative.

(2) If an informant seeks to report information to UPPAC concerning alleged educator misconduct, the informant shall submit an allegation of misconduct to the Executive Secretary in writing, including the following:

(a) the informant's:

(i) name;

(ii) position, such as administrator, teacher, parent, or student;

(iii) telephone number;

(iv) address; and

(v) contact information;

(b) information about the educator against whom the allegation is made:

(i) name;

(ii) position, such as administrator, teacher, candidate; and

(iii) school or LEA; and

(c) the names and contact information, if known, for any witnesses.

([~~c~~]d) the facts on which the allegation is based and supporting information.

(3) If an informant submits a written allegation of misconduct as provided in this rule, the Executive Secretary shall notify the informant of a final action taken by the Board regarding the allegation.

(4)(a) Proceedings initiated upon the Executive Secretary's own initiative may be based on information received through a telephone call, letter, newspaper article, media information, notice from another state, or by other means.

(b) The Executive Secretary may also recommend an investigation based on an anonymous allegation, notwithstanding the provisions of this rule, if the allegation bears sufficient indicia of reliability.

(5)(a) The USBE Internal Audit Department shall refer to UPPAC and the LEA any complaint against an educator that would violate Rule R277-217, Educator Standards, or Utah law.

(b) The Executive Secretary shall consult with the educator's LEA and request any relevant evidence from an educator's LEA concerning a complaint referred under Subsection (5)(a).

(6) If an investigation is opened or an expedited hearing is conducted under this rule, the Executive Secretary shall permanently maintain all written allegations, subsequent dismissals, actions, or disciplinary letters related to a case against an educator in the UPPAC case file.

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

(1)(a) Upon receipt of a notification of alleged educator misconduct, the Executive Secretary shall review the notification with UPPAC and UPPAC may:

(i) dismiss the matter if the alleged misconduct does not involve an issue that UPPAC should address;

(ii) recommend an expedited hearing as described in Section[~~s~~] R277-211-5; or

(iii) open an investigation if the alleged misconduct involves an issue that warrants investigation by UPPAC.

(b) In considering whether to open a case regarding an allegation of educator misconduct, UPPAC shall consider the known facts and circumstances surrounding the allegation to determine whether opening a case is warranted.

(c) UPPAC shall open a case most readily when the evidence shows that:

(i) the alleged misconduct involves the physical or emotional safety and well-being of a student;

(ii) the alleged misconduct had a highly visible impact on the educator's school community;

(iii) the alleged misconduct has the potential to damage the integrity of the education profession;

(iv) the educator's LEA recommends the Board investigate the matter; or

(v) the educator has received prior UPPAC discipline.

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

(i) the educator to be investigated;

(ii) the LEA that employs the educator; and

(iii) the LEA where the alleged activity occurred.

(b) The Executive Secretary shall place a flag on the educator's CACTUS file after:

(i) sending the educator an investigative letter; and

(ii) directing UPPAC staff to begin gathering evidence relating to the allegations.

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

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

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

(i) the findings of the investigation;

(ii) the educator standards that the educator may have violated; and

(iii) the applicable disciplinary presumptions.

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

(d) The investigator shall submit the investigative report to the Executive Secretary.

(e) The Executive Secretary shall add the investigative report described in Subsection (3)(d) to a UPPAC meeting agenda.

(f) The investigative report described in Subsection (3)(d) shall become part of the UPPAC case file.

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

(a) the educator poses an ongoing risk to students;

(b) the case needs to be expedited to accommodate a crucial witness;

(c) the ongoing investigation creates unusual uncertainty for the educator's LEA or community;

(d) the educator is unemployed as a result of the allegations; or

(e) the educator requests expedited consideration for good cause.

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

(a) Recommend that the Board clear the CACTUS flag and take no action; or

(b)(i) make an initial recommendation for resolution consistent with the evidence and Rule R277-215[~~,~~]; and

(ii) for cases where the initial recommendation is for suspension or revocation, make an initial recommendation as to what restrictions should be placed on the educator's involvement in public schools in accordance with Sections 53E-6-603 and 53E-6-604.5.

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

(a) prepare and serve a complaint; or

(b) negotiate and prepare a proposed consent to discipline.

(7) The Executive Secretary shall notify the educator of their right to receive a copy of the UPPAC case file and UPPAC evidence file at no cost.

(8) Upon request of an educator, UPPAC will provide a copy of the UPPAC case file and UPPAC evidence file to the educator.

(9) The Executive Secretary shall be under a duty to continually disclose additional evidence added to the UPPAC case file and UPPAC evidence file until the matter is resolved.

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

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

(2)(a) The Executive Secretary shall hold an expedited hearing within 60 days of the criminal court disposition, unless otherwise agreed upon by both parties.

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

(i) the educator;

(ii) the educator's attorney or representative;

(iii) a UPPAC attorney; and

(iv) a representative of the educator's LEA.

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

(a) an educator's oral or written explanation of the events;

(b) a police report;

(c) a court docket or transcript;

(d) an LEA's investigative report or employment file; and

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

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

(a) close the case;

(b) close the case upon completion of court requirements;

(c) recommend that the Board issue a letter of education or letter of warning;

(d) open a full investigation; or

(e) recommend action by the Board, subject to an educator's due process rights under Rule 277-210 through Rule R277-217.

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

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

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

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

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

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

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

(c) the educator consents to participate.

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

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

(a) the educator;

(b) the educator's attorney or representative;

(c) a UPPAC attorney; and

(d) an administrator from the educator's school or LEA.

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

(a) an educator's oral or written explanation of the events;

(b) an LEA's investigative report or employment file, including witness statements; and

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

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

(a) close the case;

(b) close the case upon completion of recommended training or other educator requirements;

(c) issue a letter of education or letter of warning; or

(d) open a full investigation.

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

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

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

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

**R277-211-6. Complaints.**

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

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

(a) a statement of legal authority and jurisdiction under which the action is being taken;

(b) a statement of the facts and allegations upon which the complaint is based;

(c) other information necessary to enable the respondent to understand and address the allegations;

(d) a statement of the potential consequences if an allegation is found to be true or substantially true;

(e) a statement that the respondent shall answer the complaint and request a hearing, if desired, within 30 days of the date the complaint is mailed to the respondent;

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

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

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

(i) a copy of the applicable hearing rules as required by Section 53E-6-607; and

(j) if the respondent is not represented by counsel, a written guide to help the respondent understand the UPPAC investigation and hearing process.

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

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

(b) The answer shall include:

(i) a request for a hearing;

(ii) the file number of the complaint;

(iii) the names of the parties; and

(iv) the relief that the respondent seeks at a hearing.

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

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

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

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

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

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

**R277-211-7. Proposed Consent to Discipline.**

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

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

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

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

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

(c) a statement that the respondent:

(i) waives the respondent's right to a hearing to contest the allegations that gave rise to the investigation; and

(ii) agrees to the proposed action rather than contest the allegations;

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

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

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

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

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

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

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

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

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

(i) specific conditions that an educator must satisfy before requesting a reinstatement hearing; and

(ii) a minimum time period that must elapse before the educator may request a reinstatement hearing;

(m) if for suspension or revocation of a license, a statement [~~that the respondent may not work or volunteer in a public school in accordance with Subsection 53E-6-603(3)~~]setting forth any restrictions on working or volunteering in a public school in accordance with Sections 53E-6-603 and 53E-6-604.5; and

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

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

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

(i)(A) remand the case to UPPAC and shall include issues or questions that need to be addressed;

(B) offer respondent the opportunity for a hearing; or

(C) provide alternative terms and disposition to the Executive Secretary, consistent with the available evidence and presumptions described in Rule R277-215, that would be satisfactory to the Board to be submitted to the educator for consideration;

(ii) direct the Executive Secretary to issue a letter of education, letter of warning, or dismiss the matter; or

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

(5) If the respondent accepts a consent to discipline with alternative terms and disposition proposed by the Board, the consent to discipline, as modified, is a final Board administrative action without further Board consideration.

(6) If the terms approved by the Board are rejected by the respondent, the proceedings shall continue from the point under these procedures at which the agreement was negotiated, as if the consent to discipline had not been submitted.

(7) If the Board remands to UPPAC to provide respondent the opportunity for a hearing under Subsection (4)(b)(i)(B), the Executive Secretary shall:

(a) notify the parties of the decision;

(b) direct a UPPAC attorney to issue a complaint; and

(c) direct the proceedings as if the proposed consent to discipline had not been submitted.

(8) If the Board approves a proposed consent to discipline, the approval is a final Board administrative action and the Executive Secretary shall:

(a) notify the parties of the decision;

(b) update CACTUS to reflect the action;

(c) report the action to the NASDTEC Educator Information Clearinghouse if the agreement results in:

(i) a revocation;

(ii) a suspension; or

(iii) a reprimand;

(d) direct the appropriate penalties to begin; and

(e) notify the LEAs throughout the state.

**R277-211-8. Default Procedures.**

(1) If a respondent does not respond to a complaint within 30 days from the date the complaint is served, the Executive Secretary may issue an order of default against the respondent consistent with the following:

(a) the Executive Secretary shall prepare and serve on the respondent an order of default including:

(i) a statement of the grounds for default; and

(ii) a recommended disposition if the respondent fails to file a response to a complaint;

(b) ten days following service of the order of default, a UPPAC attorney shall attempt to contact respondent or respondent's attorney by telephone or electronically unless the respondent is incarcerated and unrepresented;

(c) UPPAC shall maintain documentation of attempts toward written, telephonic, or electronic contact;

(d) the respondent has 20 days following service of the order of default to respond to UPPAC; and

(e) if UPPAC receives a response from respondent to a default order before the end of the 20 day default period, UPPAC shall allow respondent a final ten day period to respond to a complaint.

(2) The Executive Secretary shall make a recommendation to the Board for discipline consistent with the evidence and Rule R277-215.

(3) If an educator's default results in a suspension, the order of default shall include conditions the educator must meet before requesting a reinstatement hearing.

**R277-211-9. Disciplinary Letters and Dismissal.**

(1) If UPPAC recommends issuance of a letter of warning, letter of education, or dismissal, the Executive Secretary shall forward the case to the Board for review on a consent calendar.

(2) If the Board does not approve a recommendation for a letter of warning, letter of education, or dismissal described in Subsection (1), the Board may:

(a) remand the case to the Executive Secretary with:

(i) direction as to the issues UPPAC should address;

(ii) alternative terms and disposition that would be satisfactory to the Board to be submitted to the educator for consideration; and

(iii) the opportunity for the educator to participate in a hearing;

(b) dismiss the matter; or

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

(3) If the Board approves a letter of warning or letter of education, the Executive Secretary shall:

(a) prepare the letter of warning or letter of education and mail it to the educator;

(b) place a copy of the letter of warning or letter of education in the UPPAC case file; and

(c) update CACTUS to reflect that the case is closed.

**KEY: teacher licensing, conduct, hearings**
**Date of Last Change: 2026[~~November 21, 2025~~]**
**Notice of Continuation: October 1, 2025**
**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-6-506; 53E-3-401(4)**

| NOTICE OF SUBSTANTIVE CHANGE | |
|---|---|
| **TYPE OF FILING:** Amendment | **Filing ID: 58153** |
| **Rule or section number:** | **R277-301** |

**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:**

R277-301. Educator Licensing

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

The rule amendments are due to the passage of HB 374 during the 2026 General Session.

**C. Summary of the new rule or change:**

The amendments clarify transfer of authority to license audiologists and speech-language pathologists from the Utah State Board of Education (USBE) to the Division of Professional Licensing (DOPL). The USBE licenses for those license areas will expire over the next five years.

The amendments also remove the oversight categorization of "Category 4".

**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 374 (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 USBE believes that the fiscal impact for the audiologist and speech pathologist changes were captured in the fiscal note for HB 374 (2026).

The removal of the internal oversight category reference does not have any fiscal impacts for USBE, 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.

The USBE believes that the fiscal impact for the audiologist and speech pathologist changes were captured in the fiscal note for HB 374 (2026).

The removal of the internal oversight category reference does not have any fiscal impacts for USBE, 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 administrative rule regulates educator licensing structures and background check protocols for public school districts, charter schools, and the Utah Schools for the Deaf and the Blind.

It places no regulations, compliance demands, or financial burdens on private commercial small businesses.

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.

The USBE believes that the fiscal impact for the audiologist and speech pathologist changes were captured in the fiscal note for HB 374 (2026).

The removal of the internal oversight category reference does not have any fiscal impacts for USBE, LEAs, or other persons or entities.

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

There are no compliance costs for affected persons.

The USBE believes that the fiscal impacts for the audiologist and speech pathologist changes were captured in the fiscal note for HB 374 (2026).

The removal of the internal oversight category reference does not have any fiscal impacts for USBE, 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 | Section 53E-6-102 | 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:** | 10/01/2026 |

**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) | 10/08/2026 |

**13. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Elisse Newey, Deputy Superintendent of Policy | **Date:** | 08/14/2026 |

**R277. Education, Administration.**
**R277-301. Educator Licensing.**
**R277-301-1. Authority[~~,~~] and Purpose[~~, and Oversight Category~~].**

(1) This rule is authorized by:

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

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

(c) Section 53E-6-201, which gives the Board power to issue licenses.

(2) This rule specifies the types of licenses and license areas of concentration available and the requirements and procedures for obtaining a license, required for employment as a licensed educator in the public schools of Utah.

[~~(3) This Rule R277-301 is categorized as Category 4 as described in Rule R277-111.~~]

**R277-301-2. Definitions.**

(1) "Accredited institution" means an institution that:

(a) offers a competency-based postsecondary general education course online or in person; and

(b) is accredited by an organization recognized by the United States Department of Education.

(2) "Currently enrolled" means:

(a) that an individual has been formally accepted into a Board-approved educator preparation program; and

(b) that the program considers the individual to be an active participant.

(3) "Educator preparation program" means the same as that term is defined in Section R277-303-2.

(4) "Endorsement" means a designation on a license area of concentration earned through demonstrating required competencies established by the Superintendent that qualifies the individual to:

(a) provide instruction in a specific content area; or

(b) apply a specific set of skills in an education setting.

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

(6)(a) "License areas of concentration" or "license area" means a designation on a license of the specific educational setting or role for which the individual is qualified, to include the following:

([~~a~~]i) Early Childhood;

([~~b~~]ii) Elementary;

([~~c~~]iii) Secondary;

([~~d~~]iv) School-Leadership;

([~~e~~]v) Career and Technical Education or "CTE";

([~~f~~]vi) School Counselor;

([~~g~~]vii) School Psychologist;

([~~h~~]viii) Special Education;

([~~i~~]ix) Pre-school Special Education;

([~~j~~]x) Deaf Education;

[~~(k) Speech-Language Pathologist;~~]

([~~l~~]xi) Speech-Language Technician; and

([~~m~~]xii) School Social Worker[~~; and~~

~~(n) Audiologist~~].

(b) For an individual licensed prior to May 6, 2026, license area may include the following:

(i) Speech-Language Pathologist; and

(ii) Audiologist.

(7) "Licensing Jurisdiction" means the designated educator licensing authority in any foreign country or state of the United States of America and the Department of Defense Education Activity (DoDEA).

(8) "NASDTEC" means the National Association of State Directors of Teacher Education and Certification.

(9) "NASDTEC Stage 2 Educator License" means a license issued to an individual who holds a bachelor's degree and has completed an approved program but has not met the jurisdiction-specific requirement for a Stage 3 license of a member jurisdiction.

(10) "Renewal" means reissuing or extending the length of a license consistent with Rule R277-302.

**R277-301-3. License Structure.**

(1) Utah educator licenses include the following licenses:

(a) Associate educator license;

(b) Professional educator license; and

(c) LEA-specific educator license.

(2) The Superintendent may only issue one single active Utah educator license to an individual.

(3) An educator license shall include at least one license area of concentration.

(4) License areas of concentration and endorsements shall have a designation of:

(a) associate;

(b) professional; or

(c) LEA-specific.

(5) An associate educator license may only include associate or LEA-specific license areas of concentration and endorsements.

(6) An LEA-specific educator license may only include LEA-specific license areas of concentration and endorsements.

(7) An educator may add a license area or endorsement to an existing license or license area of concentration by meeting the requirements for an associate, professional, or LEA-specific endorsement as established in this rule.

(8) The Superintendent may establish deadlines and uniform forms and procedures for all aspects of licensing.

(9)(a) All licenses expire on June 30 of the year of expiration and a licensee may renew any time after January 1 of the same year.

(b) Notwithstanding Subsection (9)(a), an LEA-specific license may only renew after July 1 of the year of expiration.

(c) Responsibility for license renewal rests solely with the licensee.

**R277-301-4. Associate Educator License Requirements.**

(1) The Superintendent shall issue an associate educator license to an individual that applies for the license and that meets all requirements in this Section R277-301-4.

(2) An associate educator license, license area, or endorsement is valid until June 30 of the third school year after the Superintendent issues or renews the license.

(3)(a) Except as provided in Subsection (4), the Superintendent may extend an associate educator license for up to two school years if an LEA or Utah-based accredited private school requests the extension for an employee.

(b) The Superintendent may extend an associate educator license for up to one school year for an educator with a license area in special education or related services, if the educator has up to two years of experience in special education or related services.

(4) The Superintendent may not extend an associate license with a license area in special education or related services, if the educator has three years of experience in special education or related services.

(5) The Superintendent may extend a non-special education related license area for up to two school years if an LEA or Utah-based accredited private school requests the extension for an employee.

([~~5~~]6) The general requirements for an associate educator license shall include:

(a) completion of a criminal background check, including:

(i) review of any criminal offenses and clearance in accordance with Rule R277-214; and

(ii) continued monitoring in accordance with Subsection 53G-11-403(1);

(b) completion of the educator ethics review within one calendar year before the application;

(c) one of the following:

(i) a bachelor's degree or higher from an accredited institution;

(ii) currently enrolled in a university-based Board-approved educator preparation program that will result in a bachelor's degree or higher from an accredited institution; or

(iii) skill certification in a specific CTE area as established by the Superintendent; and

(d) minimum competencies, as defined by the Superintendent.

([~~6~~]7) The content knowledge requirements for an associate educator license shall include:

(a) for an elementary license area, demonstration of the content competency criteria established by the Superintendent;

(b) for a secondary or CTE license area with a content endorsement, or for an endorsement being added to a professional license area, one of the following:

(i)(A) passage of a content knowledge test approved by the Superintendent, where required; or

(B) demonstration of the competency criteria established by the Superintendent if no content knowledge test is required;

(ii) a bachelor's degree or higher with a major in the content area from an accredited university; or

(iii) enrollment in a program that will result in a bachelor's degree and complete all requirements except completion of capstone school-based clinical experience and any co-requisite coursework;

(c) for an early childhood license area, demonstration of the content competency criteria established by the Superintendent; and

(d) for a school leadership license area, enrollment in or completion of:

(i) an accredited university-based school leadership educator preparation program that results in:

(a) a masters degree or higher; and

(b) a NASDTEC Stage 2 educator license in school leadership or equivalent, as determined by the Superintendent; or

(ii) an educator preparation program administered by the Superintendent.

([~~7~~]8) Notwithstanding, Subsection (5)(c)(ii);

(a) an applicant for an associate educator license with the following license areas:

(i) special education (K-12);

(ii) pre-school special education;

(iii) deaf education; or

[~~(iv) audiologist;~~]

(iv) speech-language technician;[~~ or~~]

[~~(vi) speech-language pathologist;~~]

(b) shall meet the following requirements for an associate educator license:

(i) demonstrate content knowledge competencies approved by the Superintendent;

(ii) complete a special education law and instruction training approved by the Superintendent;

(iii) earn a bachelor's degree in a field approved by the Superintendent; and

(iv) enroll in a preparation program as provided in Subsection (9).

([~~8~~]9)(a) For a special education or pre-school special education license area, an applicant shall enroll in a:

(i) Board-approved non-university-based special education preparation program; or

(ii) a special education program at an accredited institution that will yield a NASDTEC Stage 2 educator license.

(b) For a deaf education license area, an applicant shall:

(i) earn a master's degree in deaf education from an accredited institution; or

(ii) enroll in:

(A) a deaf education program at an accredited institution that will yield a NASDTEC Stage 2 educator license; or

(B) a Board-approved non-university based deaf education preparation program.

[~~(c) For a speech-language pathologist license area, an applicant shall enroll in a speech-language pathologist program at an accredited institution of higher education that:~~

~~(i) results in a master's degree or higher in speech-language pathology; and~~

~~(ii) will yield a NASDTEC Stage 2 educator license.~~]

([~~d~~]c) For a school counselor license area, an applicant shall:

(i) enroll in a school counselor program at an accredited institution of higher education that:

(A) results in a masters degree or higher in school counseling; and

(B) will yield a NASDTEC Stage 2 educator license; or

(ii) demonstrate minimum school counselor competencies as defined by the Superintendent.

([~~e~~]d) For a speech-language technician license area, an applicant shall possess a bachelor's degree in communication disorders, or the equivalent as determined by the Superintendent, and:

(i) enroll in a speech-language technician program that is:

(A) approved by the Board; or

(B) administered by the Superintendent; or

(ii) complete the requirements of certified speech-language pathology assistant through the American Speech-Language Hearing Association.

[~~(f) For an audiologist license area, an applicant shall enroll in an audiology program at an accredited institution of higher education that will yield a NASDTEC Stage 2 educator license.~~]

([~~9~~]10) Notwithstanding Subsection (5)(c)(ii), an applicant for an associate educator license with a license area in school psychologist or school social worker shall meet the following requirements:

(a) demonstrate content knowledge competencies approved by the Superintendent;

(b) earn a bachelor's degree; and

(c) complete all requirements for an accredited master's level preparation program, except completion of capstone school-based clinical experience and any co-requisite coursework.

([~~10~~]11) Additional requirements for an associate educator license shall include:

(a) successful completion of professional learning modules created or approved by the Superintendent in:

(i) educator ethics;

(ii) classroom management and instruction;

(iii) basic special education law and instruction;

(iv) the Utah Effective Educator Standards described in Rule R277-330; or

(b) enrollment in a university-based Board-approved educator preparation program that will result in a bachelor's degree and completion of all requirements except capstone school-based clinical experience and any co-requisite coursework.

(c) Notwithstanding Subsection (10)(a), the Superintendent may waive an individual module, if the module is not necessary given the preparation of an applicant.

([~~11~~]12) An educator that holds a professional license area of concentration and has met the competency criteria established by the Superintendent need not complete the requirements detailed in Subsection (10).

([~~12~~]13) A license applicant who has received or completed license preparation activities inconsistent with this rule may present compelling information and documentation for review and approval by the Superintendent to satisfy the associate educator license requirements.

([~~13~~]14) The Superintendent shall designate a panel of at least three Board staff members to review an appeal made under Subsection (12).

([~~14~~]15) An LEA that employs an individual that holds an associate educator license shall develop a personalized professional learning plan designed to support the educator in meeting the requirements for a professional educator license no later than 60 days after beginning work in the classroom, which shall:

(a) be provided to the Superintendent upon request;

(b) include a formal discussion and observation process no later than 30 days after beginning work in the classroom; and

(c) consider:

(i) previous education related experience; and

(ii) previous educational preparation activities.

(15) An educator with an associate educator license may upgrade to a professional educator license at any time before expiration of the associate educator license if the educator meets all requirements of Section R277-301-5.

**R277-301-5. Professional Educator License Requirements.**

(1) The Superintendent shall issue a professional educator license to an individual that applies for the license and meets all requirements in this Section R277-301-5.

(2) A professional educator license, license area, or endorsement is valid until June 30 of the fifth school year after the Superintendent issues or renews the license.

(3) The general requirements for a professional educator license shall include:

(a) all general requirements for an associate educator license under Subsection R277-301-[~~5(4)~~]~~4~~(5);

(b) completion of:

(i) a bachelor's degree or higher from an accredited institution; or

(ii) skill certification in a specific CTE area as established by the Superintendent;

(c) for an individual with an early childhood, elementary, or special education license area of concentration, completion of a literacy preparation assessment;

(d)(i) for an individual with a pre-school special education or early childhood education license area of concentration, demonstration of emergent literacy competencies, as defined by the Superintendent; and

(ii) one of the following:

(A) a recommendation from a Board-approved educator preparation program; or

(B) a standard educator license in the area issued by a licensing jurisdiction outside of Utah that is currently valid or is renewable consistent with Section 53E-6-307.

(f) for an individual with a school leadership license area of concentration, completion of a masters degree or higher from an accredited institution of higher education;

(g) Notwithstanding, Subsection (c), a license applicant in an APPEL program who has an established professional learning plan before August 31, 2022, need not complete a literacy preparation assessment.

(4) If an educator preparation program makes a recommendation and the Superintendent determines that the candidate does not meet all requirements in this rule, the candidate may appeal as provided Subsection (12).

(5) The content knowledge requirements for a professional educator license, license area, and endorsement shall include:

(a) all content knowledge requirements for an associate educator license under Subsection R277-301-4(5);

(b) demonstration of all content knowledge competencies as established by the Superintendent; and

(c) passage of a content knowledge test provided by the Superintendent, where required by the Superintendent.

(6) An applicant for a secondary or CTE content area endorsement that holds a bachelor's degree or higher with a major in the content area from an accredited university need not complete the requirement described in Subsection (5)(c).

(7) The pedagogical requirements for a professional educator license shall include demonstration of all pedagogical competencies as established by the Superintendent.

(8) An individual holding a Utah level 1, level 2, or level 3 educator license on January 1, 2020 meets the pedagogical requirements described in Subsection (7).

(9) An individual holding a Utah professional educator license and license area in early childhood education, elementary, secondary, CTE, special education, or deaf education is considered to have met the clinical competencies and general teacher pedagogical competencies requirement of Subsection (7) if applying to add any of the license areas in the subsection.

(10) An individual holding a professional license and a license area of concentration in elementary education, secondary education, CTE, special education, or deaf education, may earn an additional professional content area endorsement through:

(a) passage of a content knowledge test or competency exam approved by the Superintendent;

(b) demonstration of any content endorsement specific safety competencies, if applicable, which may include lab safety or CPR; and

(c) demonstration of pedagogical content knowledge in the new content area as verified by the educator's LEA supervisor or designee.

(11) An individual with an associate license with a speech-language technician license area who completes a speech-language technician preparation program approved by the Superintendent as described in Section R277-306-5 meets the requirements for a professional license.

(12) A license applicant who has received or completed license preparation activities inconsistent with this rule may present compelling information and documentation for review and approval or denial by the Superintendent to satisfy the professional educator license requirements.

(13) The Superintendent shall designate a panel of at least three individuals, including the director of an LEA-based educator preparation program and a Board licensed educator not employed by the Board, to review an appeal and make a recommendation to the Superintendent for the Superintendent's review and decision described in Subsection (11).

**R277-301-6. Educator Licenses Issued by Licensing Jurisdictions Outside of Utah.**

(1) The Superintendent shall review applications for a Utah educator license for individuals holding educator licenses issued by licensing jurisdictions outside of Utah to determine if the applicant has met the requirements for a Utah license under this rule.

(2) The Superintendent shall accept scores from an applicant that meet the Utah standard for passing on assessments from licensing jurisdictions outside of Utah that utilize the same assessment as Utah as meeting the requirements of this rule.

(3) The Superintendent shall accept scores from an applicant on reasonably equivalent content knowledge assessments utilized by licensing jurisdictions outside of Utah that meet the passing standard of that jurisdiction as meeting the requirements of this rule.

(4) The Superintendent shall accept demonstrations of content knowledge and pedagogical competencies from an applicant utilized by licensing jurisdictions outside of Utah that are reasonably equivalent to Utah competencies.

(5) An individual with a NASDTEC Stage 2 educator license need not complete the content knowledge and pedagogical assessment requirements in the areas and subjects taught.

[~~(6) An individual holding a standard license from another jurisdiction that was enrolled in a preparation program before January 1, 2020 and received the standard license before August 1, 2021 need not complete the requirements of Subsection R277-301-5(7)(b).~~]

**R277-301-7. LEA-specific Educator License Requirements.**

(1) The Superintendent may issue an LEA-specific educator license to a candidate if:

(a) the LEA requesting the LEA-specific educator license has an adopted policy, posted on the LEA's website, which includes:

(i) educator preparation and support:

(A) as established by the LEA; and

(B) aligned with the Utah Effective Teaching Standards described in Rule R277-330;

(ii) criteria for employing educators with an LEA-specific license; and

(iii) compliance with all requirements of this rule;

(b) an LEA governing board applies on behalf of the candidate;

(c) the candidate meets all the requirements in this Section R277-301-7; and

(d) the candidate successfully completes professional learning modules created or approved by the Superintendent in:

(i) educator ethics;

(ii) classroom management and instruction;

(iii) basic special education law and instruction; and

(iv) the Utah Effective Educator Standards described in Rule R277-330.

(2) An LEA-specific license, license area, or endorsement is valid only within the requesting LEA for the educator's current assignment.

(3) An LEA-specific license, license area, or endorsement is valid until June 30 of the third school year after the after the Superintendent issues the license.

(4) An LEA may not request an LEA-specific license area of concentration to an educator for the following license areas:

(a) special education;

(b) pre-school special education;

(c) deaf education;

(d) school psychologist;

(e) school social worker;
[~~(f) audiologist;~~]
([~~g~~]f) speech-language technician; or
[~~(h) speech-language pathologist; or~~]
([~~i~~]g) school counselor.
(5) An LEA may not request an LEA-specific endorsement in drivers education.
(6) An LEA-specific license expires immediately if the educator's employment with the LEA that requested the license ends.
(7) An LEA may request renewal of an LEA-specific license if an educator meets professional learning requirements established by the Superintendent.
(8) The general requirements for an LEA-specific educator license shall include:
(a) completion of a criminal background check, including:
(i) review of any criminal offenses and clearance in accordance with Rule R277-214; and
(ii) continued monitoring in accordance with Subsection 53G-11-403(1);
(b) completion of the educator ethics review within one calendar year before the application; and
(c) approval of the request by the LEA governing board in a public meeting no more than 60 days before the application, which includes the LEA's rationale for the request.
(9) The content knowledge and pedagogical requirements for an LEA-specific educator license shall be established by the LEA governing board.
(10) An LEA school that requests an LEA-specific license, license area, or endorsement shall prominently post the following information on each school's website:
(a) disclosure of the fact that the school employs individuals holding LEA-specific educator licenses[~~, license areas, or endorsements~~];
(b) an explanation of the types of licenses issued by the board;
(c) the percentage of the types of licenses[~~, license areas, and endorsements~~] held by educators employed in the school-based on the employees' FTE as reported to the Superintendent; and
(d) a link to the Utah Educator Look-up tool provided by the Superintendent in accordance with Subsection R277-312-7(6).

**R277-301-9. Superintendent Annual Report to the Board.**
(1) The Superintendent shall annually report to the Board on licensing, including:
(a) educator licensing;
(b) educator preparation; and
(c) equitable distribution of teachers.
(2) The Superintendent shall use a process approved by the Board to:
(a) establish the content knowledge competency requirements required for associate and professional endorsements; and
(b) review, adopt, and establish passing standards for all assessments required for educator licensing.
(3) The Superintendent shall create an ethics review for all licensed educators based upon Rule R277-217, Educator Standards and Local Education Agency (LEA) Reporting.
(4) The Superintendent may correct identified errors in licensing information with notice to the license holder.

**R277-301-10. Licensee Enrollment in FBI Rapback.**
(1) An individual with an assignment in CACTUS or USIMS shall have a cleared background check and current enrollment in FBI Rapback in accordance with Section 53G-11-403.
(2) Notwithstanding Subsection (1), if an individual cannot enroll in FBI Rapback due to physiological limitations, the educator shall submit fingerprints and complete a new background check every [~~two~~]five years.
(3)(a) An LEA may not receive funding for an educator who is not in compliance with this section.
(b) An LEA may be subject to corrective action under Rule R277-114 for continued non-compliance with Subsection (1).
(4) An individual who is a school resource officer and certified law enforcement officer in accordance with Section 53-6-203 meets the background check requirements of Section 53G-11-403 by virtue of completing law enforcement background check requirements.

**KEY: professional competency, educator licensing**
**Date of Last Change: 2026[~~November 7, 2025~~]**
**Notice of Continuation: November 5, 2021**
**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-6-102; 53E-3-401**

| NOTICE OF SUBSTANTIVE CHANGE | |
|---|---|
| **TYPE OF FILING:** Amendment | **Filing ID: 58154** |
| **Rule or section number:** | **R277-304** |

**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:**

R277-304. Teacher Preparation Programs

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

The rule amendments are needed to update requirements for secondary education preparation programs and Career and Technical Education (CTE) programs.

**C. Summary of the new rule or change:**

The amendments update this rule's requirements for secondary education prep programs, in addition to updating specific terminology and requirements for candidates of CTE preparation programs.

The amendments also remove the oversight categorization of "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 internal oversight categorization reference (Subsection R277-304-1(3)) is a purely technical clean-up measure that has no operational or financial impact on state government.

Updating the incorporated standards in Subsection R277-304-3(1) (incorporating the "Special Education Educator Preparation Program Approval" standards dated August 2024 and the "Special Education Preparation Foundational Competencies" dated March 2025) and establishing future competency implementation timelines (Subsections R277-304-4(4) and (5), R277-304-6(2)-(3), R277-304-7(3)) align program review criteria with current Utah State Board of Education (USBE)-approved educator standards.

The USBE teacher preparation program reviews as part of its regular, ongoing administrative duties using existing FTEs and budget allocations.

Streamlining Career and Technical Education (CTE) candidate entry requirements in Subsection R277-304-9(1) (by reducing required documented occupational experience from six years down to three years, or allowing candidates to demonstrate content competencies defined by the Superintendent) simplifies candidate tracking for state licensing staff without altering state administrative costs.

Because these updates require no new state software builds, additional state Full-Time Equivalencies (FTEs), or programmatic appropriations, 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.

Because the rule imposes no operational mandates, reporting duties, or direct financial obligations on local school districts or charter schools, local governments experience no incremental costs or 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 applies exclusively to postsecondary teacher preparation programs (universities, colleges, and Board-approved preparation entities) and public education licensing standards. It contains no provisions that regulate, tax, or impose compliance burdens on private commercial entities or small businesses.

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.

Reducing the entry threshold allows candidates to enter preparation programs and enter the teaching workforce up to three years earlier. This lowers the time and opportunity costs required before entering a formal teacher preparation pathway.

However, a specific aggregate dollar figure cannot be determined because individual candidate earnings, previous industry wages, and the total number of future CTE program applicants vary significantly each year.

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

There are no compliance costs for affected persons.

Educator preparation programs periodically update course alignment and syllabi to match updated USBE competencies as part of their standard accreditation and curriculum maintenance cycles. These routine curriculum alignment activities do not require new registration fees, hardware purchases, or capital outlays.

Individual teacher candidates face no new fees or mandatory compliance costs to enroll in or complete preparation programs under these updated competency frameworks.

The incremental compliance cost per individual entity or candidate within any affected class 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 53E-6-201 |

**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:** | 10/01/2026 |

**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) | 10/08/2026 |

**13. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Elisse Newey, Deputy Superintendent of Policy | **Date:** | 08/14/2026 |

**R277. Education, Administration.**
**R277-304. Teacher Preparation Programs.**
**R277-304-1. 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-6-201(3)(a), which directs the Board to make rules to establish the criteria for obtaining an educator license.

(2)(a) The purpose of this rule is to specify the standards which the Board expects of a teacher preparation institution before program approval in specified areas.

(b) The standards in this rule apply to the specific educational area and grade level for which the preparation program is designed.

[~~(3) This Rule R277-304 is categorized as Category 4 as described in Rule R277-111.~~]

**R277-304-2. Definitions.**

(1)(a) "Career and technical education" or "CTE" means organized educational programs or competencies which directly or indirectly prepare students for employment, or for additional preparation leading to employment, in occupations where entry requirements do not generally require a baccalaureate or advanced degree.

(b) CTE programs provide all students a continuous education system, driven by a student's college and career readiness plan, through competency-based instruction, culminating in essential life skills, certified occupational skills, and meaningful employment.

(2) "Clinical experience" means a structured opportunity in which a program candidate is mentored by a licensed educator and evaluated by a teacher leader, school administrator, or university preparation program faculty member, in order to develop and demonstrate competency in the skills and knowledge necessary to be an effective teacher, in a physical classroom, which may include experiences in a virtual classroom.

(3) "Competency" means evidence through demonstration in a higher education or prek-12 classroom setting of successful application of knowledge and skills.

(4) "Essential Elements" means the alternate academic achievement standards for students with significant cognitive disabilities, established by the Board in the Special Education Rules Manual, dated June 2023, incorporated by reference in Section R277-750-2.

(5) "Diverse student populations" means unique student groups as identified by:

(a) disability;

(b) academic learning needs; or

(c) linguistic needs.

(6)(a) "Multi-tiered system of supports" or "MTSS" means a framework for integrating assessment and intervention to maximize student achievement, reduce behavior problems, and increase long-term success.

(b) The combination of systematic implementation of increasingly intensive intervention, referred to as tiers, and carefully monitoring students' progress, distinguishes MTSS from typical prevention measures.

(c) Emphasis, in MTSS, is placed on ensuring interventions are implemented effectively.

(7) "Personalize" means to engage all students with high expectations for their learning goals and to empower each learner to take ownership of individual strengths, needs, and interests, while tailoring flexible supports to maximize student growth and competence.

(8) "Utah Core Standards" means the core standards established by the Board in Rule R277-700 for grades K-12 and the Core Standards for Early Learning, adopted June 2023.

**R277-304-3. Incorporation by Reference of Educator Preparation Program Competencies.**

(1) This rule incorporates by reference:

(a) the General Teacher Preparation Competencies dated June 2024;

(b) the Educator Preparation Program Competencies for Elementary Literacy dated May 2022;

(c) the Standards for Special Education Educator Preparation Program Approval dated August 2024; and

(d) the Special Education Preparation Foundational Competencies dated March 2025.

(2) A copy of these documents is located at:

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

(b) the offices of the Utah State Board of Education.

**R277-304-4. General Teacher Preparation.**

Before approval by the Board, a teacher preparation program shall provide evidence that the program:

(1) prepares candidates to meet the Utah Effective Teaching Standards in Rule R277-330;

(2) prepares candidates to teach:

(a) the Utah Core Standards; and

(b) the Essential Elements, as appropriate to a candidate's prospective area of licensure as established by the Board;

(3) includes school-based clinical experiences for a candidate to observe, practice skills, and reflect on teaching that:

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

(b) are progressively more complex; and

(c) include working with all types of students;

(4) for candidates who enroll in a preparation program before September 1, 2026, requires competency in:

(a) content and content specific pedagogy appropriate for the area of licensure;

(b) knowledge of the Educator Standards contained in Rule R277-217;

(c) designing, administering, and reviewing formative and summative assessments in a meaningful and ethical manner;

(d) improving student outcomes by:

(i) using student assessment data, both formative and summative;

(ii) analyzing instructional practices; and

(iii) making necessary adjustments to personalize learning;

(e) using strategies to promote active student engagement;

(f) systematically designing instruction toward a specific learning goal by:

(i) providing tier one and tier two instruction and intervention on the Utah core standards including the use of competency-based learning;

(ii) using a variety of evidence-based instructional strategies, including explicit instruction and scaffolded supports;

(iii) integrating technology to support and meaningfully supplement the learning of students;

(iv) designing developmentally appropriate and authentic learning experiences;
(v) developing higher order thinking and metacognitive skills; and
(vi) integrating cross-disciplinary skills, such as literacy and numeracy, into instruction;
(g) providing positive and constructive feedback to guide students' learning and behavior;
(h) establishing a consistent, organized, and respectful learning environment, including:
(i) positive behavior interventions and supports within a multi-tiered system of support;
(ii) classroom procedures and routines;
(iii) trauma-informed practices; and
(iv) accountability practices;
(i) knowledge and skills to assist in the identification of and instruction for students with disabilities in the general classroom, including:
(i) knowledge of the IDEA and Section 504 of the Rehabilitation Act;
(ii) knowledge of the role of non-special education teachers in the education of students with disabilities;
(iii) knowledge and skills in implementing least restrictive behavior interventions;
(iv) skills in implementing and assessing the results of interventions; and
(v) skills in the implementation of an educational program with accommodations, modifications, services, and supports established by an IEP or a 504 plan for students with disabilities in the general education classroom;
(j) knowledge and skills designed to meet the needs of diverse student populations in the general education classroom, including:
(i) allowing students alternative ways to demonstrate learning that are sensitive to student diversity;
(ii) creating an environment that is sensitive to multiple experiences and diversity;
(iii) designing, adapting, and delivering instruction to address each student's diverse learning strengths and needs; and
(iv) incorporating language development into planning, instruction, and intervention for students learning English, using their first language as an asset while supporting development of English proficiency; and
(k) effectively communicating and collaborating with parents, colleagues, and administration;
(5) for candidates who enroll in a preparation program on or after September 1, 2026, requires competence in the General Teacher Preparation Competencies;
(6) for a program candidate accepted on or after January 1, 2020, provides multiple opportunities for a program candidate to successfully demonstrate application of knowledge and skills gained through the program in one or more clinical experiences in collaboration with a licensed teacher over an extended period in each of the following competencies:
(a) implementing the planning and design, delivery, facilitation, assessment, evaluation, and reflection of a unit of instruction;
(b) revising instructional plans for future implementation or reteaching concepts as appropriate;
(c) implementing the accommodations, modifications, services, and supports as outlined in a student's IEP or 504 plan;
(d) evaluating student artifacts and assessments;
(e) establishing and maintaining classroom procedures and routines that include positive behavior interventions and supports;
(f) establishing and maintaining a positive learning climate;
(g) reflecting on the teaching process and justifying instructional decisions;
(h) participating in at least one IEP meeting or parental consultation regarding a student that the program candidate has instructed; and
(i) consulting and collaborating with qualified personnel, such as a school counselor or school social worker, regarding the emotional well-being of students;
(7) include consideration of a candidate's dispositions and suitability for teaching; and
(8) include plans for candidate remediation and exit counseling, if appropriate.

**R277-304-5. Early Childhood and Elementary Preparation Programs.**
(1) Before approval by the Board, a preparation program for early childhood education or elementary education shall demonstrate how the program requires candidate competency in:
(a) the areas outlined in Section R277-304-3;
(b) early childhood development and learning;
(c) the Educator Preparation Program Competencies for Elementary Literacy;
(d) the appropriate content knowledge needed to teach:
(i) the science of literacy instruction including:
(A) phonemic awareness;
(B) phonics;
(C) fluency;
(D) vocabulary;
(E) comprehension; and
(ii) the science of mathematics instruction, including:
(A) quantitative reasoning;
(B) problem solving;
(C) representation;
(D) numeracy; and
(E) a balance of procedural and conceptual understanding;

(iii) physical and life science;
(iv) health and physical education;
(v) social studies; and
(vi) fine arts; or

(2) For a program candidate accepted after January 1, 2020, a preparation program for early childhood or elementary education shall provide multiple opportunities for a program candidate to successfully demonstrate application of knowledge and skills gained through the program in a school-based setting in each of the following:

(a) all requirements outlined in Subsections R277-304-4(4) through (7);
(b) demonstrating content-specific pedagogy in each of the areas outlined in Subsection R277-304-5(1);
(c) diagnosing students struggling with reading and planning and implementing remediation for those students; and
(d) diagnosing students struggling with mathematics and planning and implementing remediation for those students.

(3) An educator preparation program shall apply the standards in this Section R277-304-4 to the specific age group or grade level for which the preparation program is designed.

(a) An early childhood education program shall focus primarily on early childhood development and learning in preschool through grade 3.

(b) An elementary program shall include both early childhood development and learning and elementary content and pedagogy in kindergarten through grade 6.

**R277-304-6. Secondary Preparation Programs.**

(1) Before approval by the Board, a secondary preparation program shall demonstrate that it requires competency in:
(a) all content competencies established by the Superintendent for a professional educator license in at least one endorsement;
(b) all areas outlined in Subsections R277-304-4(4) through (7);
(c) including literacy and quantitative learning objectives in content-specific classes in alignment with the Utah Core Standards; and
(d) planning instruction and assessment in content-specific teams and in cross-curricular teams.

(2) For a program candidate accepted after January 1, 2020, but before September 1, 2026, a secondary preparation program shall provide multiple opportunities for a program candidate to successfully demonstrate application of knowledge and skills gained through the program in a school-based setting in each of the following:

(a) all requirements outlined in Subsections R277-304-4(4) through (7); and
(b) ensuring student safety and learning in educational labs or shops and extra-curricular settings.

(3) For candidates who enroll in a secondary preparation program on or after September 1, 2026, a program shall require competence in:
(a) the General Teacher Preparation Competencies; and
(b) all content competencies established by the Superintendent for at least one endorsement.

**R277-304-7. Special Education and Preschool Special Education Programs.**

(1) Before approval by the Board, a special education or preschool special education preparation program shall demonstrate that:
(a) the program is operated by or partnered with a Utah institution of higher education or the Board;
(b) it requires competency in Board approved special education teacher preparation competencies in one or more of the following special education areas:
(i) [~~Mild~~]Minimal/Moderate Support Needs;
(ii) Complex Support Needs;
(iii) Deaf and Hard of Hearing;
(iv) Blind and Visually Impaired;
(v) Deafblind; or
(vi) Preschool Special Education (Birth-Age 5);
(c) the program requires the passage of a Braille assessment approved by the Superintendent for a program in the Blind and Visually Impaired area;
(d) For a candidate enrolled in a special education preparation program before September 1, 2027 or enrolled in a preschool special education preparation program, the program requires competency in:
(i) all areas detailed in Subsections R277-304-4(4) through (7);
(ii) legal and ethical issues surrounding special education, including:
(A) the IDEA;
(B) the Special Education Rules Manual incorporated by reference in Section R277-750-2; and
(C) all other applicable statutes and Board rules;
(iii) working with other school personnel to implement and evaluate academic, behavioral, and developmental supports and interventions for students with disabilities within a multi-tiered system of supports as appropriate for the area of licensure;
(iv) training in and supervising the services and supports provided to students with disabilities by general education teachers, related service providers, and paraprofessionals; and
(v) providing specially designed instruction, including content-specific pedagogy, as per IEPs, to students with disabilities, including:
(A) the Utah Core Standards; and
(B) the Essential Elements as appropriate to a candidate's prospective area of licensure as established by the Board;
(C) skills in assessing and addressing the educational, developmental, and functional needs and progress of students with disabilities;

(D) skills in implementing and assessing the results of research and evidence-based interventions for students with disabilities; and

(E) skills in implementing an educational program with accommodations, modifications, services, and supports established by an IEP for students with disabilities.

(2) For a program candidate accepted after January 1, 2020, a special education or preschool special education preparation program shall require multiple opportunities for a program candidate to successfully demonstrate application of knowledge and skills gained through the program in a school-based setting in each of the following:

(a) all requirements outlined in Subsections R277-304-4(4) through (7);

(b) creating learning goals and objectives for a student with disabilities that are specific, measurable, time-bound, and aligned to identified student needs and the Utah Core Standards;

(c) designing or adapting learning environments for diverse student populations that encourage active participation in individual and group activities;

(d) monitoring school compliance with multiple student IEP and Section 504 plans;

(e) conducting a student IEP meeting under the supervision of a licensed special education teacher;

(f) using knowledge of measurement principles and practices to interpret assessment information in making instructional, eligibility, program, and placement decisions for students with disabilities, including those from culturally or linguistically diverse backgrounds;

(g) communicating with parents of students with disabilities to ensure they are informed regarding the progress of their student and their right to due process; and

(h) if the program is designed to prepare an individual for a special education license area, developing and implementing a secondary transition plan as it relates to post-secondary education and training, competitive employment, and independent living.

(3) For a program candidate accepted on or after September 1, 2027, a special education preparation program shall require demonstration of:

(a) the Special Education Preparation Foundational Competencies; and

(b) the competencies for at least one special education endorsement.

**R277-304-8. Deaf Education Preparation Programs.**

(1) Before approval by the Board, a deaf education preparation program shall:

(a) be operated by or partnered with a Utah institution of higher education or the Board;

(b) be aligned with the National Association of State Directors of Special Education, Inc., Optimizing Outcomes for Students who are Deaf or Hard of Hearing, Educational Service Guidelines, Third Edition;

(c) be focused on one or more of the following areas:

(i) teaching students who are deaf or hard of hearing from birth to age five using both listening and spoken language strategies and American Sign Language;

(ii) teaching students who are deaf or hard of hearing with listening and spoken language strategies; or

(iii) teaching students who are deaf or hard of hearing with strategies that promote the development of American Sign Language and English literacy across the curriculum;

(d) require competency in:

(i) the areas detailed in Subsections R277-304-4(4) through (7).

(ii) legal and ethical issues surrounding special education, including:

(A) the IDEA;

(B) the Special Education Rules Manual incorporated by reference in Section R277-750-2; and

(C) all other applicable statutes and Board rules;

(iii) addressing specific linguistic and cultural needs of deaf and hard of hearing students throughout the curriculum;

(iv) skills for incorporating language into all aspects of the curriculum;

(v) pedagogical skills unique to teaching reading, writing, mathematics, and other content areas to deaf and hard of hearing students;

(vi) basic fluency in the use of American Sign Language;

(vii) knowledge of the audiological and physiological components of audition;

(viii) skills for teaching speech to deaf and hard of hearing students;

(ix) the socio-cultural and psychological implications of hearing loss; and

(x) assessing and addressing the educational needs and educational progress of deaf and hard of hearing students.

(2) For a program candidate accepted after January 1, 2020, a deaf or hard of hearing education preparation program shall require multiple opportunities for a program candidate to successfully demonstrate application of knowledge and skills gained through the program in a school-based setting in each of the following:

(a) all requirements outlined in Subsections R277-304-4(4) through (7);

(b) for a program focused on Subsection R277-304-8(1)(c)(i):

(i) assessing early childhood language development and assessment in American Sign Language and spoken English;

(ii) working with families with students who are deaf or hard of hearing while respecting a variety of communication modalities;

(iii) integrating language, speech, and listening into everyday activities;

(iv) sharing knowledge with families with students who are deaf or hard of hearing about the complexities of deaf culture, including norms and behaviors of the deaf community;

(v) developing auditory perception in children and educating parents about developmental milestones for listening skills; and

(vi) proficiency in American Sign Language as demonstrate by passing an assessment approved by the Superintendent;

(c) for a program focused on Subsection R277-304-8(1)(c)(ii):

(i) developing auditory perception in children and strategies for developing listening and spoken language in deaf and hard of hearing students;

(ii) demonstrating understanding and expertise regarding early childhood spoken language development;

(iii) involving family members with students who are deaf or hard of hearing in learning and therapeutic activities;

(iv) integrating speech, listening, and spoken language in preschool and early elementary content areas; and

(v) integrating current listening technology, including troubleshooting such technology; and

(d) for a program focused on Subsection R277-304-8(1)(c)(iii):

(i) integrating American Sign Language into instruction of core academic content for all school-age students;

(ii) enhancing bilingual literacy of students who are deaf or hard of hearing in both American Sign Language and English;

(iii) integrating respect and understanding of deaf culture into instruction;

(iv) demonstrating understanding and expertise regarding American Sign Language, language development; and

(v) proficiency in American Sign Language as demonstrated by passing an assessment approved by the Superintendent.

**R277-304-9. Career and Technical Education Preparation Programs.**

(1) Before approval by the Board, a CTE teacher preparation program designed for individuals that do not hold a bachelor's degree or higher shall:

(a) focus on one or more of the following areas:

(i) family and consumer sciences;

(ii) health sciences;

(iii) information technology;

(iv) skilled and technical sciences; or

(v) work-based learning;

[~~(b) require that candidates have six years of documented, related occupational experiences within the 10 years before the program application in an approved CTE license area;~~]

([~~e~~]b) require competency in all areas detailed in Section R277-304-4; and

[~~(d) for a program candidate accepted after January 1, 2020, a CTE preparation program shall require multiple opportunities for a program candidate to successfully demonstrate application of knowledge and skills gained through the program in a school-based setting in all requirements outlined in Section R277-304-4; and~~]

([~~e~~]c) require candidates to:[~~hold the applicable license or certificate issued by the Utah State Department of Commerce, Division of Professional Licensing in any area where such licensure or certification exists.~~]

(i) have three years of documented, related occupational experience in an approved CTE career cluster; or

(ii) meet content competencies defined by the Superintendent.

[~~(2) A program may count an associate's degree in a related area for up to two years of occupational experience to satisfy the requirement in Subsection R277-304-9(1)(b).~~]

([~~3~~]2)(a) An approved program may request a waiver from the Superintendent of the occupational experience required for a candidate if the candidate has passed an approved competency examination in the respective field at or above the passing score established by the Superintendent.

(b) The Superintendent may grant a waiver under Subsection (3)(a) for up to five years from the date the candidate passed the examination.

**KEY: teacher preparation, programs, educators**
**Date of Last Change: [~~March 10,~~] 2026**
**Notice of Continuation: March 15, 2024**
**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53E-6-201**

| NOTICE OF SUBSTANTIVE CHANGE | |
|---|---|
| **TYPE OF FILING:** Amendment | **Filing ID: 58155** |
| **Rule or section number:** | **R277-306** |

**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:**

R277-306. Educator Preparation Programs for School Psychologists, Audiologists, Speech-Language Pathologists, Speech-Language Technicians, Counselors, and School Social Workers

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

These rule amendments are needed due to the passage of HB 374 during the 2026 General Session.

**C. Summary of the new rule or change:**

The amendments are necessary to align this rule with HB 374 (2026), which transferred authority to license audiologists and speech-language pathologists from the Utah State Board of Education (USBE) to the Division of Professional Licensing (DOPL).

The proposed amendments to this rule recognize that prep programs for these license areas are no longer necessary and the language governing these license areas should be removed.

The amendments also remove the oversight categorization of "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 374 (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.

Striking the internal oversight categorization reference is a purely technical clean-up measure that has no operational or financial impact on state government.

The changes to educator preparation programs are due to HB 374 (2026) and the USBE believes that any fiscal impact was captured in the bill's fiscal note.

There are no additional impacts for the USBE, Local Education Agencies (LEAs), or other entities or persons.

**B. Local governments:**

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

Striking the internal oversight categorization reference is a purely technical clean-up measure that has no operational or financial impact on state government.

The changes to educator preparation programs are due to HB 374 (2026) and the USBE believes that any fiscal impact was captured in the bill's fiscal note.

There are no additional impacts for the USBE, LEAs, or other entities or persons.

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

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

Striking the internal oversight categorization reference is a purely technical clean-up measure that has no operational or financial impact on state government.

The changes to educator preparation programs are due to HB 374 (2026) and the USBE believes that any fiscal impact was captured in the bill's fiscal note.

There are no additional impacts for the USBE, LEAs, or other entities or persons.

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

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

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

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

Striking the internal oversight categorization reference is a purely technical clean-up measure that has no operational or financial impact on state government.

The changes to educator preparation programs are due to HB 374 (2026) and the USBE believes that any fiscal impact was captured in the bill's fiscal note.

There are no additional impacts for the USBE, LEAs, or other entities or persons.

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

There are no compliance costs for affected persons.

Striking the internal oversight categorization reference is a purely technical clean-up measure that has no operational or financial impact on state government.

The changes to educator preparation programs are due to HB 374 (2026) and the USBE believes that any fiscal impact was captured in the bill's fiscal note.

There are no additional impacts for the USBE, LEAs, or other entities or 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 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-6-201 |

**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:** | 10/01/2026 |

**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) | 10/08/2026 |

**13. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Elisse Newey, Deputy Superintendent of Policy | **Date:** | 08/14/2026 |

**R277. Education, Administration.**
**R277-306. Educator Preparation Programs for School Psychologists, [~~Audiologists, Speech-Language Pathologists,~~ ]Speech-Language Technicians, Counselors, and School Social Workers.**
**R277-306-1. 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-6-201(3)(a), which allows the Board to establish criteria for obtaining educator licenses.

(2) The purpose of this rule is to establish standards for educator preparation programs for:

(a) School Psychologists;

[~~(b) Audiologists;~~

~~(c) Speech-Language Pathologists;~~]

([~~d~~]b) Speech-Language Technicians;

([~~e~~]c) School Counselors; and

([~~f~~]d) School Social Workers.

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

**R277-306-2. School Psychologist Preparation Programs.**

(1) A Utah institution of higher education may seek approval by the Board for a school psychologist preparation program if the program:

(a) results in a masters degree or higher in school psychology;

(b) meets the 2020 Standards for Graduate Preparation of School Psychologists created by the National Association of School Psychologists (NASP);

(c) prepares candidates to provide comprehensive and integrated services across the ten general domains of school psychology as defined in the 2020 Model for Comprehensive and Integrated School Psychological Services;

(d) prepares candidates to follow the 2020 National Association of School Psychologists Professional Standards and apply those standards and competencies in compliance with Utah law; and

(e) includes school-based clinical experiences for a candidate to observe, practice skills, and reflect on practices that:

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

(ii) are progressively more complex.

(2) For a program applicant accepted after January 1, 2020, a school psychologist preparation program shall require multiple opportunities for a program applicant to successfully demonstrate the application of knowledge and skills gained through the program in a school-based setting in each of the following:

(a) administering varied models and methods of assessment and data collection for:

(i) identifying strengths and needs of students;

(ii) developing effective services and programs for students; and

(iii) measuring progress and outcomes for students;

(b) implementing varied models and strategies of consultation, collaboration, and communication with individuals, families, groups, and systems;

(c) implementing varied strategies that promote social-emotional functioning and mental health in students; and collecting and analyzing data for evaluation and support of effective practices at the individual, group, and systems levels.

(3) An individual that holds the Nationally Certified School Psychologist (NCSP) credential issued by NASP meets the out of state licensing requirement for a professional school psychologist license area of concentration detailed in Subsection R277-301-6(6).

**[~~R277-306-3. School Audiologist Preparation Program.~~**

~~(1) A Utah institution of higher education may seek approval by the Board for a school audiologist preparation program if the program:~~

~~(a) is accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology; and~~

~~(b) prepares candidates to provide comprehensive and integrated services in a school setting as detailed in the 2018 Scope of Practice in Audiology created by the American Speech-Language-Hearing Association;~~

~~(2) An individual that completes a program accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology outside of Utah qualifies for an associate license with an associate school audiologist license area of concentration detailed in Subsections R277-301-4(5) and (6).~~

~~(3) An individual that holds a current Certificate of Clinical Competence in Audiology (CCC-A) issued by the American Speech-Language-Hearing Association meets the out of state licensing requirement for a professional audiologist license area of concentration detailed in Subsection R277-301-6(6).~~

**~~R277-306-4. Speech-Language Pathologist (SLP) Preparation Program.~~**

~~(1) A Utah institution of higher education may seek approval by the Board for a speech-language pathologist (SLP) preparation program if the program:~~

~~(a) is accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology; and~~

~~(b) prepares candidates to provide comprehensive and integrated services in a school setting as detailed in the 2016 Scope of Practice in Speech-Language Pathology created by the American Speech-Language-Hearing Association.~~

~~(2) An individual that completes a program accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology outside of Utah qualifies for an associate license with a speech-language pathologist license area of concentration detailed in Subsections R277-301-4(5) and (6).~~

~~(3) An individual that holds a current Certificate of Clinical Competence in Speech-Language Pathology (CCC-SLP) issued by the American Speech-Language-Hearing Association meets the out of state licensing requirements for a professional speech-language pathologist license area of concentration detailed in Subsection R277-301-6(6).~~]

**R277-306-[~~5~~]3. Speech-Language Technician (SLT) Preparation Program.**

(1) The Superintendent shall create and administer an SLT preparation program that:

(a) requires applicants to hold a bachelor's degree in communication disorders or the equivalent;

[~~(b) requires significant clinical experiences under the supervision of an individual holding a professional speech-language pathologist license area of concentration; and~~]

(b) requires significant experiences under the supervision of an individual holding:

(i) a professional speech-language pathologist license area of concentration; or

(ii) a speech-language pathologist license issued by the Division of Professional Licensing; and

(c) prepares candidate to provide services in a school setting as detailed in the Utah State Board of Education Handbook for Speech-Language Technicians Working in Utah Public Schools.

(2) The Superintendent shall periodically review and revise the handbook for SLTs referenced in Subsection (1)(c).

**R277-306-[6]4. School Counselor Preparation Programs.**

(1) A Utah institution of higher education may seek approval by the Board for a school counselor preparation program if the program:

(a) prepares candidates to meet the 2019 American School Counselor Association Professional Standards and Competencies, incorporated by reference in Rule R277-330 and apply those standards and competencies in compliance with Utah law;

(b)(i) results in a master's degree in school counseling; or

(ii) requires a master's degree or higher from a regionally accredited institution in a related field for entrance into the program; and

(c) requires candidates to demonstrate all competencies required for the College and Career Readiness Certificate.

(2) For a program applicant accepted after January 1, 2020, a school counselor preparation program shall require multiple opportunities for a program applicant to successfully demonstrate application of knowledge and skills gained through the program in a school-based setting in each of the following:

(a) collaborating with learners, families, colleagues, and community members to build or implement a shared vision and supportive professional culture focused on student growth and success;

(b) delivering a sequential school counseling curriculum aligned with the Utah Model for College and Career Readiness School Counseling Program;

(c) leading individuals and groups of students and their parents or guardians through the development of educational and career plans;

(d) counseling individuals and small groups of students with identified needs and concerns;

(e) developing or maintaining a crisis prevention or [~~/~~]youth protection response plan; and

(f) collecting and analyzing data for [~~the purpose of~~ ]accountability and program evaluation.

**R277-306-[7]5. School Social Worker Preparation Programs.**

(1) A Utah institution of higher education may seek approval by the Board for a school social worker preparation program if the program:

(a) results in a masters of social work degree;

(b) is accredited by the Council of Social Work Education;

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

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

(ii) are progressively more complex;

(d) requires demonstration of competency in:

(i) knowledge of the role of a school social worker in furthering the educational mission of an LEA;

(ii) applying theoretical social work concepts and practical skills to the k-12 educational setting, including:

(A) social, emotional, family, and community assessment;

(B) individual, group, and family counseling;

(C) casework; and

(D) crisis intervention;

(iii) knowledge and application of rules regarding data and record keeping that apply to data available in a school, including:

(A) the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g; and

(B) Title 53E, Chapter 9, Student Privacy and Data Protection;

(iv) knowledge of laws regarding disabilities and their application to school social worker practices and the school setting, including:

(A) the IDEA; and

(B) the Americans with Disabilities Act of 1990, 42 U.S.C. 12101;

(v) utilizing information from assessments in an educational setting to develop student-focused programs and interventions;

(vi) implementation of evidence-based curriculum in response to current social and emotional aspects of education; and

(vii) providing and advocating for services that support the social and emotional aspects of education;

(e) requires multiple opportunities for a program applicant admitted after January 1, 2020 to successfully demonstrate application of knowledge and skills gained through the program in a school-based setting in each of the following areas:

(i) utilizing information from assessments in the development of student-focused and system-focused programs and interventions in a school setting;

(ii) counseling individuals and small groups of students with identified needs and concerns;

(iii) implementing varied models and strategies of consultation, collaboration, and communication with teachers, individuals, and families; and

(iv) developing or updating a crisis prevention or [~~/~~]youth protection response plan.

(2) An individual holding a licensed certified social worker "CSW" license or licensed clinical social worker "LCSW" license through the Division of Professional Licensing in accordance with Rule R156-60a qualifies for an associate educator license with an associate school social worker license area of concentration detailed in Section R277-301-4 if the individual, no more than one calendar year [~~prior to~~]before the application:

(a) completes a criminal background check, including review of any criminal offenses and clearance in accordance with Rule R277-214; and

(b) completes the educator ethics review described in Rule R277-302.

(3)(a) The Superintendent shall work with Utah universities and LEAs to create and administer a non-degree professional license preparation program for individuals described in Subsection (2) that meets all the requirements of Subsections (1)(c) through (1)(e).

**KEY: preparation, psychologists, [~~audiologists, speech-language pathologists,~~ ]speech-language technicians, counselors, school social workers**
**Date of Last Change: 2026[~~February 7, 2025~~]**
**Notice of Continuation: December 16, 2024**
**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-6-201**

| NOTICE OF SUBSTANTIVE CHANGE | |
|---|---|
| **TYPE OF FILING:** Amendment | **Filing ID: 58156** |
| **Rule or section number:** | **R277-322** |

**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:**

R277-322. LEA Codes of Conduct

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

The rule amendments are needed to update the Utah State Board of Education's (USBE) code of conduct, which every school district's and charter school's behavior policies need to match or be no less stringent than.

**C. Summary of the new rule or change:**

The amendments directly prohibit physical, verbal, mental, and sexual abuse, as well as establish clear parameters to prevent inappropriate boundary violations.

Furthermore, the amendments require Local Education Agencies (LEAs) to set stringent guidelines for electronic and social media communications, mandate the immediate reporting of suspected child abuse or neglect, and ensure that all staff members undergo annual training and sign written acknowledgments committing to these ethical standards.

**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.

These adjustments simplify state agency data routing and reporting schedules.

The USBE administrative personnel will handle the annual aggregate report compilation as part of regular ongoing duties using existing staff hours and Information Technology (IT) systems.

Because no new software builds, state Full-Time Equivalencies (FTEs), or legislative appropriations are required, 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.

LEAs already maintain codes of conduct, conduct annual staff trainings, obtain signed acknowledgments, and manage online policy portals pursuant to Section 63G-7-301 and existing administrative rules. Extending coverage to contractors/volunteers aligns with existing local onboarding protocols.

Extending the website posting deadline to 90 days and consolidating state reporting into an annual aggregate submission reduces administrative friction for LEA personnel.

Because these changes adjust local operational workflows without requiring new software, capital expenditures, or additional administrative staffing, local governments will experience no incremental costs or 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 administrative rule regulates public education entities (school districts, charter schools, and the Utah Schools for the Deaf and the Blind) and their staff, contractors, and volunteers.

While private contractors providing services to LEAs must ensure their personnel adhere to local school codes of conduct, this requirement is integrated into standard school vendor contracting and onboarding procedures.

This rule contains no provisions that tax, license, or place direct regulatory burdens on commercial markets or small businesses. 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.

These updates provide clearer behavioral guidelines for school personnel, contractors, and volunteers while protecting students and reporters.

However, they do not impose any direct taxes, out-of-pocket fees, or mandatory individual financial liabilities on school staff, parents, or students as an aggregate class.

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

There are no compliance costs for affected persons.

Individual staff members, contractors, and volunteers must read, acknowledge, and adhere to an LEA's code of conduct. Reading and signing an acknowledgment statement occurs during routine annual orientation or volunteer/contractor onboarding, requiring no personal out-of-pocket expenses, software purchases, or filing fees.

Consequently, the incremental compliance cost per individual entity within any affected class 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 63G-7-301 |

**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:** | 10/01/2026 |

**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) | 10/08/2026 |

**13. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Elisse Newey, Deputy Superintendent of Policy | **Date:** | 08/14/2026 |

**R277. Education, Administration.**
**R277-322. LEA Codes of Conduct.**
**R277-322-1. Authority[~~,~~] and Purpose[~~, and Oversight Category~~].**

(1) This rule is authorized by:

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

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

(c) Section 63G-7-301, which requires the Board to create a model policy that:

(i) regulates behavior of a school [~~employee~~]staff member toward a student; and

(ii) includes a prohibition against any sexual conduct between a staff member and a student and against the staff member and student sharing any sexually explicit or lewd communication, image, or photograph.

(2) The purpose of this rule is to [~~require LEAs to create a code of conduct or appropriate behavior policy applicable to the LEA's staff~~]have each LEA and school adopt a code of conduct, not less stringent than the model code of conduct in Section R277-322-4 that applies to all staff within the LEA or school.

(3)[~~This Rule R277-326 is categorized as Category 2 as described in Rule R277-111~~](a) All provisions of this rule apply to all licensed educators.

(b) Nothing in this rule shall limit the Board's authority under Rules R277-210 through R277-217 to investigate or discipline licensed educators for violations of educator standards.

**R277-322-2. Definitions.**

(1) "Boundary violation" means the same as that term is defined in Rule R277-210.

[~~(2) "Personal identity characteristics" has the same meaning as defined in Section 53B-1-118.~~]

(2) "Promptly" means as soon as reasonably practicable under the circumstances.

(3) "Retaliation" means intimidation, threats, coercion, harassment, adverse employment actions, or other speech or conduct that would discourage a reasonable person from reporting or participating in an investigation.

[~~(3)~~](4) "Staff" or "[~~s~~]Staff member[~~"~~] means an employee, contractor[~~,~~] or volunteer with unsupervised access to students.

[~~(4)~~](5) "Sexual conduct" means:[~~ any sexual contact or communication between a staff member and a student, including:~~

~~(a) "sexual abuse" as defined in Section 76-5-404.1;~~

~~(b) "sexual battery" as defined in Section 76-9-702.1; or~~

~~(c) a staff member and student sharing any sexually explicit or lewd communication, image, or photograph.~~]

(a) any interaction between a staff member and a student that is sexual in nature, including;

(b) "sexual abuse" as defined in Section 76-5-404.1;

(c) "sexual battery" as defined in Section 76-9-702.1; or

(d) sharing any sexually explicit or lewd communication, image, or photograph.

(6) "Staff" or "staff member" means an employee, contractor, or volunteer with significant unsupervised access to students.

(7) "Substantiated" means that an allegation has been proven through an investigation or hearing process by a preponderance of competent evidence.

**R277-322-3. Required Model Code of Conduct[~~ Policy~~].**

(1) The [~~Superintendent~~]Board [~~shall create~~]creates a model code of conduct[~~ or appropriate behavior policy~~].

(2) A school staff member:

(a) may not engage in sexual conduct with a student or minor while on school property or while acting within the scope of employment;

(b) while on school property or while acting within the scope of employment, may not commit boundary violations and shall maintain professional boundaries, as defined in Rule R277-210, with a student or minor when the staff member knows or reasonably should know that the individual is a student or minor;

(c) shall comply with Section 63G-7-301 which require:

(i) participating in training on the code of conduct to the staff; and

(ii) the staff member to sign a statement acknowledging that the staff member has read and understands the code of conduct;

(d) shall comply with all federal, state, and local laws;

(e) shall treat students with respect;

(f) shall promptly report any known or reasonably suspected violation of the Code of Conduct to the appropriate school or LEA administrator in accordance with applicable reporting policies and procedures; and

(g) shall report suspected child abuse or neglect to law enforcement or the Division of Child and Family Services in accordance with Sections 53E-6-701 and 80-2-602;

(h) may not use alcohol or illegal drugs while on duty or participating in a school-sponsored activity;

(i) shall avoid the use of prescription drugs while on duty or participating in a school-sponsored activity, in a manner that impairs judgment or professional performance;

(j) shall not engage in sexual conduct and shall act professionally while on school property or during contracted time;

(k) a staff member may not plan, organize, promote, encourage, or participate in an unauthorized activity during the school day that disrupts instructional time or encourages or results in student nonattendance from scheduled classroom instruction;

(l) subject to constitutional rights against self-incrimination, a staff member shall fully cooperate with criminal or civil law enforcement, and an LEA, school, UPPAC, or Board investigation involving a student or staff member by:

(i) responding truthfully and promptly to lawful inquiries;

(ii) providing relevant information within the staff member's knowledge or possession; and

(iii) complying with lawful subpoenas, warrants, or other compulsory processes;

(l) shall not, while on school property, while acting within the scope of employment, or under circumstances in which a reasonable person would perceive the conduct as school-sponsored, invite, suggest, or encourage a student to reconsider or change the student's sexual orientation or gender identity;

(m) shall annually attend abuse prevention training as required in Section 53G-9-207;

(n) shall comply with the requirements of Section 76-5-404.1 regarding sexual abuse; and

(o) shall comply with the requirements of Section 76-9-702.1 regarding sexual battery.

[~~(2) Each LEA shall adopt a code of conduct or appropriate behavior policy applicable to the LEA's staff.~~

~~(3) An LEA's code of conduct or appropriate behavior policy, adopted pursuant to Subsection (2), may not be less stringent than the model code of conduct or appropriate behavior policy described in Subsection (1) and shall include, at a minimum:~~

~~(a) a statement that a staff member shall avoid boundary violations, as defined in Rule R277-210, with students;~~

~~(b) a statement that a staff member may not subject a student to:~~

~~(i) physical abuse;~~

~~(ii) verbal abuse;~~

~~(iii) sexual abuse; or~~

~~(iv) mental abuse;~~

~~(c) a statement that a staff member shall report any suspected incidents of:~~

~~(i) physical abuse;~~

~~(ii) verbal abuse;~~

~~(iii) sexual abuse;~~

~~(iv) mental abuse; or~~

~~(v) neglect;~~

~~(d) a statement that a staff member may not touch a student in a way that makes a reasonably objective student feel uncomfortable;~~

~~(e) a statement that a staff member may not participate in sexual conduct with a student;~~

~~(f) a statement regarding appropriate verbal or electronic communication between a staff member and a student;~~

~~(g) a statement regarding providing gifts, special favors, or preferential treatment to a student or group of students;~~

~~(h) a statement that a staff member may not discriminate against a student on the basis of the student's personal identity characteristics;~~

~~(i) a statement regarding appropriate use of electronic devices and social media for communication between a staff member and a student;~~

~~(j) a statement regarding use of alcohol, tobacco, and illegal substances during work hours and on school property;~~

~~(k) a statement that a staff member shall:~~

~~(i) report any suspicion of child abuse or bullying to the proper authorities;~~

~~(ii) annually read and sign all policies related to identifying, documenting, and reporting child abuse; and~~

~~(iii) for an employee or contractor, annually attend abuse prevention training required in Section 53G-9-207; and~~

~~(4) An LEA shall post the LEA's code of conduct or appropriate behavior policy adopted pursuant to Subsection (2) on the LEA's website.~~

~~(5) An LEA shall annually provide training to staff regarding the policy, including the staff member's responsibility to report and how to report:~~

~~(a) known violations of the LEA's code of conduct or appropriate behavior policy; and~~

~~(b) known violations of the Utah Educator Standards contained in Rule R277-217.~~

~~(6) A staff member shall annually sign a statement acknowledging that the staff member has read and understands the code of conduct or appropriate behavior policy.~~]

(3)(a) A staff member may not knowingly make a false report alleging a violation of the LEA's or school's code of conduct.

(b) A staff member who retaliates against an individual for reporting alleged misconduct under this Code of Conduct may be subject to disciplinary action by the LEA or school, up to and including termination of employment; referral to UPPAC if the individual is licensed by the Board; and other remedies or penalties available under the law.

(4) A staff member who knowingly makes a false, malicious, or frivolous report may be subject to disciplinary action by the LEA or school, up to and including termination of employment; referral to UPPAC if the individual is licensed by the Board; and other remedies or penalties available under the law.

(5) Nothing in this section shall be construed to discourage or penalize good-faith reports.

(6) A staff member at an LEA or school that retaliates or facilitates retaliation against a staff member for reporting an alleged violation of this code of conduct or Rule R277-210 or R277-217 may be subject to disciplinary action by the LEA or school, up to and including termination of employment; corrective action or other sanctions in law and rule; or UPPAC action, if a licensed educator.

**R277-322-4. LEA and School Responsibilities.**

(1) Each LEA and school shall adopt a code of conduct, which may not be less stringent than the model code of conduct established in Section R277-322-3.

(2) The code of conduct adopted by an LEA or school under Subsection (1) shall include language regarding contractors and volunteers.

(3) An LEA shall establish a hotline as described in Section R277-123-7 for students, parents, and personnel to report violations of Board rule and LEA policy, including the code of conduct, and in its training promote awareness of the required hotline.

(4) An LEA, and each school, shall prominently post its code of conduct on its website.

(5) An LEA and each public school shall provide code of conduct training to its staff and require each staff member to sign a statement acknowledging that the staff member has read and understands the code of conduct.

(6) An LEA shall submit an annual assurance to the Board consistent with this rule verifying that the LEA and each school has complied with:

(a) required code of conduct training;

(b) obtained staff member acknowledgments;
(c) posted its Code of Conduct as required; and
(d) promoted Section R277-123-7 as required.
(7) An LEA shall annually submit to the Superintendent aggregate data on substantiated code of conduct complaints, categories of violations, and outcomes.
(8) An LEA, or school, may not construe this section to prevent the LEA, or school, from making reports to law enforcement, UPPAC, or the Department of Health and Human Services as otherwise required by law.
(9)(a) An LEA, or school, may not enter into any agreement that prevents or restricts the LEA, or school, from providing the notice required by this section.
(b) An LEA , or school, may not enter into an agreement, or request a staff member to enter into an agreement, which restricts or prohibits a staff member from communicating or reporting any complaint or concern regarding the direct or indirect safety and welfare of a student or any inappropriate conduct by the LEA, or school, to law enforcement, a local board, the Board, or UPPAC.
(10) An LEA and school shall prohibit retaliation against an individual who, in good faith, reports a suspected violation of an LEA or school code of conduct, policy, Board rule, or the law.
(11) An LEA, or school, shall update the website posting within 90 days of adopting or revising its code of conduct.
(12)(a) Failure of an LEA, or school, to comply with this rule constitutes noncompliance subject to corrective action or sanctions.
(b)(i) Repeated failure to abide by Section 63G-7-301 or this Rule, may subject the LEA, school or administrators to corrective action or other sanctions.

**R277-322-5. Superintendent Responsibilities.**
(1) The Superintendent shall classify a report submitted under Subsection (9) as private in accordance with Subsections 63G-2-302(2)(a) and (d).
(2) The Superintendent shall prepare a report of all data collected under this rule and shall provide the report to the Board annually.

**KEY: codes of conduct, appropriate behavior, [~~employee~~]staff conduct**
**Date of Last Change: 2026[~~August 7, 2024~~]**
**Notice of Continuation: June 7, 2024**
**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 63G-7-301**

| NOTICE OF SUBSTANTIVE CHANGE | |
|---|---|
| **TYPE OF FILING:** New | **Filing ID: 58157** |
| **Rule or section number:** | **R277-334** |

**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:** |
|---|
| R277-334. Classroom Technology and Artificial Intelligence Governance |
| **B. Purpose of the new rule or reason for the change:** |
| This new rule is necessary due to the passage of HB 273 during the 2026 General Session. |

| **C. Summary of the new rule or change:** |
|---|
| This new rule requires Local Education Agencies (LEAs) to:<br>1) adopt balanced technology use and artificial intelligence policies;<br>2) implement grade-level instructional technology requirements;<br>3) provide educator training, parent transparency, and student protections related to instructional technology and Artificial Intelligence (AI) use;<br>4) establish resource plans for students with technology-related learning difficulties, implement compliance, reporting, and monitoring procedures; and<br>5) establish safeguards and parent consent requirements for AI sandbox courses. |

**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 273 (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.<br><br>This new rule is created due to HB 273 (2026) and the Utah State Board of Education (USBE) believes any fiscal impacts were captured in the fiscal note for HB 273 (2026). |
| **B. Local governments:** |
| This new rule is not expected to have fiscal impact on local governments' revenues or expenditures.<br><br>This new rule is created due to HB 273 (2026) and the USBE believes any fiscal impacts were captured in the fiscal note for HB 273 (2026). |
| **C. Small businesses** ("small business" means a business employing 1-49 persons)**:** |
| This new rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.<br><br>This new rule is created due to HB 273 (2026) and the USBE believes any fiscal impacts were captured in the fiscal note for HB 273 (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 new rule 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 new rule is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.<br><br>This new rule is created due to HB 273 (2026) and the USBE believes any fiscal impacts were captured in the fiscal note for HB 273 (2026). |

| **F. Compliance costs for affected persons:** |
|---|
| There are no compliance costs for affected persons.<br><br>This new rule is created due to HB 273 (2026) and the USBE believes any fiscal impacts were captured in the fiscal note for HB 273 (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:

| | | |
|---|---|---|
| Section 53G-7-228 | Section 53G-7-229 | Section 53G-7-1401 |
| Section 53G-7-1402 | Section 53G-7-1403 | |

**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:** | 10/01/2026 |

**12. Effective Date Information**

| **This rule change MAY become effective on:**<br>(NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date) | 10/08/2026 |
|---|---|

**13. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Elisse Newey, Deputy Superintendent of Policy | **Date:** | 08/14/2026 |

**R277. Education, Administration.**
**R277-334. Classroom Technology and Artificial Intelligence Governance.**
**R277-334-1. 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-4-202, which requires the Board to incorporate artificial intelligence, digital literacy, media literacy, and technology standards into Utah core standards;
(d) Section 53G-7-228, which requires the Board to:
(i) create a model policy on balanced technology use in the classroom;
(ii) establish grade-level frameworks for instructional technology use;
(iii) adopt methods for evaluating instructional technology effectiveness; and
(iv) make rules to implement classroom technology requirements;
(e) Section 53G-7-229, which requires LEAs to establish resource plans for students with technology-related learning difficulties;
(f) Section 53G-7-1402, which requires the Board to:
(i) publish and maintain a model artificial intelligence use policy; and
(ii) establish standards for LEA compliance, policy submission, implementation, and educator training; and
(g) Section 53G-7-1403, which requires the Board to establish ethical use guidelines for AI sandbox courses.
(2) The purpose of this rule is to:
(a) establish statewide standards for balanced instructional technology use in Utah public schools;
(b) establish minimum standards for LEA instructional technology policies and artificial intelligence use policies;
(c) establish grade-level instructional technology requirements;
(d) establish educator training, parent transparency, and student protection requirements regarding instructional technology and artificial intelligence;
(e) establish standards for LEA monitoring, reporting, and compliance; and
(f) establish safeguards and ethical use standards for artificial intelligence sandbox courses.

**R277-334-2. Definitions.**
(1) "Artificial intelligence" or "AI" means the same as that term is defined in Section 13-72-101.
(2) "Artificial intelligence sandbox course" or "AI sandbox course" means the same as that term is defined in Section 53G-7-1401.
(3) "Artificial intelligence tool" or "AI tool" means the same as that term is defined in Section 53G-7-1401.
(4) "Direct instruction" means educator-led instruction involving active supervision, interaction, guidance, facilitation, or instructional support provided by a licensed educator or designated educational personnel.
(5) "Generative artificial intelligence" means the same as that term is defined in Section 13-77-101.
(6) "High-stakes artificial intelligence interaction" means the same as that term is defined in Section 13-77-101.
(7) "High-stakes determination" means the same as that term is defined in Section 53G-7-1402.
(8) "Instructional technology" means the same as that term is defined in Section 53G-7-228.
(9) "Non-essential screen-time" means student screen exposure not directly connected to instructional objectives, direct instruction, supervised academic activities, or approved educational accommodations.
(10) "Screen-time" means the same as that term is defined in Section 53G-7-228.
(11) "Technology-related learning difficulty" means the same as that term is defined in Section 53G-7-229.

**R277-334-3. LEA Instructional Technology Standards.**
(1) Before permitting the use of instructional technology in a classroom, an LEA shall ensure the instructional technology:
(a) is designed specifically for instructional use;
(b) supports identified instructional goals or learning outcomes;
(c) is supported by evidence, data, or demonstrated educational value appropriate to the grade level;
(d) is safe for a student's physical, cognitive, and emotional development;
(e) minimizes distraction, interference with instruction, or reduction in academic focus;
(f) complies with Title 53E, Chapter 9, Student Privacy and Data Protection;
(g) complies with Section 53G-10-103 regarding sensitive instructional materials;
(h) is intentionally integrated into instruction to enhance student learning outcomes
(i) is not used as a substitute for direct instruction; and
(j) complies with LEA student data governance procedures established under Title 53E, Chapter 9.
(2) An LEA shall establish procedures for the selection, deployment, monitoring, evaluation, and periodic review of instructional technology.

(3) An LEA shall maintain documentation demonstrating compliance with this section, including:
(a) approved instructional technology inventories;
(b) technology review procedures;
(c) evidence of instructional value or effectiveness;
(d) monitoring or evaluation records; and
(e) records of parent-facing instructional technology disclosures.
(4) An LEA shall minimize non-essential screen-time and prioritize purposeful instructional technology use directly connected to instructional goals.
(5) An LEA shall implement instructional technology filtering and access controls consistent with age-appropriate standards and student safety requirements.

**R277-334-4. Balanced Technology Use Policies.**
(1) Before July 1, 2027, an LEA shall adopt:
(a) the Board's model policy on balanced technology use in the classroom; or
(b) a locally adopted policy meeting the requirements of Sections 53G-7-228, 53G-7-229, 53G-7-1402, and this rule.
(2) Before adopting a policy described in Subsection (1), an LEA governing board shall hold a public meeting that:
(a) allows for public comment; and
(b) complies with Title 52, Chapter 4, Open and Public Meetings Act.
(3) An LEA policy shall include:
(a) standards minimizing non-essential screen-time;
(b) standards for purposeful instructional technology use;
(c) procedures for monitoring compliance with the policy;
(d) parent transparency requirements;
(e) educator training requirements;
(f) a technology-related learning difficulty resource plan;
(g) an artificial intelligence use policy;
(h) grade-level instructional technology frameworks consistent with Section 53G-7-228; and
(i) procedures for periodic review and revision of instructional technology practices.
(4) An LEA shall provide parents access to:
(a) a list of digital tools and applications used in the student's classroom; and
(b) information regarding instructional technology monitoring and filtering systems.
(5) Upon request and consistent with applicable privacy and security laws, an LEA shall provide a parent access to the student's:
(a) school-issued device;
(b) account credentials; and
(c) browsing history.
(6) An LEA shall provide parents with:
(a) the option to receive alerts when a student attempts to access material flagged as sensitive material under Section 53G-10-103; and
(b) resources to support supervision of instructional technology use in the home.
(7) An LEA shall submit to the Superintendent:
(a) the LEA's finalized policy; and
(b) a statement confirming the LEA held the public meeting required in Subsection (2).
(8) If an LEA fails to adopt a policy in accordance with this section, the Board's model policy shall serve as the default policy for the LEA.

**R277-334-5. Grade-Level Instructional Technology Requirements.**
(1) An LEA serving students in kindergarten through grade 3 shall:
(a) prohibit students from taking home school-owned instructional technology;
(b) prohibit required one-to-one device ratios;
(c) prohibit classroom screen-time except for:
(i) introduction of state kindergarten through grade 5 computer science standards; and
(ii) preparation for or administration of a standards assessment;
(d) emphasize hands-on, print-based, and developmentally appropriate learning activities; and
(e) prohibit homework requiring internet access or instructional technology.
(2) An LEA serving students in grades 4 through 6 shall:
(a) prohibit students from taking home school-owned instructional technology;
(b) prohibit required one-to-one device ratios;
(c) balance instructional technology use with teacher-led, print-based, and analog instruction;
(d) limit instructional technology use to supervised academic purposes;
(e) prohibit homework requiring internet access or instructional technology; and
(f) limit internet access through age-appropriate filtering systems.

(3) An LEA serving middle or junior high school students may allow a student to take home a school-issued device only with written parent opt-in consent.
(4) An LEA serving middle or junior high school students shall:
(a) balance instructional technology use with teacher-led, print-based, and analog instruction; and
(b) limit internet access through age-appropriate filtering systems.
(5) An LEA serving high school students may allow a student to take home instructional technology unless a parent opts out.
(6) An LEA serving high school students shall:
(a) balance instructional technology use with teacher-led, print-based, and analog instruction; and
(b) limit internet access through age-appropriate filtering systems.
(7) This section does not apply to:
(a) a course where instructional technology is integral to the subject matter of the course or specialty class;
(b) online district or charter school instruction;
(c) the Statewide Online Education Program created in Section 53F-4-502;
(d) instruction designed to meet state core technology standards;
(e) an AI sandbox course;
(f) a public school located within the boundaries of a tribal nation where the LEA is the internet service provider; or
(g) instructional technology use consistent with a student's IEP or Section 504 plan.

**R277-334-6. Artificial Intelligence Use Requirements.**
(1) An LEA shall adopt an artificial intelligence use policy based on the Board's model artificial intelligence use policy.
(2) An LEA shall maintain an inventory of approved AI tools authorized for educator or student use.
(3) An LEA policy shall prohibit uses of AI tools that threaten student safety or wellbeing, including:
(a) biometric surveillance; or
(b) psychological profiling.
(4) An LEA shall require educators to:
(a) keep professional judgment and instructional responsibility when using AI tools;
(b) communicate assignment-specific expectations regarding AI use;
(c) use only approved AI tools;
(d) ensure student work reflects the student's knowledge, skill, and understanding; and
(e) refrain from using generative artificial intelligence to independently grade student work.
(5) An LEA shall prohibit student use of generative artificial intelligence for academic work unless authorized by an educator for a specific instructional purpose.
(6) An LEA shall ensure approved AI tools:
(a) meet developmental expectations for the grade level;
(b) align with digital literacy standards adopted under Section 53E-4-202, which requires the Board to incorporate artificial intelligence, digital literacy, media literacy, and technology standards into Utah core standards; and
(c) do not expose students to harmful, manipulative, or inappropriate content.
(7) When generative artificial intelligence is used for classroom instruction, assessment, or activities, an LEA or educator shall provide written parent notification that includes:
(a) notice of the intended use of generative artificial intelligence; and
(b) a link to the LEA metadata dictionary required under Section 53E-9-303.
(8) High-risk artificial intelligence interaction may not be used with students.
(9) An LEA shall provide parents with clear expectations regarding allowed and prohibited uses of AI tools in the classroom.
(10) An LEA shall submit an adopted AI use policy to the Superintendent for review and approval.
(11) An LEA shall review an AI use policy at least once every two years and update the policy as needed.

**R277-334-7. Professional Development and Training.**
(1) An LEA shall provide training to educators and staff regarding:
(a) balanced instructional technology use requirements;
(b) instructional technology expectations and limitations;
(c) student privacy and data protection requirements under Title 53E, Chapter 9;
(d) approved AI tool use;
(e) educator responsibilities regarding AI use;
(f) digital citizenship and media literacy;
(g) academic integrity expectations; and
(h) age-appropriate instructional technology practices.
(2) An LEA shall provide training before implementation of a newly adopted or substantially revised policy required under this rule.
(3) An LEA shall maintain records documenting completed training.
(4) An LEA shall include in implementation planning procedures for monitoring staff compliance with instructional technology and AI use policies.
(5) The Superintendent may provide implementation guidance, technical assistance, or training resources to support LEA compliance with this rule.

**R277-334-8. Technology-Related Learning Difficulties.**

(1) An LEA shall establish a resource plan for students demonstrating technology-related learning difficulties.

(2) An LEA may provide accommodations or supports including:

(a) printed instructional materials;

(b) alternative assignment formats;

(c) access to technology resource support;

(d) access to educational professionals with expertise in technology-related learning difficulties;

(e) project-based learning opportunities;

(f) book-based curriculum;

(g) verbal instruction; and

(h) additional time for technology-based assignments or assessments.

(3) An LEA shall maintain procedures for responding to and supporting students demonstrating technology-related learning difficulties.

(4) Nothing in this section shall be interpreted to:

(a) limit accommodations or services otherwise required under federal law, an individualized education program, or a Section 504 plan; or

(b) require an LEA or educator to diagnose a medical, psychological, or learning disorder.

**R277-334-9. Reporting, Monitoring, and Compliance.**

(1) An LEA shall annually certify compliance with:

(a) Sections 53G-7-228, 53G-7-229, 53G-7-1402, and 53G-7-1403; and

(b) this rule.

(2) An LEA shall provide reports or documentation requested by the Superintendent regarding:

(a) policy implementation;

(b) educator training;

(c) instructional technology monitoring;

(d) approved AI tools;

(e) parent notification procedures;

(f) compliance activities; and

(g) implementation outcomes.

(3) The Superintendent may conduct monitoring or compliance reviews regarding implementation of this rule.

(4) If an LEA fails to comply with statutory or rule requirements, the Board may:

(a) require corrective action;

(b) require additional reporting;

(c) require additional training; or

(d) withhold or delay distribution of funds authorized under Section 53G-7-228.

(5) An LEA receiving state funds allocated for digital literacy, computer science, or educational technology programs under Section 53F-2-510 shall certify implementation of:

(a) a balanced technology use policy;

(b) a technology-related learning difficulty resource plan; and

(c) an artificial intelligence use policy consistent with Board requirements.

**R277-334-10. Artificial Intelligence Sandbox Courses.**

(1) An LEA offering an AI sandbox course shall:

(a) limit the course to grades 9 through 12;

(b) limit course delivery to consistent with Board-approved career and technical education pathways;

(c) maintain secure and controlled digital environments that protect student privacy and safety;

(d) notify parents regarding the nature of the course;

(e) obtain written parent consent before student participation;

(f) ensure participation is voluntary; and

(g) ensure student use of artificial intelligence technologies occurs under educator supervision.

(2) An LEA shall ensure AI sandbox course activities comply with:

(a) federal student privacy laws;

(b) Title 53E, Chapter 9, Student Privacy and Data Protection;

(c) Section 53G-10-103; and

(d) Board ethical use guidelines.

(3) An LEA shall maintain documentation of parent notification and parent consent for students participating in an AI sandbox course.

(4) Nothing in this section shall be interpreted to authorize unrestricted student access to public generative artificial intelligence systems without educator supervision or LEA approval.

**KEY: technology, compliance**
**Date of Last Change: 2026**
**Authorizing, and Implemented or Interpreted Law: 53G-7-228; 53G-7-229; 53G-7-1401; 53G-7-1402; 53G-7-1403.**

| NOTICE OF SUBSTANTIVE CHANGE | |
|---|---|
| **TYPE OF FILING:** Amendment | **Filing ID: 58158** |
| **Rule or section number:** | **R277-406** |

**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:**

R277-406. Early Learning Program and Assessments

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

These rule amendments are needed due to the passage of HB 312 during the 2026 General Session which repealed early learning plans in Sections 53G-7-218 and 53E-3-521.

**C. Summary of the new rule or change:**

These amendments clarify that the Utah State Board of Education (USBE) will designate the statewide mathematics assessment.

These amendments also define funding responsibility, if state funds are available, specifying that USBE will assume financial responsibility for the assessment.

If state funds are not available, Local Education Agencies (LEAs) will be responsible for covering the cost.

In addition, the definition of reading at grade level is amended and the oversight category is removed.

**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 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 amendment is not expected to have fiscal impact on state government revenues or expenditures.

The USBE believes any fiscal impact were captured in the fiscal note to HB 312 (2026) and there are no additional impacts due to the rule change for the USBE.

**B. Local governments:**

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

New language in Subsection R277-406-4(6) clarifies that in the absence of sufficient legislative appropriations, "a Local Education Agency (LEA) shall assume financial responsibility for the administration of the benchmark mathematics assessments".

Shifting the reporting deadline from August 1 to September 1 provides LEAs more flexibility but does not carry a direct fiscal impact.

The USBE believes that the fiscal note for HB 312 (2026) captured any measurable fiscal impacts for LEAs.

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

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

This amendment regulates the administration of assessments and reporting within the public K-12 education system. It does not impose requirements on, or provide funding to, private 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 amendment is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

This only impacts LEAs and the USBE.

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

There are no compliance costs for affected persons.

The USBE believes any costs were captured in the fiscal note for HB 312 (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-3-521 |
| Section 53E-4-307 | Section 53E-4-307.5 | Section 53G-7-203 |

**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:** | 10/01/2026 |

**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) | 10/08/2026 |
|---|---|

**13. Agency Authorization Information**

| **Agency head or designee and title:** | Elisse Newey, Deputy Superintendent of Policy | **Date:** | 08/14/2026 |
|---|---|---|---|

**R277. Education, Administration.**
**R277-406. Early Learning Program and Assessments.**
**R277-406-1. 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-3-521, which requires the board to define the components of the early mathematics plan and establish a statewide target using data from the mathematics benchmark assessment;~~]

[~~(d)~~](c) Section 53E-4-307, which requires the Board to approve a benchmark assessment for statewide use to assess the reading [~~and mathematics~~ ]competency of students in grades one, two, and three; and

[~~(e)~~](d) Section 53G-7-203, which requires the Board to establish rules regarding the administration of and reporting regarding the kindergarten assessment.

(2) The purpose of this rule is to:

[~~(a) to outline the responsibilities of the Superintendent and LEAs for implementation of Section 53E-3-521 and the Board's administration of Early Learning in the state, including to:~~

~~(i) set expectations for LEA Early Learning Plans;~~

~~(ii) establish timelines for LEA Early Learning Plans;~~]

[~~(iii)~~](a) provide definitions and designate assessments required in Sections 53E-4-307 and 53E-4-307.5;

[~~(iv)~~](b) provide testing reporting windows, and timelines; and

[~~(v)~~](c) require LEAs to submit student reading [~~and mathematics~~ ]assessment data to the Board; and

[~~(b)~~](d) designate the kindergarten assessment and establish timelines and requirements for administration and reporting kindergarten assessment results and enrollment.

[~~(3) This Rule R277-406 is categorized as Category 3 as described in Rule R277-111.~~

]

**R277-406-2. Definitions.**

(1)(a) "Benchmark reading assessment" means the Acadience Reading assessment.

(b) The "benchmark reading assessment:"

(i) is given three times each year;

(ii) gives teachers information to:

(A) plan appropriate instruction; and

(B) evaluate the effects of instruction; and

(iii) provides data about student preparation for success on an end of year criterion referenced test.

(2)(a) "Benchmark mathematics assessment" means [~~the Acadience Math assessment~~]a standardized assessment as defined in Section 53E-4-307.5 that measures early math skills and predicts academic achievement based on computation and problem-solving for kindergarten through grade 3;

(b) The [~~"~~]benchmark mathematics assessment:

(i) is given three times each year;

(ii) gives teachers information to:

(A) plan appropriate instruction; and

(B) evaluate the effects of instruction; and

(iii) provides data about student preparation for success on an end of year criterion referenced test.[

~~(3) "Components of early mathematics" means the key areas of mathematical learning including:~~

~~(a) conceptual understanding;~~

~~(b) procedural fluency;~~

~~(c) strategic and adaptive mathematical thinking; and~~

~~(d) productive disposition.~~

~~(4) "Conceptual understanding" means the comprehension and connection of concepts, operations, and relations.~~]

[~~(5)~~](3) "Evidence-based" means a strategy that has demonstrated a statistically significant effect on improving student outcomes.

[~~(6)~~](4) "Parental notification requirements" means notice by any reasonable means, including electronic notice, notice by telephone, written notice, or personal notice.[

~~(7) "Plan" means the Early Learning plan described in Section 53G-7-218.~~

~~(8) "Procedural fluency" means the meaningful, flexible, accurate, and efficient use of procedures to solve problems.~~

~~(9) "Productive disposition" means the attitude of a student who sees mathematics as useful and worthwhile while exercising a steady effort to learn mathematics.~~]

[~~(10)~~](5) "Reading on Grade Level" or "ROGL" means a third grade student is scoring at or above benchmark and meets or exceeds [~~405~~]330 on the end of year benchmark reading assessment to achieve the strenuous statewide goal of [~~70%~~]80 percent third grade-level proficiency as required by Section 53E-3-1001.

[~~(11)~~](6) "Scoring above benchmark" means that a student will likely need effective core instruction to meet subsequent learning goals and may benefit from instruction on more advanced skills.

(7) "Scoring at benchmark" means a student will likely need effective core instruction to meet subsequent early literacy or reading benchmarks. Some students may require monitoring and strategic support on specific component skills as needed.

[~~(12)~~](8) "Scoring below or well below benchmark" means that a student:

(a) performs below or well below the benchmark score on the benchmark reading or benchmark mathematics assessment; and

(b) requires additional instruction beyond that provided to typically-developing peers to close the gap between the student's current level of achievement and that expected of all students in that grade.

[~~(13)~~](9) "Remediation interventions" means reading or mathematics instruction or activities, or both, given to students in addition to their regular instruction, during another time in the school day, outside regular instructional time, or in the summer, which is focused on specific needs as identified by reliable and valid assessments.

[~~(14) "Strategic and adaptive mathematical thinking" means the ability to formulate, represent, and solve mathematical problems with the capacity to justify the logic used to arrive at the solution.~~

] [~~(15)~~](10) "Utah eTranscript and Record Exchange" or "UTREx" means the same as that term is defined in Section R277-404-2.

**R277-406-3. Incorporation by Reference of Science of Reading Resources.**

(1) This rule incorporates by reference the Science of Reading Elementary English Language Arts Curriculum Checklist, as of June 2025; and

(2) A copy of this document is located at:

(a) [~~https://www.schools.utah.gov/administrativerules/documentsincorporated~~]the Utah State Board of Education website; and

(b) the offices of the Utah State Board of Education.

**R277-406-4. Benchmark Reading and Mathematics Assessments.**

(1) Subject to legislative appropriations, and except as provided in Subsection (2), an LEA shall administer the benchmark reading [~~and mathematics~~ ]assessment[~~s~~]:

(a) annually:

(i) in kindergarten, grade 1, grade 2, and grade 3; and[

~~(ii) beginning with the 2024-25 school year, in kindergarten; and~~]

(b) within the following testing windows:

(i) the first benchmark between the first day of school and September 30;

(ii) the second benchmark between December 1 and January 31; and

(iii) the third benchmark between April 15 and June 15.

(2) An LEA shall annually report benchmark reading [~~and mathematics~~ ]assessment results to the Superintendent by:

(a) October 30;

(b) February 28; and

(c) June 30.

(3) If the benchmark reading [~~or mathematics~~ ]assessment indicates a student is scoring below or well below benchmark[~~:~~

~~(a) for reading,~~] the LEA shall implement the parental notification requirements and evidence-based reading remediation interventions described in Section 53E-4-307;

[~~(b) for mathematics, the LEA shall implement parental notification requirements similar to those described for reading in Subsection (4)(a) and evidence-based mathematics remediation interventions.~~]

(4) An LEA shall report benchmark reading [~~and mathematics~~ ]assessment results annually to parents of students in kindergarten, grade 1, grade 2, and grade 3 by:

(a) October 30;

(b) February 28; and

(c) June 30.[

~~(5) An LEA shall report benchmark reading and mathematics assessment results annually to parents of students in kindergarten by the deadlines described in Subsection (4).~~]

[~~(6)~~](5) An LEA shall annually submit to UTREx the following information from the benchmark reading[~~ and mathematics~~] assessment:

(a) whether or not each student received remediation intervention; and

(b) UTREx Special Codes related to the benchmark reading [~~and mathematics~~ ]assessment.

**R277-406-5. Early [~~Learning Plans~~]Literacy Reporting -- LEA and Superintendent Requirements - Timelines.**

(1) An LEA shall submit:[~~ a plan in accordance with Section 53G-7-218 that contains:~~

~~(a) the components of early mathematics as defined in Section 53E-3-521;~~]

[~~(b)~~](a) an assurance that:

(i) the LEA has adopted high quality instructional materials and intervention programs aligned with the effective research regarding the science of reading as outlined in Section 53G-10-806; and

(ii) the LEA's reading strategies meet the criteria outlined in Section 53G-11-303;

[~~(c)~~](b) the reading curriculum currently adopted by the LEA; and

[~~(d)~~](c) other required materials within established deadlines.

(2) An LEA shall submit its [~~plan~~]report to the Superintendent before [~~August~~]September 1 for approval.[

~~(3)(a) An LEA shall present the plan in an open and public meeting of the LEA's governing board.~~

~~(b) The LEA shall also report on the outcomes of the previous year's plan during the same meeting or a subsequent open and public meeting.~~

~~(4) Within three weeks of an LEA submitting a plan to the Superintendent, the Superintendent shall notify the LEA if the plan was approved or if modifications to the plan are required.~~

~~(5) If the Superintendent does not approve an LEA's plan, the LEA may, by September 15:~~

~~(a) incorporate needed changes or provisions; and~~

~~(b) resubmit the amended plan in accordance with Subsection (2)(a) of this part.~~

~~(6) If an LEA timely resubmits a plan that includes the required modifications, the Superintendent shall approve the plan by October 1.~~

~~(7) When reviewing an LEA plan for approval, the Superintendent shall evaluate the extent to which the LEA's goals within the plan are ambitious, yet attainable.~~]

(3) For school year 26-27, if an LEA chooses to administer a benchmark mathematics assessment, access to the manual entry license through the statewide contract will be provided through dedicated USBE funds.

**R277-406-6. Accountability and Reporting[~~ on Early Learning Plans~~].[**

~~(1) An LEA shall annually report progress toward the goals outlined in the LEA's plan to the Superintendent by June 30.~~

~~(2) In accordance with Section 53G-7-218, a growth goal in an LEA's plan:~~

~~(a) is calculated using the percentage of students in an LEA's grades 1 through 3 who made typical, above typical, or well above typical progress from the beginning of the year to the end of the year, as measured by the benchmark mathematics assessment; and~~

~~(b) sets the mathematics target percentage of students in grades 1 through 3 making typical or better progress at a minimum of 60%.~~]

[~~(3)~~](1) The Superintendent shall use the information provided by an LEA described in Section R277-406-[~~5~~]4 to determine the progress of each student in [~~grades 1~~]kindergarten through Grade 3 within the following categories:

(i) well-above typical;

(ii) above typical;

(iii) typical;

(iv) below typical; or

(v) well below typical.

[~~(4)~~](2) The Superintendent shall report the percentage of students reading on grade level in Grade 3 annually.

[~~(5) If an LEA does not make sufficient progress toward its goals as defined in Subsection (6), the Superintendent shall assign the LEA to the Early Learning System of Support to participate in interventions to improve early mathematics.~~

~~(6) Except as provided in Subsection (7), consistent with Section 53G-7-218, sufficient progress toward plan goals means the LEA meets:~~

~~(a) the state's growth goals for math; and~~

~~(b) at least one of the LEA-designated goals addressing performance gaps.~~

~~(7) In accordance with Subsection 53-G-7-218(3) the Superintendent shall implement strategies to provide support to LEA's assigned to the Early Learning System of Support, designed to assist the LEA in meeting the early learning plan goals as outlined in Section 53-G-7-218.~~

]

**R277-406-7. Kindergarten Enrollment Reporting.**

(1) An LEA shall submit student membership information daily to the Superintendent using the appropriate kindergarten code through UTREx.

(2) The Superintendent shall review October 1 and June 15 kindergarten membership information annually to inform LEA funding allocations.

**KEY: reading, improvement, goals**
**Date of Last Change: [~~August 7, 2025~~]2026**
**Notice of Continuation: January 13, 2022**
**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-521; 53E-4-307; 53E-4-307.5; 53G-7-203**

| NOTICE OF SUBSTANTIVE CHANGE | |
|---|---|
| **TYPE OF FILING:** Amendment | **Filing ID: 58159** |
| **Rule or section number:** | **R277-409** |

**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:** |
|---|
| R277-409. Public School Membership in Associations |
| **B. Purpose of the new rule or reason for the change:** |
| These amendments are needed to clarify limitations on public school membership in certain associations with rules or policies that conflict with the Utah State Board of Education (USBE) policies. |

| **C. Summary of the new rule or change:** |
| --- |
| These amendments specify that beginning with the 2017-2018 school year, a public school may not be a member of, or pay dues to, an association that adopts rules or policies that are inconsistent with this rule or Utah Code.<br><br>Additional changes are being made to simplify and clarify language. |

**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 have fiscal impact on state government revenues or expenditures.<br><br>Striking the outdated temporal reference is an administrative text cleanup.<br><br>Explicitly incorporating compliance with "Utah Code" reinforces alignment between interscholastic governing associations (such as the Utah High School Activities Association) and state statutory requirements.<br><br>The USBE does not pay association membership dues or directly administer interscholastic activities.<br><br>Furthermore, this amendment requires no new state-level monitoring software, Full-Time Equivalency (FTE) staffing, or administrative appropriations.<br><br>Consequently, there are no incremental costs or savings to the state budget. |
| **B. Local governments:** |
| This amendment is not expected to have fiscal impact on local governments' revenues or expenditures.<br><br>Clarifying in rule that an association's policies cannot conflict with Utah Code formally aligns administrative rule language with existing legal obligations without creating new membership fees, reporting pipelines, or operational tasks for school districts or charter schools.<br><br>Striking the obsolete 2017-2018 start-date text similarly imposes no procedural burden.<br><br>Because no additional outlays or administrative tasks are required of local education agencies, local governments will experience no incremental costs or savings. |
| **C. Small businesses** ("small business" means a business employing 1-49 persons)**:** |
| This amendment is not expected to have fiscal impact on small businesses' revenues or expenditures.<br><br>This administrative rule applies exclusively to public schools and non-profit/governing interscholastic associations in which public schools hold membership.<br><br>It contains no regulatory provisions, tax changes, or compliance mandates that apply to commercial entities or small businesses.<br><br>Therefore, it will have 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 amendment is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.<br><br>The updates establish that associations governing public school interscholastic activities must maintain rules consistent with state statutes.<br><br>This amendment does not alter student participation fees, introduce personal financial liabilities, or impact out-of-pocket expenses for parents, students, coaches, or taxpayers as an aggregate class. |
| **F. Compliance costs for affected persons:** |
| There are no compliance costs for affected persons.<br><br>No individual person, student, coach, or school administrator is required to complete new tasks, purchase hardware/software, or pay additional fees as a result of aligning association policy requirements with Utah Code or removing an outdated date reference.<br><br>Consequently, the incremental compliance cost per individual entity within any affected class 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:** | 10/01/2026 |

**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) | 10/08/2026 |

**13. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Elisse Newey, Deputy Superintendent of Policy | **Date:** | 08/14/2026 |

**R277. Education, Administration.**
**R277-409. Public School Membership in Associations.**
**R277-409-1. Authority and Purpose.**

(1) This rule is authorized by:

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

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

(2) The purpose of this rule is to place limitations on public school membership in certain associations with rules or policies that conflict with Board policies.

**R277-409-2. Definitions.**

(1) "Association" means an organization that governs or regulates a student's participation in an interscholastic activity.

(2) "Interscholastic activity" means an activity within the state in which the students that participate represent a school in the activity.

(3) "Recruiting" means a solicitation or conversation:

(a) initiated by:

(i) an employee of a school or school district;

(ii) a coach or advisor of an interscholastic activity; or

(iii) a member of a booster, alumni, or other organization that performs a substantially similar role as a booster organization, affiliated with a school or school district; and

(b) to influence a student, or the student's relative or legal guardian, to transfer to a school for the purpose of participating in an interscholastic activity at the school.

(4) "Sex offender" has the same meaning as described in Section 77-27-21.7.

**R277-409-3. Membership Restrictions.**

(1) [~~Beginning with the 2017-2018 school year, a~~]A public school may not be a member of, or pay dues to, an association that adopts rules or policies that are inconsistent with [~~this~~]Section R277-409-3 or Utah Code.

(2) An association shall permit the Board to audit the association's:

(a) financial statements; and

(b) compliance with Utah Code, Board rule, and the association's bylaws, policies, rules, and best practices.

(3) An association may not treat similarly situated schools differently in the association's designation of division classifications, or in applying other association policies, based solely on the school's status as a charter school or district public school.

(4) An association may sanction a school, coach, or individual who oversees or works with students as part of an interscholastic activity of a public school if the association finds that the coach or individual:

(a) engaged in recruiting activities; or

(b) violated any other rule or policy of the association.

(5) An association shall establish a policy or rule to govern the association's use of student data that complies with the student data privacy requirements of:

(a) FERPA;

(b) Title 53E, Chapter 9, Part 3, Student Data Protection[~~-Act~~];

(c) Title 53E, Chapter 9, Part 2, [~~Utah Family Educational Rights and Privacy Act~~]Student Privacy; and

(d) Rule R277-484.

(6) An association shall establish policies or rules that require:

(a) coaches and individuals who oversee interscholastic activities or work with students as part of an interscholastic activity to meet a set of professional standards that are consistent with the Utah Educator Professional Standards described in Rule R277-217; and

(b) the association or public school to annually train each coach or other individual who oversees or works with students as part of an interscholastic activity of a public school on the following:

(i) child sexual abuse prevention as described in Section 53G-9-207;

(ii) the prevention of bullying, cyber-bullying, hazing, harassment, and retaliation as described in:
(A) Title 53G, Chapter 9, Part 6, Bullying and Hazing; and
(B) Rule R277-613; and
(iii) the professional standards described in Subsection (6)(a).
(7) An association shall establish procedures and mechanisms to:
(a) monitor LEA compliance with the association's training requirements described in Subsection (6);
(b) sanction individuals who violate the association's professional standards described in Subsection (6)(a);
(c) track individuals who violate the association's standards described in Subsection (6)(a); and
(d) prohibit individuals who have violated the association's standards described in Subsection (6)(a), including sex offenders, from coaching, managing, overseeing, training, or working with students as part of an interscholastic activity.
(8) An association shall establish a policy or rule that requires the association to follow requirements similar to the requirements of:
(a) Title 52, Chapter 4, Open and Public Meetings Act; and
(b) Title 63G, Chapter 2, Government Records Access and Management Act.

**KEY: schools, memberships, associations**
**Date of Last Change: [~~August 12, 2020~~]2026**
**Notice of Continuation: August 19, 2021**
**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4)**

| NOTICE OF SUBSTANTIVE CHANGE | |
|---|---|
| **TYPE OF FILING:** Amendment | **Filing ID: 58160** |
| **Rule or section number:** | **R277-445** |

**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:**

R277-445. Classifying Small Schools as Necessarily Existent

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

These rule amendments are needed to remove the oversight category.

**C. Summary of the new rule or change:**

The amendments remove the oversight categorization of "Category 4".

**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 have fiscal impact on state government revenues or expenditures.

| |
|---|
| The amendment is to strike the outdated internal oversight category reference and does not have costs or savings for the Utah State Board of Education (USBE), Local Education Agencies (LEAs), or any other persons or entities. |
| **B. Local governments:** |
| This amendment is not expected to have fiscal impact on local governments' revenues or expenditures.<br><br>The amendment is to strike the outdated internal oversight category reference and does not have costs or savings for the USBE, LEAs, or any other persons or entities. |
| **C. Small businesses** ("small business" means a business employing 1-49 persons)**:** |
| This amendment is not expected to have fiscal impact on small businesses' revenues or expenditures.<br><br>The amendment is to strike the outdated internal oversight category reference and does not have costs or savings for the USBE, LEAs, or any other persons or entities. |
| **D. Non-small businesses** ("non-small business" means a business employing 50 or more persons)**:** |
| There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses. |
| **E. Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:** |
| This amendment is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.<br><br>The amendment is to strike the outdated internal oversight category reference and does not have costs or savings for the USBE, LEAs, or any other persons or entities. |
| **F. Compliance costs for affected persons:** |
| There are no compliance costs for affected persons.<br><br>The amendment is to strike the outdated internal oversight category reference and does not have costs or savings for the USBE, LEAs, or any 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) | Subsection 53F-2-304(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:** | 10/01/2026 |

**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) | 10/08/2026 |

**13. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Elisse Newey, Deputy Superintendent of Policy | **Date:** | 08/14/2026 |

**R277. Education, Administration.**
**R277-445. Classifying Small Schools as Necessarily Existent.**
**R277-445-1. Authority[~~,~~] and Purpose[~~, and Oversight Category~~].**

[~~(1)~~ ]This rule is authorized by:

[~~(a)~~](1) Article X, Section 3 of the Utah Constitution, which vests general control and supervision over public education in the Board;

[~~(b)~~](2) Subsection 53F-2-304(3), which requires the Board to adopt rules to adopt a formula to calculate a scale of operations weighting for each student enrolled in a school district in a county of the fourth, fifth, or sixth class as described in Section 17-50-501 or a school district in a county of the third class with fewer than 2,000 students; and

[~~(c)~~](3) 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) This Rule R277-445 is categorized as Category 4 as described in Rule R277-111.~~
]

**R277-445-2. Definitions.**

(1) "ADM" means average daily membership derived from end-of-year data from the previous school year.

(2) "NESS" means Necessarily Existent Small School as defined in Subsection 53F-2-304(1).

(3) "Weighted Pupil Unit" or "WPU" means the basic unit used to calculate the amount of state funds a school district may receive.

**R277-445-3. NESS WPUs.**

(1) The Board shall award NESS Weighted Pupil Units as follows:

(a) A scale of operations WPU weighting based on a formula determined by a cost function analysis.

(b) No scale of operations weightings shall be awarded to a school district with an ADM greater than 7,700.

(2) Rural-school weightings for NESS schools that provide WPUs for each grade band in accordance with Subsection 53F-2-304(2).

(3) The funding for ADM that falls within the weighting factors described in Subsections (1)(a) and (1)(b) shall be computed under both weighting factors.

(4) In accordance with Subsection 53G-6-305(3)(b)(ii), the Superintendent shall use NESS Program funds to cover out-of-state tuition reimbursements under Rule R277-421.

**R277-445-4. Splitting a School that Qualifies as a Necessarily Existent Small School.**

(1) A school district that intends to split a school that qualifies as a necessarily existent small school or has qualified as a necessarily existent small school within the past five years shall submit a proposal to the Board as outlined in Subsection 53F-2-304(8).

(2) An LEA shall submit a proposal under Subsection (1), no later than July 1 of the [-]fiscal year [~~prior to~~]before the planned split.

(3) The Superintendent shall:

(a) review an LEA's waiver request; and

(b) may provide a recommendation to the Board.

(4) The Board Executive Committee may assign a waiver request made under this Rule R277-121 to a Board standing committee.

(5) The standing committee assigned in accordance with Subsection (2):

(a) may solicit additional information or testimony;

(b) shall review the request in an open meeting; and

(c) shall make a recommendation for consideration by the full Board.

(6) The Board shall consider available data in evaluating an LEA waiver request and shall consider whether the split is:

(a) educationally and operationally necessary; and

(b) not primarily motivated by financial considerations related to necessarily existent small school funding.

(7) The Board may request an LEA that receives approval for a split in accordance with this Rule R277-445 and Section 53F-2-304 to report the following to a Board committee:

(a) data that supports continuation of the requested split; and

(b) data related to the data the LEA presented as a part of the LEA's request for the split.

**R277-445-5. Incorporation by Reference of the NESS Scale of Operations Weightings.**

(1) This rule incorporates by reference the NESS Scale of Operations Weightings.

(2) A copy of this document is located at:

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

(b) the offices of the Utah State Board of Education.

**KEY: school enrollment, educational facilities, small schools**
**Date of Last Change: [~~October 17, 2025~~]2026**
**Notice of Continuation: August 19, 2021**
**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-2-304(1)**

| NOTICE OF SUBSTANTIVE CHANGE | |
|---|---|
| **TYPE OF FILING:** Amendment | **Filing ID: 58161** |
| **Rule or section number:** | **R277-460** |

**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: |
|---|
| R277-460. Distribution of Substance Abuse Prevention Account |

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

These rule amendments are needed to clarify language and formatting.

**C. Summary of the new rule or change:**

These amendments are strictly technical in nature.

The changes update stylistic formatting, replace awkward phrasing with standard references, and align terminology regarding the Superintendent's grant application process to improve overall clarity for Local Education Agencies (LEAs).

**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 have fiscal impact on state government revenues or expenditures.

Updating statutory cross-references is a technical clean-up measure.

Shifting data reporting standards to align with Rule R277-439 and eliminating the separate annual internal report to the Utah State Board of Education's (Board) Finance Committee simplifies internal Board administrative tasks.

Program administration costs, staff salaries, and state fund distributions from the Substance Abuse Prevention Account remain unchanged.

Because no new software builds, staff Full-Time Equivalencies (FTEs), or programmatic appropriations are required, there are no incremental costs or savings to the state budget.

**B. Local governments:**

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

Because LEAs already track and submit year-end prevention program data electronically, aligning Rule R277-460 reporting mechanisms with existing consolidated prevention reporting frameworks streamlines local reporting workflows rather than introducing new administrative steps or data collection burdens.

Therefore, local governments will experience no incremental costs or savings.

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

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

This administrative rule regulates the internal distribution and reporting of state Substance Abuse Prevention Account funds to public school districts and charter schools.

It contains no provisions that regulate, tax, or impose compliance obligations on private commercial enterprises or small businesses.

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 amendment is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.<br><br>These rule amendments adjust statutory references and consolidate public school reporting mechanisms.<br><br>These updates do not alter substance abuse prevention instruction delivered to students, nor do they impose any direct financial liabilities, tax changes, out-of-pocket fees, or cost savings on parents, students, educators, or individual taxpayers as an aggregate class. |
| **F. Compliance costs for affected persons:** |
| There are no compliance costs for affected persons.<br><br>Individual school administrators and educators complete grant reporting tasks as part of their standard ongoing administrative duties using existing electronic systems.<br><br>Because the changes require no out-of-pocket expenses, hardware purchases, or filing fees from individual entities within an affected class, the incremental compliance cost per individual entity 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-3-522 | Section 53F-2-525 |
| Section 51-9-405 | | |

**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:** | 10/01/2026 |

**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) | 10/08/2026 |

**13. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Elisse Newey, Deputy Superintendent of Policy | **Date:** | 08/14/2026 |

**R277. Education, Administration.**
**R277-460. Distribution of Substance Abuse Prevention Account.**
**R277-460-1. 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) Section 53G-10-405, which directs the Board to adopt rules providing for instruction on the harmful effects of alcohol, tobacco, electronic cigarette products, and controlled substances;

(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; and

(d) Section [~~51-9-405~~]53E-3-522, which [~~provides for funds from the Substance Abuse Prevention Account to be allocated to the Board for~~]directs the Board to provide for:

(i) substance abuse prevention and education;

(ii) substance abuse prevention training for teachers and administrators; and

(iii) LEA programs to supplement, not supplant, existing local prevention efforts in cooperation with local substance abuse authorities.

(2) The purpose of this rule is to provide for the distribution of the Board's share of the money from the Substance Abuse Prevention Account.

**R277-460-2. Definitions.**

(1) "Educational materials" means visual and auditory media, curricula, textbooks, and other disposable or non-disposable items that enhance student understanding of the subject matter.

(2) "Electronic cigarette product" has the same meaning as that term is defined in Section 59-14-802.

(3) "Local substance abuse authority" means the person or group designated by the Legislature as the county authority to receive public funds for substance abuse prevention and treatment.

(4) "Substance abuse prevention education activities and intervention" means proactive educational activities designed to eliminate any illegal use of alcohol, tobacco, electronic cigarette products, and controlled substances.

**R277-460-3. Fund Allocations.**

(1) Before making the distributions described in Subsections (2) and (3), the Superintendent shall retain sufficient substance abuse prevention funds to pay for the salary, benefits, and indirect costs of a program administrator at a salary level to be determined by the Superintendent and support staff costs for the program administrator.

(2) After the allocation of substance abuse prevention funds is retained as described in Subsection (1), the Superintendent may use up to 45% to:

(a) purchase educational materials to support and supplement existing substance abuse prevention efforts;

(b) encourage and support statewide substance abuse prevention training for school district and charter school teachers and administrators; and

(c) promote substance abuse prevention in the classroom.

(3) At least 55% of the substance abuse prevention funds remaining after the allocation described in Subsection (1) shall be distributed to LEAs for use by the LEAs or individual schools within the LEA based on application.

**R277-460-4. Applications.**

(1) The Superintendent shall develop an application for LEAs that are interested in applying for substance abuse prevention funds available as described in this [~~R277-460~~]rule.

(2) An LEA shall submit the LEA's application to the specialist designated by the Superintendent.

(3)(a) Substance abuse prevention funds shall be distributed to LEAs based on funds available from the Substance Abuse Prevention Account.

(b) The Superintendent shall describe the available funding amounts in the [~~Board~~ ]application described in Subsection (1).

(4) An LEA's application for substance abuse prevention funds shall include the following:

(a) the applicant's intention to collaborate with the local substance abuse authority and community groups, including shared plans and strategies for substance abuse prevention education, activities, and intervention;

(b) the applicant's plan for professional development on substance abuse;

(c) the use of funds to implement applicant's plan;

(d) teacher reports of classroom implementation and plans for classroom monitoring visits;

(e) applicant's enhancement of substance abuse curriculum with additional substance abuse activities and strategies; and

(f) applicant's implementation of substance abuse curriculum with school-based behavioral[*/*] or health or coordinated school health initiatives.

**R277-460-5. Limitations on Funds.**

(1) The Superintendent and LEAs shall use substance abuse prevention funds exclusively for purposes set forth in Section [~~51-9-405~~]53E-3-522.

(2) Transfer of funds between line items or the extension of project completion dates may be made only with prior written approval of the Superintendent.

(3) An LEA may not use funds received under this [~~R277-460~~]rule to supplant:

(a) funds currently available to the LEA; or

(b) funds available from other state or local sources.

**R277-460-6. Evaluation and Reports.**

(1) An applicant that receives substance abuse prevention funds shall provide [~~the Superintendent with a year-end report on or before July 1 of the fiscal year in which the award was made~~]an end-of-year report in a form and within the deadlines specified by the Superintendent outlined in Rule R277-439.

(2) The [~~year-end~~]end-of-year report described in Subsection (1) shall [~~include:~~

~~(a) an expenditure report;~~

~~(b) a narrative description of activities funded; and~~

~~(c) an action research or data project report~~]account for the use of funds and include data demonstrating the effectiveness of the LEA's use of those funds in accordance with Subsection 53F-2-525(5)(i).

(3) The Superintendent may require additional evaluation or audit procedures from an award recipient to demonstrate the use of funds consistent with the law and Board rules.

[~~(4) The Superintendent shall annually report the following information to the Board's Finance Committee:~~

~~(a) the number of LEAs receiving substance abuse prevention funds;~~

~~(b) a summary of the LEAs' use of program funds; and~~

~~(c) a description of how the Superintendent is using the funds described in Subsections R277-460-3(1) and (2).~~]

**KEY: public schools, substance abuse prevention**
**Date of Last Change: [~~August 12, 2020~~]2026**
**Notice of Continuation: August 19, 2021**
**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; [~~53G-10-405~~]53E-3-522; 53F-2-525; 51-9-405**

| NOTICE OF SUBSTANTIVE CHANGE | |
|---|---|
| **TYPE OF FILING:** Amendment | **Filing ID: 58162** |
| **Rule or section number:** | **R277-462** |

**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:**

R277-462. Comprehensive School Counseling Program

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

These rule amendments are due to the passage of SB 2 during the 2026 General Session.

**C. Summary of the new rule or change:**

The amendments align Rule R277-462 with the funding and budget directives passed in SB 2 (2026), which serves as the base budget for public education and impacts the distribution formulas for programmatic funding.

The amendments also remove an oversight categorization of "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 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 amendment is not expected to have fiscal impact on state government revenues or expenditures.

Striking the internal oversight category does not have any fiscal impacts.

The other fiscal impacts were captured in the fiscal note to SB 2 (2026) and there are no additional impacts for the Utah State Board of Education (USBE), Local Education Agencies (LEAs), or other persons or entities.

**B. Local governments:**

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

Striking the internal oversight category does not have any fiscal impacts.

The other fiscal impacts were captured in the fiscal note to SB 2 (2026) and there are no additional impacts for the USBE, LEAs, or other persons or entities.

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

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

Striking the internal oversight category does not have any fiscal impacts.

The other fiscal impacts were captured in the fiscal note to SB 2 (2026) and there are no additional impacts for the USBE, LEAs, or other persons or entities.

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

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

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

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

Striking the internal oversight category does not have any fiscal impacts.

The other fiscal impacts were captured in the fiscal note to SB 2 (2026) and there are no additional impacts for the USBE, LEAs, or other persons or entities.

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

There are no compliance costs for affected persons.

Striking the internal oversight category does not have any fiscal impacts.

The other fiscal impacts were captured in the fiscal note to SB 2 (2026) and there are no additional impacts for the USBE, 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-2-304(2)(b) | Subsection 53E-3-401(4) |
| Subsection 53F-2-317 | | |

**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:** | 10/01/2026 |

**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) | 10/08/2026 |

**13. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Elisse Newey, Deputy Superintendent of Policy | **Date:** | 08/14/2026 |

**R277. Education, Administration.**
**R277-462. Comprehensive School Counseling Program.**
**R277-462-1. 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-2-304(2)(b) which directs local boards to develop policies for the implementation of student Plan for College and Career Readiness[~~,~~]; and

(d) Section 53F-2-317, which directs the distribution of the weighted pupil units for college and career counseling.

(2) The purpose of this rule is to establish:

(a) standards and procedures for an LEA applying for funds appropriated for the School Counseling Program;

(b) the minimum counselor to student ratios within an LEA; and

(c) provisions for an LEA not meeting the minimum counselor to student ratios;

[~~(3) This Rule R277-462 is categorized as Category 3 as described in Rule R277-111.~~
]

**R277-462-2. Definitions.**

(1) "LEA" means, for purposes of this rule, an LEA that serves students in any of grades 7-12.

(2) "Program" means an LEA's school counseling program that shall be consistent with the program model described in Section R277-462-3.

(3) "School Counselor" means an educator licensed as a school counselor consistent with Rule R277-306 and assigned to provide direct and indirect services to students consistent with the program.

(4) "Secondary School" means, for purposes of this rule, a school serving students in grades 7-12.

[~~(4)~~](5) "Student" means, for purposes of this rule, only students in grades 7-12.

**R277-462-3. Incorporation of Utah K-12 Comprehensive School Counseling Program Components Document.**

(1) This rule incorporates by reference the Utah K-12 Comprehensive School Counseling Program Components Document, April 2024.

(2) A copy of the current Utah K-12 Comprehensive School Counseling Program Components Document is located at:

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

(b) the Utah State Board of Education -- 250 East 500 South, Salt Lake City, Utah 84111.

**R277-462-4. School Counseling Program Approval and Qualifying Criteria.**

(1) To qualify for a funding distribution outlined in Subsection (2), an LEA shall:

(a) have a plan for college and career readiness consistent with Sections 53E-2-304 and R277-462-5;

(b) have an approved student success framework described in Section 53G-7-1304;

(c) at least once every six years, participate in an on-site program review conducted by the Superintendent which shall assess the components of the program as outlined in Section R277-462-3:

(i) collaborative classroom instruction;

(ii) implementation of the plan for college and career readiness;

(iii) program contribution to achieving the student success framework;
(iv) systemic dropout prevention; and
(v) overall administration of the program.
(d) at least once every three years conduct an internal on-site review consistent with elements of the on-site review conducted by the Superintendent;
(e) ensure the school's program is self-evaluated annually;
(f) participate in statewide trainings provided by the Superintendent;
(g) provide adequate resources and program management to each program within the LEA;
(h) conduct a program needs assessment with relevant stakeholders at least once every three years;
(i) submit an annual school-based data project demonstrating program or intervention effectiveness by June 15;
(j) provide evidence of LEA governing board approval of the program;
(k) demonstrate parental involvement in the program including advisory council participation;
(l) integrate collaborative classroom instruction consistent with standards identified by the LEA;
(m) maintain the required school counselor to student ratio described in Section R277-462-6;
(n) design a program that includes the needs of diverse students; and
(o) provide assistance for students in career literacy and future decision-making skills.
(2) An LEA that meets the requirements in Subsection (1) may receive a funding distribution as follows:
(a) a WPU base for the first 400 students; and
(b) a per student distribution for each additional student beyond 400 students, up to 1,200 students.
(3) An LEA shall use the October 1 enrollment count of the previous fiscal year when determining the distribution amount to request.

**R277-462-5. Plan for College and Career Readiness.**
(1) To qualify for funding described in Section R277-462-4 an LEA shall ensure each student within the LEA has a plan for college and career readiness.
(2) A student, student's parent, and school counselor shall collaboratively develop the student's plan for college and career readiness.
(3) A plan for college and career readiness shall:
(a) be a four-year plan; and
(i) initiated at the beginning of a student's seventh grade year; or
(ii) within the first year the student is enrolled in grades 7-12;
(b) include parents in the individual planning meetings with a student;
(c) be maintained by the counseling department in each school;
(d) follow a student as the student progresses through each grade; and
(e) when applicable, transfer with a student between LEAs.
(4) An LEA shall ensure that a student's course registration and class schedule is consistent with the student's plan for college and career readiness.
(5) An LEA shall require all schools within the LEA to document parental involvement in a student's planning meetings.
(6) An LEA shall ensure the implementation of a plan for college and career readiness is consistent with the LEA's program goals and includes the following conference meetings:
(a) at least one individual and one group conference meeting with a parent, school counselor and student during the student's:
(i) grades 7 and 8;
(ii) grades 9 and 10; and
(iii) grades 11 and 12[-]; and
(b) other meetings as needed.

**R277-462-6. School Counselor to Student Ratios.**
(1) To qualify for funding described in Section R277-462-4 an LEA shall have at least one school counselor for every 350 students.
(2) For purposes of counting toward fulfillment of this ratio, a school counselor shall be:
(a) a full-time equivalent within an LEA; and
(b) Board certified and licensed as a school counselor.
(3) An LEA may be considered compliant with Subsection (1) if less than .25 school counselors would be needed for the LEA to meet the required ratio.
(4) No later than October 1 of each year an LEA shall certify to the Superintendent the school counselor to student ratio.
(5) No later than May 1 from submitting the LEA's certified ratio, an LEA that does not meet the required ratio in Subsection (1) shall submit to the Board a plan outlining a reasonable timeline and method for achieving compliance.
(6) If an LEA fails to fulfill the plan described in Subsection (5), the LEA may be placed on a corrective action plan described in Rule R277-114.
(7) If an LEA fails to complete the corrective action plan described in Subsection (6), the LEA shall be referred to the Board for further corrective action including loss of distributed funds.

**R277-462-7. Allowable Use of Distributed Funds.**
(1) An LEA shall ensure all funds distributed are used for any of the following purposes:
(a) collaborative classroom and small group curriculum;

(b) personnel costs, including clerical positions that support the plan for college and career readiness process;
(c) career center equipment or materials such as computers, media equipment, computer software, or occupational information;
(d) professional development for personnel involved in the program;
(e) expenses of extended hours which are required to run the program; and
(f) membership in Utah School Counselor Association, Utah Association for Career and Technical Education Association, and the Association for Career and Technical Education for one or more school counselors per school per year.
(2) An LEA may not use funds to supplant currently existing personnel or programs.
(3) An LEA may not use funds as part of a matching requirement.
(4) Restricted rate of indirect costs will be used.

**R277-462-8. Variances, Accountability, and Reporting.**
(1) A new LEA or existing LEA with a new program, may receive funding under Rule R277-462 if the new LEA:
(a) has received accreditation pursuant to Rule R277-410; and
(b) has an approved program pursuant to Rule R277-462.
(2) A new LEA or existing LEA with a new program, that does not meet the school counselor to student ratio described in Section R277-462-6 may receive a funding distribution after two years of planning, training, and program implementation.
(3) No later than October 1, an LEA shall certify annually all previously qualified schools continue to meet the program criteria.
(4) An LEA shall provide data and information about the LEA's program as requested by the Superintendent.

**R277-462-9. Disbursement of Funds.**
(1) An LEA shall meet all requirements of this rule to be eligible for College and Career Counseling (CCR) funding.
(2) The proportion of total CCR funding allocated for a participating LEA shall be determined by the formula described in Section 53F-2-317.
(3) CCR funds are restricted and shall be allocated to an LEA for an approved school counseling program as follows:
(a) an annual base amount of $20,000 per eligible secondary school; and
(b) an additional allocation that is proportional to the LEA's grades 7-12 prior school year's October 1 headcount in comparison to all other LEAs with an approved program;
(4) An LEA shall annually complete a funding application as defined by the Superintendent with assurances that the LEA meets the school counseling program standards as described in this rule.

**KEY: public education, counselors**
**Date of Last Change: [~~December 10, 2024~~]2026**
**Notice of Continuation: April 15, 2024**
**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-2-304(2)(b); 53E-3-401(4)[~~;~~] 53F-2-317**

| NOTICE OF SUBSTANTIVE CHANGE | |
|---|---|
| **TYPE OF FILING:** Amendment | **Filing ID: 58163** |
| **Rule or section number:** | **R277-465** |

**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: |
|---|
| R277-465. CPR in Schools |

| **B. Purpose of the new rule or reason for the change:** |
|---|
| These rule amendments are due to the passage of SB 244 during the 2026 General Session. |
| **C. Summary of the new rule or change:** |
| The amendments clarify that Local Education Agencies (LEAs) are required to have Cardiac Emergency Response Plans (CERPs) in place and that the Utah State Board of Education (USBE) monitors these plans. |

**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 amendment is not expected to have fiscal impact on state government revenues or expenditures.<br><br>The USBE believes that any fiscal impacts were captured in the fiscal note for SB 244 (2026) and this rule does not add any additional impacts. |
| **B. Local governments:** |
| This amendment is not expected to have fiscal impact on local governments' revenues or expenditures.<br><br>The USBE believes that any fiscal impacts were captured in the fiscal note for SB 244 (2026) and this rule does not add any additional impacts. |
| **C. Small businesses** ("small business" means a business employing 1-49 persons)**:** |
| This amendment is not expected to have fiscal impact on small businesses' revenues or expenditures.<br><br>The USBE believes that any fiscal impacts were captured in the fiscal note for SB 244 (2026) and this rule does not add any additional impacts. |
| **D. Non-small businesses** ("non-small business" means a business employing 50 or more persons)**:** |
| There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses. |
| **E. Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:** |
| This amendment is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.<br><br>The USBE believes that any fiscal impacts were captured in the fiscal note for SB 244 (2026) and this rule does not add any additional impacts. |
| **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 for SB 244 (2026) and this rule does not add any additional impacts. |

**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 53G-10-408(2) |
| Subsection 53G-9-216(7) | | |

**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:** | 10/01/2026 |

**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) | 10/08/2026 |

**13. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Elisse Newey, Deputy Superintendent of Policy | **Date:** | 08/14/2026 |

**R277. Education, Administration.**
**R277-465. CPR and Cardiac Emergency Response Plans in Schools.**
**R277-465-1. 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 53G-10-408(2), which requires the Board to make rules to develop and implement cardiopulmonary resuscitation (CPR) training as part of the core curriculum standards for instruction in health[~~.~~]; and

(d) Subsection 53G-9-216(7), which requires the Board to make rules to establish compliance and monitoring requirements for the Cardiac emergency response plan (CERP).

(2) The purpose of this rule is to provide:

(a) the requirements for the teaching of CPR in the health standards;[ ~~and~~]

(b) the criteria and distribution method for CPR training grants[~~.~~]; and

(c) the compliance and monitoring requirements for a school's CERP.

**R277-465-2. Definitions.**

(1) "AED" means the same as is defined in Subsection 53G-9-216(1)(a).

[~~(1)~~](2) "Cardiopulmonary resuscitation" or "CPR" means the same as the term is defined in Subsection 53G-10-408(1)(b).

(3) "Cardiac emergency response plan" or "CERP" means the same as is defined in Subsection 53G-9-216(1)(b).

(4) "Emergency response equipment" means durable medical hardware that is designed to withstand repeated use and is deployed for life-saving intervention during a cardiac or trauma emergency, limited to:

(a) Automated External Defibrillators (AEDs) meeting FDA standards;

(b) AED wall cabinets, weather-proof outdoor enclosures, and mounting hardware; and

(c) reusable training hardware, including CPR manikins and instructional simulation kits.

(5) "Medical supplies" means items that are consumable, disposable, or cannot withstand repeated use, and are required to address a specific medical disability, illness, or injury under a school's CERP, including:

(a) AED maintenance components, including replacement electrode pads and batteries;

(b) bleed kit components conforming to the requirements established in Subsection R698-13-7(1); and

(c) first aid kit supplies meeting or exceeding the minimum standards established in Subsection R698-13-7(2).

[~~(2)~~](6) "Psychomotor skills" means the same as the term is defined Subsection 53G-10-408(1)(e).

[~~(3)~~](7) "Specific material" means any material used by an LEA to comply with the Health Education Core Standards related to CPR.

**R277-465-3. CPR Health Standards Requirements.**

(1) An LEA shall provide the CPR instruction consistent with the Health Education Core Standards and as required in Subsection 53G-10-408(5)[~~.~~].

(2) An LEA that receives funding from the CPR Training Grant Program shall:

(a) [~~using~~]use a certified CPR instructor;

(b) [~~following~~]follow [~~a~~ ]current Emergency Cardiovascular Care (ECC) guidelines for CPR; and

(c) [~~using~~]use cognitive and psychomotor skills training.

[~~(2)~~](3) An LEA shall provide the CPR instruction using the following ratios as closely as possible:

(a) a student to instructor ratio of no greater than 15:1; and

(b) a mannequin to student ratio no greater than 1:6.

[~~(3)~~](4) An LEA shall provide high-quality, hands-on [~~the~~ ]CPR instruction at least once to each student between grades 9 through 12 except as provided for in Subsection 53G-10-408(7).

[~~(4)~~](5) An LEA is not required to provide the psychomotor skills instruction if the student is in an online-only educational experience.

**R277-465-4. CPR Training Grant Program.**

(1) An LEA may apply to receive CPR training grant funds, subject to legislative appropriations.

(2) If an LEA chooses to apply for grant funds the LEA shall submit the following information as part of the LEA's application:

(a) LEA name;

(b) point of contact to oversee the use of the funds;

(c) the number of students the LEA will provide training;

(d) the total amount of requested funds; and

(e) which of the allowable uses of funding as described in Subsection (4) of this section the LEA plans to utilize.

(3) Except as provided for in Subsection (6), an LEA may not receive more than $6 per student as the LEA's total award under this grant program.

(4) An LEA may only use awarded funds for the following purposes:

(a) to contract with the local emergency management system for a certified instructor;

(b) to certify an LEA employee as an instructor;

(c) compensate certified staff for training students in hands-on, high-quality CPR and AED training that is outside of their normal duties; or

(d) to contract with a third party or group who specializes in CPR and AED instruction to provide the instruction.

(5) Subject to legislative appropriation, an LEA may also apply to receive funds to replace or purchase specific materials or equipment for the CPR instruction.

(6) The Superintendent shall distribute the funds described in Subsection (5) to an LEA in an amount proportionate to the LEA's number of students compared to the total number of students of all LEAs applying for specific materials or equipment grant.

(7) The Superintendent may adjust the amount an LEA receives for a specific materials or equipment grant if the LEA demonstrates greater need through:

[~~(i)~~](a) lack of enough necessary materials or equipment;

[~~(ii)~~](b) low quality or deteriorated materials or equipment; and

[~~(iii)~~](c) an extended period since the last update or purchase of materials or equipment.

**R277-465-5. Cardiac Emergency Response Plan Compliance and Monitoring.**

(1) Schools are required to develop a CERP that meets the requirements in Section 53G-9-216.

(2) Schools shall review and update their CERP by June 30 annually.

(3) Schools shall perform physical and maintenance checks on all emergency response equipment, including first aid kits, bleed kits, AED equipment, and other medical supplies as part of their annual CERP review and replenish the items as needed.

(4) Schools shall conduct CERP training and drills at least once annually.

(a) Drills shall include cardiac emergency response protocols for before, after, and during school hours.

(5) For this section, CPR certification must be from an approved provider as is defined in Section R277-605-2 and include certification in both adult and pediatric CPR, first aid, and AED use.

(6) Schools shall keep copies of the CPR certification for those who are designated and trained in accordance with the school's CERP plan.

(7) Schools shall designate a CERP team which may include;

(a) school nurses;

(b) athletic trainers;

(c) teachers; and

(d) other school personnel the administration assigns.

(8) Schools shall report their compliance with this section annually in accordance with the School Health Workload Report as outlined in Section R277-415-3.

**KEY: health standards; CPR; cardiopulmonary resuscitation**
**Date of Last Change: [~~October 11, 2023~~]2026**
**Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-10-408(2); 53G-9-216(7)**

| NOTICE OF SUBSTANTIVE CHANGE | |
|---|---|
| **TYPE OF FILING:** Repeal | **Filing ID: 58164** |
| **Rule or section number:** | **R277-486** |

**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: |
|---|
| R277-486. Professional Staff Cost Program |

| **B. Purpose of the new rule or reason for the change:** |
|---|
| These rule amendments are needed due to the passage of HB 2 during the 2025 General Session. |
| **C. Summary of the new rule or change:** |
| Because the Legislature eliminated the funding and repealed the authorizing statute for the Professional Staff Cost Program, Rule R277-486 no longer has a statutory foundation or practical application.<br><br>Therefore, repealing Rule R277-486 in its entirety ensures the Utah State Board of Education's (USBE) administrative rules accurately reflect current state law and to prevent any confusion for Local Education Agencies (LEAs) regarding obsolete funding mechanisms. |

**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 2 (2025 General Session) |

**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 have fiscal impact on state government revenues or expenditures.<br><br>The Professional Staff Cost program and allocation has been eliminated.<br><br>The fiscal impacts were captured in the fiscal note to HB 2 (2025). |
| **B. Local governments:** |
| This amendment is not expected to have fiscal impact on local governments' revenues or expenditures.<br><br>The Professional Staff Cost program and allocation has been eliminated.<br><br>The fiscal impacts were captured in the fiscal note to HB 2 (2025). |
| **C. Small businesses** ("small business" means a business employing 1-49 persons)**:** |
| This amendment is not expected to have fiscal impact on small businesses' revenues or expenditures.<br><br>The Professional Staff Cost program and allocation has been eliminated.<br><br>The fiscal impacts were captured in the fiscal note to HB 2 (2025). |
| **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 amendment is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. |

| |
|---|
| The Professional Staff Cost program and allocation has been eliminated.<br><br>The fiscal impacts were captured in the fiscal note to HB 2 (2025). |
| **F. Compliance costs for affected persons:** |
| There are no compliance costs for affected persons.<br><br>The Professional Staff Cost program and allocation has been eliminated.<br><br>The fiscal impacts were captured in the fiscal note to HB 2 (2025). |

**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 53F-2-305(2) | 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:** | 10/01/2026 |

**12. Effective Date Information**

| | |
|---|---|
| **This rule change MAY become effective on:**<br>(NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date) | 10/08/2026 |

**13. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Elisse Newey, Deputy Superintendent of Policy | **Date:** | 08/14/2026 |

**R277. Education, Administration.**

**[~~R277-486. Professional Staff Cost Program.~~**

**~~R277-486-1. Authority and Purpose.~~**

~~(1) This rule is authorized by:~~

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

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

~~(c) Subsection 53F-2-305(2), which authorizes the Board to make a rule requiring a certain percentage of a LEA's professional staff to be licensed in the area the teacher teaches to receive full funding under the state statutory formula.~~

~~(2) The purpose of this rule is to outline the eligibility requirements for an LEA to receive WPUs for professional staff including the acceptable experience and training an LEA's staff should have.~~

**~~R277-486-2. Definitions.~~**

~~(1) "Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS)" means the electronic file maintained on all licensed Utah educators that includes:~~

~~(a) personal directory information;~~

~~(b) educational background;~~

~~(c) endorsements;~~

~~(d) employment history;~~

~~(e) professional development information; and~~

~~(f) a record of any disciplinary action taken against the educator.~~

~~(3) "FTE" means full time equivalent.~~

~~(2) "National Board certified educator" means an educator who has been certified by the National Board for Professional Teaching Standards (NBPTS).~~

~~(3) "Weighted Pupil Unit (WPU)" means the same as that term is defined in Subsection 53F-2-102(7).~~

**~~R277-486-3. Eligibility to Receive WPUs for Professional Staff.~~**

~~(1)(a) An LEA shall only receive WPUs in accordance with the formula provided in Subsection 53F-2-305(1)(a):~~

~~(i) for an educator who holds at least a bachelor's degree; and~~

~~(ii) to the extent an educator is qualified to work in the area the educator is assigned consistent with R277-520.~~

~~(b) A full time educator who is appropriately qualified in only 75% of the educator's assignments would count as 0.75 FTEs in the calculation of an LEA's WPU.~~

~~(c) An LEA shall have an appropriately qualified educator in every assignment to receive full funding.~~

~~(2) An LEA may not receive WPUs for interns or paraprofessionals in any assignment.~~

**~~R277-486-4. Acceptable Experience.~~**

~~(1) Educator experience for purposes of this rule shall be measured in one-year increments.~~

~~(2) For purposes of the professional staff cost calculation, an educator shall be credited by the Superintendent with one year of experience for every school year in which the educator is employed:~~

~~(a) at least half-time (0.5 FTE) in a position that requires a Utah Educator License as described in R277-520; and~~

~~(b) in a public school in the State of Utah or in a regionally accredited:~~

~~(i) public school outside of the State of Utah;~~

~~(ii) private school; or~~

~~(iii) institution of higher education; or~~

~~(iv) regional service center.~~

~~(3) To obtain credit under Subsection (2), the LEA which employs the educator shall submit acceptable documentation verifying such experience to the Superintendent, including documentation of the school's or institution's regional accreditation.~~

~~(4) An educator who is employed in a prekindergarten position may not be counted for the purposes of determining an LEA's professional staff WPUS, unless the educator is or was employed in a special education position in an accredited school.~~

~~(5) None of the following experiences are considered acceptable for purposes of determining an educator's experience under this rule:~~

~~(a) unpaid volunteer service;~~

~~(b) paid consulting;~~

~~(c) employment in non-instructional or non-administrative positions in a school setting; or~~

~~(d) a school internship.~~

~~(6) The Superintendent may require an educator or LEA to provide documentation of an educator's experience in a private school, institution of higher education, or a regional service center to determine relevance of experience.~~

~~**R277-486-5. Acceptable Training.**~~
~~Acceptable training under this rule may include:~~
~~(1) Any degree at the bachelor's level or above or credit beyond the current degree from a regionally accredited institution of higher education.~~
~~(2) Any professional development activity consistent with R277-500 and approved in writing by the Superintendent.~~

~~**R277-486-6. Mapping Degree Summary Data to Statutory Formula.**~~
~~(1) For purposes of inputting degree summary data, an LEA shall use the coding provided by the Superintendent in correspondence with the Professional Staff Cost formula table in Subsection 53F-2-305(1)(a).~~
~~(2) In addition to credit received for degree categories corresponding with the Professional Staff Cost formula table in Subsection 53F-2-305(1)(a), an LEA shall be credited for an individual with National Board certification at the doctorate level.~~

~~**R277-486-7. Data Sources.**~~
~~(1) For an LEA that was in operation in the prior year, data shall be used from the June 29th update of CACTUS as required by Section R277-484-3.~~
~~(2) For an LEA that was not in operation in the prior year, data shall be used from the November 15th update of CACTUS as required by Section R277-484-3.~~

~~**KEY: professional staff**~~
~~**Date of Last Change: April 8, 2019**~~
~~**Notice of Continuation: February 5, 2024**~~
~~**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53F-2-305(2); 53E-3-401(4)]**~~

| NOTICE OF SUBSTANTIVE CHANGE | |
|---|---|
| **TYPE OF FILING:** Amendment | **Filing ID: 58165** |
| **Rule or section number:** | **R277-626** |

**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:**

R277-626. Carson Smith Opportunities Scholarship Program

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

These rule amendments are due to the passage of SB 54 during the 2026 General Session.

**C. Summary of the new rule or change:**

These amendments update the requirements for the scholarship's accessibility and administration, notably eliminating family income-based eligibility requirements, removing sibling eligibility, and more closely aligning the program's allowable expenses with the Utah Fits All Scholarship Program.

To protect consumers and ensure proper stewardship of funds, the bill also places several new administrative requirements directly on the Scholarship Granting Organization (SGO).

| |
|---|
| These amendments also remove the oversight categorization of "Category 4". |

**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 (2026 General Session) |

**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 have fiscal impact on state government revenues or expenditures.<br><br>Striking the internal oversight category does not have any fiscal impacts.<br><br>Any fiscal impacts due to this rule change were captured in the fiscal note for SB 54 (2026). |
| **B. Local governments:** |
| This amendment is not expected to have fiscal impact on local governments' revenues or expenditures.<br><br>Striking the internal oversight category does not have any fiscal impacts.<br><br>Any fiscal impacts due to this rule change were captured in the fiscal note for SB 54 (2026). |
| **C. Small businesses** ("small business" means a business employing 1-49 persons)**:** |
| This amendment is not expected to have fiscal impact on small businesses' revenues or expenditures.<br><br>Striking the internal oversight category does not have any fiscal impacts.<br><br>Any fiscal impacts due to this rule change were captured in the fiscal note for SB 54 (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 amendment is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.<br><br>Striking the internal oversight category does not have any fiscal impacts.<br><br>Any fiscal impacts due to this rule change were captured in the fiscal note for SB 54 (2026). |
| **F. Compliance costs for affected persons:** |
| There are no compliance costs for affected persons.<br><br>Striking the internal oversight category does not have any fiscal impacts. |

| |
|---|
| Any fiscal impacts due to this rule change were captured in the fiscal note for 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 3 | Subsection 53E-3-401(4) | Title 53E, Chapter 7, Part 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:** | 10/01/2026 |

**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) | 10/08/2026 |

**13. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Elisse Newey, Deputy Superintendent of Policy | **Date:** | 08/14/2026 |

**R277. Education, Administration.**
**R277-626. Carson Smith Opportunities Scholarship Program.**
**R277-626-1. Authority[~~,~~] and Purpose[~~, and Oversight Category~~].**

(1) This rule is authorized by:

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

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

(c) Section 53E-7-404, which requires the Board to make rules to implement the Carson Smith Opportunities Scholarship Program.

(2) The purpose of this rule is to provide guidelines for contracted scholarship granting organizations and the Superintendent to implement the Carson Smith Opportunities Scholarship Program.

[~~(3) This Rule R277-626 is categorized as Category 4 as described in Rule R277-111.~~

]

**R277-626-2. Definitions.**

(1) "Eligible student" has the same meaning as defined in Section 53E-7-401.

(2) "Home-based scholarship student" has the same meaning as defined in Section 53E-7-401.

(3) "Program donation" means a donation to a scholarship granting organization in accordance with Section 53E-7-405.

(4) "Qualifying provider has the same meaning as defined in Section 53E-7-401.

(5) "Qualifying school" has the same meaning as defined in Section 53E-7-401.

(6) "Request for proposals" or "RFP" has the same meaning as defined Subsection 63G-6a-103(70).

(7) "Scholarship expense" has the same meaning as defined in Section 53E-7-401.

(8)(a) "Scholarship granting organization" or "SGO" has the same meaning as defined in Section 53E-7-401.

(b) An SGO may not be a qualifying school or qualifying provider.

(9) "Scholarship student" has the same meaning as defined in Section 53E-7-401.

**R277-626-3. Superintendent Responsibilities.**

(1) The Superintendent shall conduct an RFP for an SGO in accordance with Subsection 53E-7-404(2).

(2) The Superintendent shall provide all information required to the Utah State Tax Commission in accordance with Subsection 53E-7-404(3)(c).

(3) The Superintendent shall provide a tax credit certificate form, in accordance with Subsection 53E-7-404(2)(a) for use by an approved SGO.

(4) The Superintendent shall annually recommend to the Board a program donations cap for approval in accordance with Subsection 53E-7-407(4).

(5)(a) The Superintendent shall monitor an SGO chosen under Subsection (1) to ensure compliance with state law, including Title 53E, Chapter 7, Part 4, Carson Smith [~~Opportunities Scholarship Program~~]Opportunity Scholarship and this Rule R277-626.

(b) The Superintendent may recommend remedial action against an SGO in accordance with Rule R277-114 and Subsection 53E-7-404(5).

(6)(a) The Superintendent shall:

(i) recommend qualifying schools to the Board for approval in accordance with Subsection 53E-7-408(6); and

(ii) require, as a condition for approval, that a qualifying school reimburse scholarship money to an SGO if an eligible student discontinues enrollment early.

(b) The Superintendent shall post a list of approved qualifying schools on the Board website.

(c) The Superintendent may monitor eligible schools for on-going compliance with the requirements of Section 53E-7-408.

(7)(a) The Superintendent shall monitor SGO employees and officers in accordance with Subsection 53E-7-410(2).

(b) The Superintendent shall initiate corrective action against an SGO if an employee or officer of the SGO is facing charges for, or has been convicted or pled guilty or no contest to a violation of the following state laws or laws of another jurisdiction:

(i) any felony; or

(ii) an offense involving fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct.

**R277-626-4. SGO Responsibilities.**

(1) An SGO approved in accordance with Subsection R277-626-3(1) shall administer the program in accordance with Section 53E-7-405.

(2)(a) An SGO shall maintain separate accounts for all scholarship donations, including any interest or other income from the scholarship funds.

(b) An SGO may not comingle the scholarship funds with any other funds and may only use funds from the account to cover scholarship expenses.

(3) Before awarding a scholarship, an SGO shall verify an eligible student's primary Utah residency using state tax data or other acceptable state-approved documentation.

(4) An SGO shall establish and enforce firm deadlines by which a parent or eligible student must accept or decline a scholarship offer.

[~~(3)~~](5)(a)(i) [~~Prior to~~]Before an SGO paying expenses for tuition and fees, a parent of an eligible student shall personally approve a funds transfer to the qualifying school or qualifying provider.

(ii) A student may not approve a funds transfer under a power of attorney from the student's parent.

(iii) After approval as required under Subsection (3)(a)(i), an SGO shall pay costs for tuition and school fees for an eligible student directly to a qualifying school or qualifying provider.

(b) An SGO may disburse reimbursements to an eligible student's parent upon proof of payment of other approved scholarship expenses.

(6) An SGO shall ensure that allowable scholarship expenditures for extracurricular activities and physical education do not exceed 20% of a scholarship student's total award amount.

(7) An SGO shall establish and maintain a formal, written appeals process for a parent or eligible student to contest a denied scholarship expense reimbursement request.

[~~(3)~~](8) If an eligible student discontinues enrollment in a qualifying school or qualifying provider, the SGO shall:

(a) notify the Superintendent; and

(b) obtain reimbursement of scholarship money from the qualifying school or qualifying provider.

(9) An SGO may not charge application or processing fees to a scholarship student or a scholarship student's parent, and may not pass on any third-party management or administrative fees to a scholarship student's account.

(10) To ensure program transparency, an SGO shall publicly disclose on the SGO's website all third-party contracts and associated administrative fees related to the management of the program.

[~~(4)~~](11) An SGO shall provide the following information to the Superintendent biannually by January 31 and July 31:

(a) the amount of tuition and fees each qualifying school or qualifying provider charges annually;

(b) financial records of the SGO annually, including administrative costs incurred by the SGO to administer the program;

(c) the number of scholarship students from each school district of residence annually;

(d) the number of first time scholarship students annually;

(e) the amount disbursed for scholarship expenses annually, provided with any detail requested by the Superintendent;

(f) the standards used by the SGO to determine whether a student is an eligible student;

(g) data reflecting savings to the state and LEAs, if any, as a result of scholarship students exiting the public school system;

(h) demographic information on scholarship students, including:

(i) name;

(ii) date of birth;

(iii) gender;

(iv) race; and

(v) last public school attended, if applicable;

(i) whether the SGO has received complaints of discrimination, and any steps taken by the SGO to remedy the complaints; and

(j) any other information requested by the Superintendent to facilitate monitoring of the program and preparation of the annual report required by Section 53E-1-202.1.

[~~(5)~~](12) An SGO may not have a personal or professional relationship with a qualifying school or qualifying provider or an employee of a qualifying school or qualifying provider that would create a conflict of interest, favoritism, or bias in making awards from program donations.

[~~(6)~~](13) An SGO is subject to monitoring and corrective action in the same manner as a recipient under Rule R277-114.

**KEY: special needs opportunity scholarship**
**Date of Last Change: [~~July 9, 2024~~]2026**
**Notice of Continuation: October 7, 2025**
**Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53E-3-401(4); Title 53E, Chapter 7, Part 4**

| NOTICE OF SUBSTANTIVE CHANGE | |
|---|---|
| **TYPE OF FILING:** Amendment | **Filing ID: 58166** |
| **Rule or section number:** | **R277-717** |

**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:** |
|---|
| R277-717. High School Course Grading Requirements |
| **B. Purpose of the new rule or reason for the change:** |
| These rule amendments are due to the passage of HB 502 during the 2026 General Session. |
| **C. Summary of the new rule or change:** |
| These amendments provide language to implement the citizenship grading provisions established in HB 502 (2026).<br><br>The changes add definitions related to citizenship grading and durable skills and establish minimum statewide standards for Local Education Agency (LEA) citizenship grading policies.<br><br>These amendments require citizenship grades to be based on clearly defined and observable behaviors using consistent criteria and clarify that citizenship grades remain separate from measures of academic content mastery except where otherwise authorized in statute.<br><br>This rule also requires LEAs that adopt citizenship grading policies to establish standards related to attendance, meeting deadlines, participation and engagement, and communication with instructional staff.<br><br>Additionally, the proposed amendments require annual parent notification regarding citizenship grading policies and opt-out rights, establish requirements for parent opt-out procedures, and require citizenship grades reported on transcripts to be clearly distinguished from academic course grades. |

**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 amendment is not expected to have fiscal impact on state government revenues or expenditures.<br><br>The Utah State Board of Education (USBE) believes that any fiscal impacts were captured in the fiscal note for HB 502 (2026) and there are no additional fiscal impacts due to the rule change. |
| **B. Local governments:** |
| This amendment is not expected to have fiscal impact on local governments' revenues or expenditures.<br><br>The USBE believes that any fiscal impacts were captured in the fiscal note for HB 502 (2026) and there are no additional fiscal impacts due to the rule change. |
| **C. Small businesses** ("small business" means a business employing 1-49 persons)**:** |
| This amendment is not expected to have fiscal impact on small businesses' revenues or expenditures.<br><br>The USBE believes that any fiscal impacts were captured in the fiscal note for HB 502 (2026) and there are no additional fiscal impacts due to the rule change. |
| **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 amendment is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

The USBE believes that any fiscal impacts were captured in the fiscal note for HB 502 (2026) and there are no additional fiscal impacts due to the rule change.

**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 for HB 502 (2026) and there are no additional fiscal impacts due to the rule change.

**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-4-208 |

**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:** | 10/01/2026 |

**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) | 10/08/2026 |

**13. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Elisse Newey, Deputy Superintendent of Policy | **Date:** | 08/14/2026 |

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

(1) This rule is authorized by:

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

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

(c) Section 53E-4-208, which directs the Board to establish standards for citizenship grading policies.

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

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

(1) "Citizenship grade" has the same meaning as defined in Section 53E-4-208.

[~~(1)~~](2) "Comparable course" means a teacher led course that:

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

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

[~~(2)~~](3) "Course" means a course that a student:

(a) is enrolled in; and

(b)(i) completes; or

(ii) withdraws from but still receives a grade.

[~~(3)~~](4) "Course Component" means a quarter, term, or other defined grading interval within a course.

(5) "Durable skills" means behaviors and habits associated with college and career readiness, including responsibility, participation, engagement, timeliness, and effective communication.

[~~(4)~~](6) "Highest grade" means a grade that reflects the higher grade of:

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

(b) a course and a comparable course.

[~~(5)~~](7) "LEA" includes the Utah Schools for the Deaf and the Blind for purposes of this rule.

(8) "Observable behavior" means a documented student action or omission that may be consistently measured using clearly disclosed criteria.

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

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

[~~(8)~~](11) "Recurring course" means a course that a student takes more than once to:

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

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

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

[~~(10)~~](13) "Teacher[~~-~~] led" means a course led by a licensed educator:

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

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

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

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

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

(ii) enroll in and complete a comparable course.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**R277-717-4. Citizenship Grading Standards.**

(1) Beginning with the 2027-2028 school year, a teacher assigning citizenship grades independent of an LEA-adopted citizenship grading policy, in accordance with Section 53E-4-208, shall ensure that citizenship grades:

(a) are based on clearly defined and observable behaviors;

(b) use consistent criteria;

(c) are communicated to students and parents at the beginning of a course or grading period;

(d) remain separate from measures of academic content mastery; and

(e) comply with state and federal nondiscrimination and disability accommodation requirements.

(2) Citizenship grading standards under Subsection R277-717-4(1) shall include criteria related to durable skills, including:

(a) attendance;

(b) meeting deadlines;

(c) respectfully listening, interacting, and cooperating in classroom activities; and

(d) effective communication including proactively communicating with the teacher regarding missed classroom time due to parent-excused or school-excused absences.

(3) A teacher may not assign or reduce a citizenship grade based on:

(a) a student's disability or documented accommodation need;

(b) a valid excused absence as defined in Section 53G-6-201; and

(c) a religious belief or right of conscience assertion made pursuant to Section 53G-10-205.

(4) An LEA that adopts citizenship grading policies in accordance with Section 53E-4-208 shall:

(a) establish LEA-wide citizenship grading standards consistent with Subsections R277-717-4(1) through (3);

(b) annually notify parents and students regarding:

(i) the citizenship grading policy;

(ii) the criteria used to determine citizenship grades; and

(iii) the parent's right to opt a student out of citizenship grading in accordance with Subsection 53E-4-208(6);

(c) establish procedures for parent opt-out requests; and

(d) ensure that a student who opts out receives grades based solely on academic content mastery.

**KEY: students, grades, credits**
**Date of Last Change: [~~April 7, ~~]2026**
**Notice of Continuation: January 13, 2022**
**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4), 53E-4-208**

| NOTICE OF SUBSTANTIVE CHANGE | |
|---|---|
| **TYPE OF FILING:** New | **Filing ID: 58167** |
| **Rule or section number:** | **R277-802** |

**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:**

R277-802. Educational Enrichment Programs for Deaf, Hard of Hearing, Blind, and Visually Impaired Students

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

This proposed rule is due to the passage of HB 448 during the 2026 General Session.

**C. Summary of the new rule or change:**

This proposed rule:
1) defines the review and recommendation process for enrichment funding requests;
2) establishes staff screening and advisory review procedures;
3) clarifies allowable uses of enrichment funds, and;
4) provides requirements related to administration, accountability, and statewide access to enrichment opportunities.

This proposed rule also authorizes the use of enrichment funds for reasonable administrative and program support costs necessary for implementation of the Educational Enrichment Programs, including personnel, facilitation, outreach, application review, and program administration activities.

Additionally, this proposed rule provides flexibility for the use of evaluation tools, rubrics, and procedures developed in consultation with the advisory council while maintaining the Utah State Board of Education (USBE) oversight and compliance with applicable 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 448 (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 rule is not expected to have fiscal impact on state government revenues or expenditures.

The USBE believes that any fiscal impacts were captured in the fiscal note for HB 448 (2026).

| |
|---|
| **B. Local governments:** |
| This proposed rule is not expected to have fiscal impact on local governments' revenues or expenditures.<br><br>The USBE believes that any fiscal impacts were captured in the fiscal note for HB 448 (2026). |
| **C. Small businesses** ("small business" means a business employing 1-49 persons)**:** |
| This proposed rule is not expected to have fiscal impact on small businesses' revenues or expenditures.<br><br>The USBE believes that any fiscal impacts were captured in the fiscal note for HB 448 (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 proposed rule is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.<br><br>The USBE believes that any fiscal impacts were captured in the fiscal note for HB 448 (2026). |
| **F. Compliance costs for affected persons:** |
| There are no compliance costs for affected persons.<br><br>The USBE believes that any fiscal impacts were captured in the fiscal note for HB 448 (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 53E-8-206 |
| Section 53E-8-407 | Title 53E | |

**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:** | 10/01/2026 |

**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) | 10/08/2026 |

**13. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Elisse Newey, Deputy Superintendent of Policy | **Date:** | 08/14/2026 |

**R277. Education, Administration.**

**R277-802. Educational Enrichment Programs for Deaf, Hard of Hearing, Blind, and Visually Impaired Students.**

**R277-802-1. 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-8-407, which establishes the Educational Enrichment Programs for Deaf and Hard of Hearing Students and Blind and Visually Impaired Students; and

(d) applicable provisions of Title 53E governing the Utah Schools for the Deaf and the Blind.

(2) The purpose of this rule is to:

(a) establish procedures and standards for the administration and use of the Educational Enrichment Programs for Deaf and Hard of Hearing Students and Blind and Visually Impaired Students;

(b) ensure equitable statewide access to family friendly enrichment opportunities and supports for eligible deaf, hard of hearing, blind, visually impaired, and deafblind students and families;

(c) support enrichment opportunities statewide regardless of participation in a USDB campus program or service;

(d) establish procedures for the administration and review of applications submitted by external entities to USDB and provide a transparent and consistent process for evaluating USDB Enrichment Grant funding requests;

(e) establish advisory council and subcommittee responsibilities related to Educational Enrichment Program and USDB Enrichment Grant funding recommendations; and

(f) authorize the development and use of evaluation tools, rubrics, and procedures developed in consultation with the advisory council.

**R277-802-2. Definitions.**

(1) "Advisory council" means the Advisory Council for the Utah Schools for the Deaf and the Blind established in Section 53E-8-206.

(2) "Educational enrichment programs" means the Educational Enrichment Program for Deaf and Hard of Hearing Students and the Educational Enrichment Program for Blind and Visually Impaired Students established in Section 53E-8-407.

(3) "Eligible student" means a student who is deaf, hard of hearing, blind, visually impaired, or deafblind and eligible for services from USDB in accordance with Section 53E-8-401.

(4) "Staff screening" means the initial administrative review of an application to verify eligibility, completeness, minimum requirements, and alignment with applicable program criteria.

(5) "Subcommittee" means a committee designated by the advisory council to review and evaluate enrichment requests before advisory council consideration.

**R277-802-3. Enrichment Program Administration.**

(1) USDB shall administer the Educational Enrichment Programs described in Section 53E-8-407 for eligible students served statewide by USDB.

(2) In accordance with Section 53E-8-206, the advisory council may establish subcommittees to review matters related to the Educational Enrichment Programs and make recommendations to the advisory council.

(a) A subcommittee representing the deaf and hard of hearing community may review and make recommendations regarding the distribution of funds from the Educational Enrichment Program for Deaf and Hard of Hearing Students.

(b) A subcommittee representing the blind and visually impaired community may review and make recommendations regarding the distribution of funds from the Educational Enrichment Program for Blind and Visually Impaired Students.

(c) Recommendations of a subcommittee shall be submitted to the advisory council for consideration before submission to the Board.

(3) Enrichment funds may be used for activities or supports that promote:

(a) educational access;

(b) communication access;

(c) assistive technology;

(d) independent living skills;

(e) transition services;

(f) family engagement and support;

(g) interscholastic sports;

(h) enrichment opportunities, including:

(i) experiential learning;

(ii) educational travel;

(iii) competitions;

(iv) cultural activities; and

(v) community-based instruction; or

(vi) other purposes consistent with applicable law and Board-approved program objectives.

(4) Educational Enrichment Program funds may not be approved or used for:

(a) general entertainment, recreational, or leisure activities that do not have a documented, primary educational objective directly tied to the student's documented educational needs;

(b) standard family vacations, personal travel, or commercial events;

(c) items or services that are purely decorative, cosmetic, or intended for general household use; or

(d) out-of-state travel, unless the applicant demonstrates that a comparable educational or competitive opportunity is entirely unavailable within the state of Utah.

**R277-802-4. Annual Budget Preparation.**

(1) USDB shall prepare an annual proposed budget for the Educational Enrichment Programs for Deaf and Hard of Hearing Students and Blind and Visually Impaired Students.

(2) The advisory council shall review and provide recommendations to the Board regarding the proposed annual Enrichment Program budget.

(3) The annual Enrichment Program budget recommendation process shall begin each spring.

(4) Advisory council budget recommendations shall be submitted to the USDB Standing Committee for consideration no later than the Standing Committee's May or June meeting.

(5) Nothing in this section limits the Board's authority regarding final approval of budgets and expenditures.

**R277-802-5. USDB Enrichment Grants.**

(1) Within the annual budget described in Section R277-802-4, USDB may allocate a specific portion of program funds for direct grants to eligible entities.

(2) A USDB Enrichment Grant application must be directly related to a documented educational need related to the student's eligibility for USDB services and explicitly align with one or more of the following categories:

(a) expanded Core Curriculum (ECC) mastery, including orientation and mobility, independent living skills, compensatory access, and assistive technology operations;

(b) communication, language, and literacy access, including braille instruction, assistive technology and specialized language development tools;

(c) social engagement experiences such as leadership opportunities, transition and career readiness programs, cultural experiences, communication development, and access to communication-rich environment; or

(d) experiential learning, including regional or national academic competitions, specialized deaf or blind athletic events, or state core-aligned educational travel, and other activities that promote academic success.

(3) Application Requirements. To be considered for a USDB Enrichment Grant, an applicant shall submit:
(a) a detailed description of the activity, item, or service requested;
(b) an itemized budget detailing exactly how the requested funds will be expended; and
(c) a statement outlining the anticipated educational impact or skill development directly related to the student's sensory disability.
(4) Limitations and Caps.
(a) USDB, in consultation with the advisory council, may establish a maximum fiscal cap per entity per fiscal year for USDB Enrichment Grants.
(b) USDB grant funds may not be used to supplant services or technologies that are the legal responsibility of the student's local education agency (LEA) of record under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act.
(c) grant funds may not be awarded retroactively for activities or items purchased before formal approval by USDB.

**R277-802-6. USDB Grant Application Review Process and Cycles.**
(1) USDB shall establish a review process that includes:
(a) staff screening of applications;
(b) subcommittee review and evaluation; and
(c) advisory council consideration and recommendation to the Board.
(2) USDB shall develop and utilize evaluation tools, rubrics, procedures, or scoring methodologies in consultation with the advisory council.
(3) USDB may establish separate procedures or evaluation tools for different student populations, programs, or request categories.
(4) Evaluation tools, rubrics, procedures, and scoring methodologies developed under Subsection (3) are not required to be incorporated into Board rule.
(5) USDB Enrichment Grants shall support eligible students statewide regardless of participation in campus-based programs or services operated by USDB.
(6) USDB shall establish at least three enrichment review cycles annually.
(7) Advisory council review periods shall occur during:
(a) September;
(b) December; and
(c) March.
(8) USDB shall publish application deadlines and review schedules in advance of each review cycle.
(9) Subcommittee meetings shall occur sufficiently in advance of advisory council meetings to allow review and recommendations.
(10) USDB may establish expedited procedures for emergency or time-sensitive requests.

**R277-802-7. Administrative Costs and Program Support.**
(1) A reasonable portion of educational enrichment program funds may be used for administrative and program support costs reasonably necessary for implementation of the Educational Enrichment Programs.
(2) Allowable administrative and program support costs may include:
(a) salaries, wages, and benefits for personnel supporting enrichment activities or administration of the Educational Enrichment Programs;
(b) program coordination and facilitation;
(c) technical assistance and applicant support;
(d) outreach and communication;
(e) application review and processing;
(f) compliance monitoring and reporting;
(g) data collection and program evaluation; and
(h) other activities reasonably necessary for effective administration and implementation of the Educational Enrichment Programs, in accordance with applicable law.

**R277-802-8. Conflict of Interest.**
(1) Advisory council members or subcommittee members may not vote on any matter that would provide a financial benefit to the member or otherwise create the appearance of a conflict of interest under applicable law.
(2) USDB shall establish procedures for disclosure of conflicts, abstentions, and conflict-of-interest management.

**R277-802-9. Reporting and Accountability.**
(1) USDB shall maintain records regarding Enrichment Program expenditures and USDB Enrichment Grant applications, awards, and reimbursements.
(2) USDB shall provide periodic reports to the Board and advisory councils regarding program implementation and funding activity.
(3) USDB may require recipients to provide documentation demonstrating appropriate use of enrichment funds.
(4) Program funds shall be distributed and administered in accordance with applicable Board policies, financial procedures, procurement requirements, and program administration requirements.
(5) USDB may deny, suspend, or recover enrichment funds for noncompliance with applicable requirements or misuse of funds.

**R277-802-10. Funding.**

(1) The programs described in this rule shall be funded from revenues distributed from permanent funds established for the Utah Schools for the Deaf and the Blind in accordance with applicable law.

(2) Program expenditures shall comply with Board-approved budgets and applicable state law.

**KEY: USDB, educational enrichment programs, deaf, hard of hearing, blind, visually impaired, advisory council.**
**Date of Last Change: 2026**
**Authorizing, and Implemented or Interpreted Law: Utah Constitution Article X, Section 3; 53E-3-401; 53E-8-206; 53E-8-407; Title 53E Chapter 8**

| NOTICE OF SUBSTANTIVE CHANGE | |
|---|---|
| **TYPE OF FILING:** Amendment | **Filing ID: 58168** |
| **Rule or section number:** | **R277-927** |

**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:**

R277-927. Teacher and Student Success Act (TSSA) Program

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

These rule amendments are due to the passage of SB 241 during the 2026 General Session.

**C. Summary of the new rule or change:**

These amendments introduce a requirement that Local Education Agencies (LEAs) verify that schools falling below the state's early literacy benchmark allocate at least 50% of their Teacher and Student Success Act (TSSA) funds to evidence-based literacy interventions before the LEA approves the school's Teacher and Student Success Plan.

This relies on local oversight rather than creating new state-level reporting mandates. The amendments also clarify acceptable literacy interventions by explicitly prohibiting the use of Teacher and Student Success Act (TSSA) funds for the "three-cueing" method, aligning program expenditures with the new statewide early literacy standards.

**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 (2026 General Session) |

**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 have fiscal impact on state government revenues or expenditures.<br><br>The Utah State Board of Education (USBE) believes that any fiscal impacts were captured in the fiscal note for SB 241 (2026). |
| **B. Local governments:** |
| This amendment is not expected to have fiscal impacts on local government revenues or expenditures.<br><br>The USBE believes that any fiscal impacts were captured in the fiscal note for SB 241 (2026). |
| **C. Small businesses** ("small business" means a business employing 1-49 persons)**:** |
| This amendment is not expected to have fiscal impacts on small businesses' revenues or expenditures.<br><br>The USBE believes that any fiscal impacts were captured in the fiscal note for SB 241 (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 amendment is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.<br><br>The USBE believes that any fiscal impacts were captured in the fiscal note for SB 241 (2026). |
| **F. Compliance costs for affected persons:** |
| There are no compliance costs for affected persons.<br><br>The USBE believes that any fiscal impacts were captured in the fiscal note for SB 241 (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-2-416 |
| Section 53G-7-1304 | Section 53G-7-1306 | |

**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:** | 10/01/2026 |

**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) | 10/08/2026 |

**13. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Elisse Newey, Deputy Superintendent of Policy | **Date:** | 08/14/2026 |

**R277. Education, Administration.**
**R277-927. Teacher and Student Success Act (TSSA) Program.**
**R277-927-1. Authority[~~,~~] and Purpose[~~, and Oversight Category~~].**

(1) This rule is authorized by:

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

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

(c) Section 53F-2-416, which requires the Board to calculate and distribute student and teacher success program money to LEAs;

(d) Section 53G-7-1304, which requires the Board to make rules for an LEA governing board to calculate and distribute a school's allocation of program money for each school within the LEA;[~~and~~]

(e) Section 53G-7-1306, which requires the Board to determine:

(i) a threshold of points under the statewide school accountability system that designates a school as succeeding in school performance and student academic achievement; and

(ii) performance standards for certain schools[~~,~~]; and

(f) Section 53G-7-1305, which establishes the requirements for a school to develop and an LEA governing board to approve a teacher and student success plan.

(2) The purpose of this rule is to:

(a) set standards for the Board's distribution of student and teacher success program money to LEAs;

(b) set standards governing an LEA's distribution of student and teacher success program money to each school within the LEA; and

(c) to establish certain accountability standards related to the student and teacher success program.

[~~(3) This rule is categorized as Category 2 as described in Rule R277-111.~~
]

**R277-927-2. Definitions.**

(1)(a) As used in Section 53G-7-1304, "capital expenditures" are funds used to acquire, maintain, or upgrade physical assets like property, building, technology infrastructure, or equipment and may include:

(i) improvements to a building or school grounds;

(ii) a school bus;

(iii) rent, lease, or bond payments; and

(iv) a portable classroom or costs related to moving a portable classroom.

(b) "Capital expenditures" does not include student technology devices.

(2) "Early childhood education" as used in Subsection 53G-7-1304(1) includes preschool programs.

(3)(a) "Evidence-based literacy strategy" means an instructional practice or intervention that is supported by scientifically based literacy and reading research.

(b) "Evidence-based early literacy strategy" does not include the three-cueing instructional method, or any method that relies heavily on meaning, structure, syntax, and visual cues to teach reading.

(4) "LEA governing board student success framework" means the same as the term is defined in Section 53G-7-1304.

[~~(3)~~](5) "Program" means the student and teacher success program created in Section 53G-7-1302.

[~~(4)~~](6) "Satellite school" means the same as that term is defined in Rule R277-550.

[~~(5)~~](7) "School personnel who work directly with and support students in an academic role" does not include:

(a) school level administrative or operational staff;

(b) building and maintenance staff, including custodial and grounds staff;

(c) transportation staff;

(d) child nutrition services staff;

(e) operational or facility support staff;

(f) financial staff;

(g) information technology staff;

(h) legal staff;

(i) secretarial staff; or

(j) other district level staff paid on an administrative salary schedule.

(8) "Teacher and student success plan" or "success plan" means the same as the term is defined in Section 53G-7-1305.

**R277-927-3. Program Requirements and Board Distribution of Program Money.**

(1)(a) The Superintendent shall distribute an LEA's annual program allocation, in equal payment amounts, to an LEA once the LEA submits the LEA's student success framework, developed in accordance with Section 53G-7-1304, through the Board's grant management system.

(b) If an LEA amends the LEA's student success framework, the LEA shall submit the amended student success framework through the Board's grant management system.

(c) An LEA governing board shall ensure that each school allocation is distributed only to a school that has a teacher and student success plan approved by the LEA governing board in accordance with Section 53G-7-1305.

(2) If the LEA previously submitted a student success framework, before the LEA receives the LEA's annual program allocation, the LEA shall submit annual assurances in accordance with the requirements of Rule R277-108.

(3) If an LEA fails to submit the LEA's student success framework as described in Subsection (1) or annual assurances described in Subsection (2) to the Superintendent:

(a) the LEA may not receive a program allocation for that fiscal year; and

(b) the undistributed balance will be included with the new year appropriation and distributed in the following fiscal year according to the formula described in Subsection 53F-2-416(3).

(4) Before an LEA governing board approves a school's teacher and student success plan, the LEA shall verify that if a school's third-grade students score below the statewide reading benchmark goal, the school's teacher and student success plan allocates at least 50% of the Teacher and Student Success Act (TSSA) program funds toward evidence-based literacy strategies and practices as described in Subsection 53G-7-1304(2)(e).

[~~(4)~~](5) For purposes of calculating the formula described in Subsection 53F-2-416(3), "weighted pupil units" means:

(a) for an existing LEA:

(i) the weighted pupil units for the prior year for the minimum school basic program; minus

(ii) the weighted pupil units allocated for foreign exchange students; and

(b) for a new LEA or a charter school opening a new satellite campus:

(i) the weighted pupil units based on the LEA's projected enrollment for the current year for the minimum school basic program; minus

(ii) the weighted pupil units allocated for foreign exchange students; and

(c) for the Utah Schools for the Deaf and Blind, the prior year October 1 headcount multiplied by two.

[~~(5)~~](6) For a new LEA or a charter school opening a new satellite campus during the second year of operation, the Superintendent shall increase or decrease the LEA's first year distribution of funds to reflect the LEA's actual first year October 1 counts.

[~~(6)~~](7) For purposes of determining whether a school district in a county of the first, second, or third class has an approved board local levy for the maximum amount allowed for the purposes described in Subsection 53G-7-1304(2)(c)(i)(A), the school district meets the property tax requirements of Subsection 53G-7-1304(2)(a)(i) if in the applicable fiscal year:

(a) the school district's rate imposed for the board local levy is equal to the maximum amount allowed under Section 53F-8-302; or

(b)(i) the school district's board local levy rate meets or exceeds an amount equal to the certified board local levy rate; and

(ii) the school district's board local levy rate equaled the maximum amount allowed under Section 53F-8-302 sometime within the prior five fiscal years.

[~~(7)~~](8) For purposes of determining whether a school district in a county of the first, second, or third class increased the school district's board local levy by at least .0001 per dollar of taxable value as described in Subsection 53G-7-1304(2)(c)(i)(B), a school district that does not meet the property tax requirements of Subsection (6), the school district meets the requirements of Subsection 53G-7-1304(2)(c)(i)(B) if the school district's board local levy rate for the current fiscal year is at least .0001 per dollar of taxable value more than the school district's board local levy rate imposed in the prior fiscal year.

[~~(8)~~](9) The Superintendent shall determine the state average teacher salary using the most recent Superintendent's Annual Report of Average Teacher Salaries.

[~~(9)~~](10) For a new LEA in the new LEA's first or second year of operation, the new LEA's average teacher salary is equal to the state average teacher salary.

**R277-927-4. LEA Financial Reporting and Prohibited Uses of Program Funds.**

(1) An LEA shall report expenditures of program money by location according to the Board approved chart of accounts.

(2) An LEA may not use program money:

(a) for a purpose described in Subsection 53G-7-1304(1);

(b) to support adult education; or

(c) to pay for contracted services commonly performed by the following staff:

(i) school level administration staff;

(ii) building and maintenance staff, including custodial staff;

(iii) transportation staff;

(iv) child nutrition services staff;

(v) operational or facility support staff;[~~-or~~]

(vi) district level staff; or

(vii) literacy instruction, curricula, or interventions that utilize the three-cueing method.

(3) As used in Subsection 53G-7-1304(2), "district administration costs" does not include salary driven benefits for school personnel charged at the district level.

(4)(a) An LEA may carry over restricted program funds into the next fiscal year to support a purpose identified by the LEA governing board student success framework.

(b) If an LEA carries over funds as described in Subsection (4)(a), the LEA shall report the funds according to the Board approved chart of accounts.

**R277-927-5. LEA Allocations to Schools.**

(1) An LEA with two or more schools shall establish a policy that defines how the LEA will calculate and distribute program allocations based on prior year average daily membership as determined by the Superintendent, to all schools within the LEA, including how the LEA will calculate allocations for new schools within the LEA.

(2) For a new school within an LEA, the LEA shall calculate and distribute the school's allocation based on the school's projected October 1 headcount for the applicable school year.

(3) After calculating an LEA's school level allocations, an LEA may make adjustments to individual school ADM values and school level allocations due to changes in current year student enrollment for reasons including:

(a) changes in school boundaries;

(b) changes to feeder school patterns;

(c) changes in grade levels offered; or

(d) significant student growth of 30% or more.

**R277-927-6. Accountability Performance Standards.**

(1) For purposes of determining the threshold of points that designates a school as succeeding in school performance as described in Subsection 53G-7-1306(1)(a), a school is succeeding in school performance if, in the most recently published school determinations, the school has:

(a) 43.5% or more of the total points possible for a school that is an elementary or middle school; or

(b) 46% or more of the total points possible for a school that enrolls students in grade 12.

(2) For purposes of determining the performance standards for a school described in Subsection 53G-7-1306(1)(b), a school meets the performance standards if the school meets the criteria described in Subsection 53E-5-203(2).

(3) During the 2026-2027 school year, LEAs may amend and approve the LEA framework, set up funding allocations to address literacy if needed, and address the TSSA plan development and approval process to fully implement amended requirements in Sections 53G-7-1304 and 53G-7-1305 at the start of the 2027-2028 school year.

(4) For TSSA plans that will be approved during the 2027-2028 school year, LEAs may use the finalized 2025-2026 Acadience Reading data to determine if a school is below the statewide reading goal.

**KEY: Teacher and Student Success Act (TSSA), program money, allocation**
**Date of Last Change: [~~February 7, 2025~~]2026**
**Notice of Continuation: November 16, 2023**
**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-2-416; 53G-7-1304; 53G-7-1306**

| NOTICE OF SUBSTANTIVE CHANGE | |
|---|---|
| **TYPE OF FILING:** Amendment | **Filing ID: 58133** |
| **Rule or section number:** | **R307-101** |

**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:**

R307-101. General Requirements

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

In Section R307-101-3, the version of the Code of Federal Regulations (CFR) Incorporated by Reference must be amended to reflect changes to the federal air quality regulations as published in Title 40 of the Code of Federal Regulations (40 CFR).

Rule R307-101 is being amended to identify the most recent version of 40 CFR, June 30, 2026, as the version that is incorporated throughout the Utah Air Quality Rules.

The Division of Air Quality is also submitting this filing to comply with HB 384 (passed in the 2026 General Session) which changed the title of the "Executive Director" of the Department of Environmental Quality to "commissioner."

**C. Summary of the new rule or change:**

This filing amends Rule R307-101 to update the CFR Incorporations by Reference date to reflect the most recent version of the CFR, Title 40 – Protection of Environment. This filing reflects any changes to 40 CFR from October 1, 2025, to June 30, 2026.

Some updates of note include:
1. 40 CFR Part 60:
a. 40 CFR 60 Subpart A, Subpart GG, Subpart KKKK, and Subpart KKKKa: EPA finalized amendments to the New Source Performance Standards (NSPS) for stationary combustion turbines and stationary gas turbines to establish subcategories based on size, rates of utilization, design efficiency, and fuel type, as well as a subcategory for stationary combustion turbines that are used in temporary applications, exempting certain sources from Title V requirements.

b. 40 CFR 60 Subpart A, Subpart Cb, Subpart Eb, Subpart VVVV, and Subpart WWWW: EPA finalized NSPS and emission guidelines (EG) for the large municipal waste combustion source category to revise the remanded emission limits for cadmium, lead, particulate matter, polychlorinated dibenzodioxins and dibenzofurans, mercury, hydrogen chloride, and sulfur dioxide for all sources subject to the NSPS and EG and the remanded emission limits for nitrogen oxides and carbon monoxide for some sources subject to the EG and all sources subject to the NSPS.

c. 40 CFR 60 Subpart A, Subpart OOOOb, and Subpart OOOOc: EPA finalized amendments to the NSPS and Emissions Guidelines for Existing Sources for the Crude Oil and Natural Gas Source Category to implement discrete technical changes to the temporary flaring provisions for associated gas in certain situations and discrete technical changes to the vent gas net heating value continuous monitoring requirements and alternative performance test option for flares and enclosed combustion devices.

d. 40 CFR 60 Subpart OOOOb: EPA made changes to the compliance deadlines related to net heating value monitoring (June 1, 2026) and changed the initial reporting deadline to November 30, 2026.

2. 40 CFR Part 63:
a. 40 CFR 63 Subpart A and Subpart UUUUU: EPA finalized the repeal of specific amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Coal- and Oil-Fired Electric Utility Steam Generating Units, commonly referred to as the Mercury and Air Toxics Standards (MATS).

b. 40 CFR 63 Subpart A, Subpart U, and Subpart PPP: EPA finalized amendments to the NESHAP for the Polyether Polyols Production source category including finalizing certain ethylene oxide-specific standards, addressing certain issues raised in an administrative petition for reconsideration, and finalizing maximum achievable control technology standards for certain emission points, work practice standards for certain activities where alternatives are appropriate, performance testing requirements once every five years for certain process vents, and electronic reporting requirements for performance test reports, flare management plans, and periodic reports.

c. 40 CFR 63 Subpart UUUUU: EPA established the applicable volumes and percentage standards for 2026 and 2027 for cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuel and removed renewable electricity as a qualifying renewable fuel.

d. 40 CFR 63 Subpart A and Subpart VVVVVV: EPA finalized amendments to the NESHAP for the Chemical Manufacturing Area Source categories related to new leak detection and repair requirements.

e. 40 CFR 63 Subpart A, Subpart XXXX: EPA removed the provisions finalized by the EPA in a 2024 final rule titled "National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing."

3. 40 CFR Part 70: EPA rescinded a 2023 final rule titled "Removal of Title V Emergency Affirmative Defense Provisions From State Operating Permit Programs and Federal Operating Permit Program."

This filing also changes all references in Rule R307-101 of the "Executive Director" of the Department of Environmental Quality to "commissioner."

The Division is updating the rule text to reflect the dates that certain areas in Utah were designated as maintenance areas for sulfur dioxide, PM10, and PM2.5.

The Division is also making additional necessary amendments to Rule R307-101 to bring this rule into compliance with Executive Order No. 2021-12 requiring all departments to update their respective rules to align with the Rulewriting Manual for Utah standards.

**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 384 (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 as there is no fiscal component related to the amendments.<br><br>The amendments relate to federal requirements that are already in place and do not change any operating procedures. |

| **B. Local governments:** |
|---|
| There are no anticipated costs or savings for local governments as there is no fiscal component related to the amendments.<br><br>The amendments relate to federal requirements that are already in place and do not change any operating procedures. |
| **C. Small businesses** ("small business" means a business employing 1-49 persons)**:** |
| There are no anticipated costs or savings for small businesses as there is no fiscal component related to the amendments.<br><br>The amendments relate to federal requirements that are already in place and do not change any operating procedures. |
| **D. Non-small businesses** ("non-small business" means a business employing 50 or more persons)**:** |
| There are no anticipated costs or savings for non-small businesses as there is no fiscal component related to the amendments.<br><br>The amendments relate to federal requirements that are already in place and do not change any operating procedures. |
| **E. Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:** |
| There are no anticipated costs or savings for persons other than small businesses, non-small businesses, state, or local government entities as there is no fiscal component related to the amendments.<br><br>The amendments relate to federal requirements that are already in place and do not change any operating procedures. |
| **F. Compliance costs for affected persons:** |
| There are no compliance costs for affected persons as there is no fiscal component related to the amendments.<br><br>The amendments relate to federal requirements that are already in place and do not change any operating procedures. |

**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 | Section 67-1-18 | |

**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)** | Code of Federal Regulations, Title 40 – Protection of Environment |
| **Publisher** | The National Archives and Records Administration |
| **Issue or Version** | June 30, 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:** | 10/01/2026 |

**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)**:** |
|---|---|---|
| 09/29/2026 | 01:00PM - 02:00PM | A public hearing is set for 09/29/2026.<br>Further details may be found below.<br><br>The hearing will be cancelled should no request for one be made by 09/25/2026, at 10 AM MT.<br><br>The final status of the public hearing will be posted on 09/25/2026, after 10 AM MT.<br><br>The status of the public hearing may be checked at the following website location under the corresponding rule:<br>https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment<br><br>Interested Persons can participate in person or electronically, via the internet.<br><br>In Person:<br>MASOB<br>195 N 1950 W, Salt Lake City, UT<br>First Floor, Air Quality Board Room<br><br>Virtual Attendance:<br>Time zone: America/Denver<br>Google Meet joining info:<br>Video call link:<br>https://meet.google.com/gvy-sncm-cgg<br><br>Or dial: (US) +1 470-485-8899<br>PIN: 492 096 142# |

**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) | 12/02/2026 |

**13. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Bryce C. Bird, Director, Division of Air Quality | **Date:** | 07/17/2026 |

**R307. Environmental Quality, Air Quality.**
**R307-101. General Requirements.**
**R307-101-1. Foreword.**

Chapter 19-2 and the rules adopted by the Air Quality Board constitute the basis for control of air pollution sources in the state. Title R307 applies and shall be enforced throughout the state and are recommended for adoption in local jurisdictions where environmental specialists are available to cooperate in implementing rule requirements.

National Ambient Air Quality Standards (NAAQS), National Standards of Performance for New Stationary Sources (NSPS), National Prevention of Significant Deterioration of Air Quality (PSD) standards, and the National Emission Standards for Hazardous Air Pollutants (NESHAP[~~S~~]) apply throughout the nation and are legally enforceable in Utah.

**R307-101-2. Definitions.**

Except where specified in individual rules, definitions in Section R307-101-2 are applicable to any rules adopted by the Air Quality Board.

"Actual Emissions" means the actual rate of emissions of a pollutant from an emissions unit determined as follows:

(1) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operations. The director shall allow the use of a different period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected period;

(2) The director may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit;

(3) For any emission unit[~~, other than an electric utility steam generating unit specified in Subsection (4),~~] which has not begun normal operations on the date, actual emissions shall equal the potential to emit of the unit on that date. Electric utility steam generating units are exempt;

(4) For an electric utility steam generating unit, other than a new unit or the replacement of an existing unit, actual emissions of the unit following the physical or operational change shall equal the representative actual annual emissions of the unit, provided the source owner or operator maintains and submits to the director, on an annual basis for a period of five years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed ten years, may be required by the director if the director determines a period to be more representative of normal source post-change operations.

"Acute Hazardous Air Pollutant" means any noncarcinogenic hazardous air pollutant for which a threshold limit value -- ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Air Pollutant" means a substance that qualifies as an air pollutant as defined in 42 U.S.C. Sec. 7602.

"Air Pollutant Source" means private and public sources of emissions of air pollutants.

"Air Pollution" means the presence of an air pollutant in the ambient air in quantities and duration and under conditions and circumstances, that are injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or use of property as determined by [~~the~~]federal standards[~~,~~] and rules adopted by the Air Quality Board[~~,~~] through Section 19-2-104.

"Allowable Emissions" means the emission rate of a source calculated using the maximum rated capacity of the source, unless the source is subject to enforceable limits which restrict the operating rate, or hours of operation, or both, and the emission limitation established pursuant to Section R307-401-8.

"Ambient Air" means that portion of the atmosphere, external to buildings, to which the general public has access. See Subsection 19-2-102(4).

"Appropriate Authority" means the governing body of any city, town, or county.

"Atmosphere" means the air that envelops or surrounds the earth and includes any space outside of buildings, stacks, or exterior ducts.

"Authorized Local Authority" means:

(1) city, county, city-county, or district health department;

(2) a city, county, or combination fire department;

(3) other local agency designated by appropriate authority, with approval of the Utah Department of Health and Human Services; or

(4) other lawfully adopted ordinances, codes, or regulations not in conflict with.

"Board" means Air Quality Board. See Subsection 19-2-102(8)(a).

"Breakdown" means any malfunction or procedural error, to include any malfunction or procedural error during start-up and shutdown, which will result in the inoperability or sudden loss of performance of the control equipment or process equipment causing emissions in excess of those allowed by approval order or Title R307.

"BTU" means British Thermal Unit, the quantity of heat necessary to raise the temperature of one pound of water by one degree Fahrenheit.

"Calibration Drift" means the change in the instrument meter readout over a stated period of normal continuous operation when the VOC concentration at the time of measurement is the same known upscale value.

"Carbon Adsorption System" means a device containing adsorbent material including activated carbon, aluminum, silica gel, an inlet and outlet for exhaust gases, and a system for the proper disposal or reuse of any VOC adsorbed.

"Carcinogenic Hazardous Air Pollutant" means any hazardous air pollutant that is classified as a known human carcinogen (A1) or suspected human carcinogen (A2) by the American Conference of Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Chargeable Pollutant" means any regulated air pollutant except the following:

(1) carbon monoxide;

(2) any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard promulgated or established by Title VI of the Act, Stratospheric Ozone Protection; or

(3) any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under Section 112(r) of the Act, Prevention of Accidental Releases.

"Chronic Hazardous Air Pollutant" means any noncarcinogenic hazardous air pollutant for which a threshold limit value -- time weighted average (TLV-TWA) having no threshold limit value -- ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Clean Air Act" means federal Clean Air Act as found in 42 U.S.C. Chapter 85.

"Clean Coal Technology" means any technology, including technologies applied at the precombustion, combustion, or post combustion stage, at a new or existing facility which will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam which was not in widespread use as of November 15, 1990.

"Clean Coal Technology Demonstration Project" means a project using funds appropriated under the heading "Department of Energy-Clean Coal Technology," up to a total amount of $2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency. The federal contribution for a qualifying project shall be at least 20% of the total cost of the demonstration project.

"Clearing Index" means an indicator of the predicted rate of clearance of ground level pollutants from a given area. This number is provided by the National Weather Service.

"Coating" means a material that can be applied to a substrate and which cures to form a continuous solid film for protective, decorative, or functional purposes. Materials include paints, varnishes, sealants, adhesives, caulks, maskants, inks, and temporary protective coatings.

"Commence" as applied to construction of a major source or major modification means that the owner or operator has any necessary pre-construction approvals or permits and either has:

(1) begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(2) entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

"Commissioner" means the commissioner of the Utah Department of Environmental Quality. See Subsection 19-1-103(2).

"Compliance Schedule" means a schedule of events, by date, which shall result in compliance with this rule.

"Composite vapor pressure" means the sum of the partial pressures of the compounds defined as VOCs.

"Condensable PM2.5" means material that is vapor phase at stack conditions, but which condenses or reacts upon cooling and dilution in the ambient air to form solid or liquid particulate matter immediately after discharge from the stack.

[~~"Compliance Schedule" means a schedule of events, by date, which shall result in compliance with this rule.~~]

"Construction" means any physical change or change in the method of operation including fabrication, erection, installation, demolition, or modification of a source which would result in a change in actual emissions.

"Control Apparatus" means any device which prevents or controls the emission of any air pollutant directly or indirectly into the outdoor atmosphere.

"Department" means Utah State Department of Environmental Quality. See Subsection 19-1-103(1).

"Director" means the Director of the Division of Air Quality. See Subsection 19-1-103(1).

"Division" means the Division of Air Quality.

"Electric Utility Steam Generating Unit" means any steam-electric generating unit that is constructed to supply more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

"Emission" means the act of discharge into the atmosphere of an air pollutant or an effluent which contains or may contain an air pollutant, or the effluent so discharged into the atmosphere.

"Emissions Information" means any source operation, equipment, or control apparatus:

(1) information necessary to determine the identity, amount, frequency, concentration, or other characteristics related to air quality of any air pollutant which has been emitted by the source operation, equipment, or control apparatus;

(2) information necessary to determine the identity, amount, frequency, concentration, or other characteristics to the extent related to air quality, of any air pollutant which, under an applicable standard or limitation, the source operation was authorized to emit including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source operation, or any combination of the foregoing; and

(3) a general description of the location or nature of the source operation to the extent necessary to identify the source operation and to distinguish it from other source operations including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source operation.

"Emission Limitation" means a requirement established by the Board, the director or the Administrator, or EPA, which limits the quantity, rate, or concentration of emission of air pollutants on a continuous emission reduction including any requirement relating to the operation or maintenance of a source to ensure continuous emission reduction. See Section 302(k).

"Emissions Unit" means any part of a stationary source which emits or would have the potential to emit any pollutant subject to regulation under the Clean Air Act.

"Enforceable" means any limitations and conditions which are enforceable by the Administrator, including those requirements developed pursuant to 40 CFR Parts 60 and 61, requirements within the State Implementation Plan and Title R307, any permit requirements established pursuant to 40 CFR 52.21, or Rule R307-401.

"EPA" means Environmental Protection Agency.

"EPA Method 9" means 40 CFR Part 60, Appendix A, Method 9, "Visual Determination of Opacity of Emissions from Stationary Sources," and Alternate 1, "Determination of the opacity of emissions from stationary sources remotely by LIDAR."

[~~"Executive Director" means the Executive Director of the Utah Department of Environmental Quality. See Subsection 19-1-103(2).~~]

"Existing Installation" means an installation or construction which began before the effective date of any regulation having application to it.

"Filterable PM2.5" means particles with an aerodynamic diameter equal to or less than 2.5 micrometers that are directly emitted by a source as a solid or liquid at stack or release conditions and can be captured on the filter of a stack test train.

"Fireplace" means any devices, including masonry or factory-built units, free standing fireplaces with a hearth, fire chamber or similarly prepared device connected to a chimney which provides the operator with little control of combustion air, leaving its fire chamber fully or at least partially open to the room. Fireplaces include those devices with circulating systems, heat exchangers, or draft-reducing doors with a net thermal efficiency of no greater than 20% and are used for aesthetic purposes.

"Fugitive Dust" means particulate composed of soil, industrial particulates, or both, including ash, coal, and minerals which becomes airborne because of wind or mechanical disturbance of surfaces. Natural sources of dust and fugitive emissions are not fugitive dust within the meaning of this definition.

"Fugitive Emissions" means emissions from an installation or facility which are neither passed through an air cleaning device nor vented through a stack or could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

"Garbage" means any putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food, including wastes attendant thereto.

"Gasoline" means any petroleum distillate, used as a fuel for internal combustion engines, having a Reid vapor pressure of four pounds or greater.

"Hazardous Air Pollutant (HAP)" means any pollutant listed by the EPA as a hazardous air pollutant in conformance with Section 112(b) of the Clean Air Act. A list of these pollutants is available at the Division of Air Quality.

"Household Waste" means any solid or liquid material normally generated by the family in a residence in the course of ordinary day-to-day living, including garbage, paper products, rags, leaves, and garden trash.

"Incinerator" means a combustion apparatus designed for high temperature operation in which solid, semisolid, liquid, or gaseous combustible wastes are ignited and burned efficiently and from which the solid and gaseous residues contain little or no combustible material.

"Installation" means a discrete process with identifiable emissions which may be part of a larger industrial plant. Pollution equipment may not be considered a separate installation or installations.

"LPG" means liquified petroleum gas including propane or butane.

"Maintenance Area" means an area that is subject to a maintenance plan that is included in the Utah State Implementation Plan, and that has been redesignated by EPA from nonattainment to attainment of any National Ambient Air Quality Standard.

(1) Provo City is considered a maintenance area for carbon monoxide effective January 3, 2006.

(2) The following areas are considered maintenance areas for PM10:

(a) Salt Lake County, as defined in the March 15,1991, version of 40 CFR 81.345, effective on March 27, 2020[~~the date that EPA approves the maintenance plan that was adopted by the Board on December 2, 2015~~];

(b) Utah County, as defined in the March 15,1991, version of 40 CFR 81.345, effective on March 27, 2020[~~the date that EPA approves the maintenance plan that was adopted by the Board on December 2, 2015~~]; and

(c) Ogden City, as defined in the September 26, 1995, version of 40 CFR 81.345, effective on March 27, 2020[~~the date that EPA approves the maintenance plan that was adopted by the Board on December 2, 2015~~].

(3) The following area is considered a maintenance area for sulfur dioxide: Salt Lake County and the eastern portion of Tooele County above 5,600 feet, effective on the date that EPA approves the maintenance plan that was adopted by the Board on [~~January 5, 2005~~]July 1, 2026.

(4) The following areas are considered maintenance areas for PM2.5:

(a) the Salt Lake City, Utah 24-hour PM2.5 [~~nonattainment~~ ]area, as defined in the July 1, 2019, version of 40 CFR 81.345, effective [~~on the date that EPA redesignates the area to attainment for PM2.5~~]on December 19, 2025;

(b) the Provo, Utah 24-hour PM2.5 [~~nonattainment~~ ]area, as defined in the July 1, 2019, version of 40 CFR 81.345, effective [~~on the date that EPA redesignates the area to attainment for PM2.5~~]on December 19, 2025; and

(c) the Utah portion of the Logan, Utah-Idaho 24-hour PM2.5 [~~nonattainment~~ ]area, as defined in the July 1, 2019, version of 40 CFR 81.345, effective on [~~the date that EPA redesignates the area to attainment for PM2.5~~]June 18, 2021.

"Major Modification" means any physical change or change in the method of operation of a major source that would result in a significant net emissions increase of any pollutant. A net emissions increase that is significant for volatile organic compounds shall be considered significant for ozone. Within Salt Lake and Davis Counties or any nonattainment area for ozone, a net emissions increase that is significant for nitrogen oxides shall be considered significant for ozone. Within areas of nonattainment for PM10, a significant net emission increase for any PM10 precursor is also a significant net emission increase for PM10. A physical change or change in the method of operation may not include:

(1) routine maintenance, repair, and replacement;

(2) use of an alternative fuel or raw material by reason of an order under Section 2(a) and Section 2(b) of the Energy Supply and Environmental Coordination Act of 1974, or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(3) use of an alternative fuel by reason of an order or rule under Section 125 of the federal Clean Air Act;

(4) use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(5) use of an alternative fuel or raw material by a source:

(a) which the source was capable of accommodating before January 6, 1975, unless the change would be prohibited under any enforceable permit condition; or

(b) which the source is otherwise approved to use;

(6) an increase in the hours of operation or in the production rate unless the change would be prohibited under any enforceable permit condition;

(7) any change in ownership at a source;

(8) the addition, replacement, or use of a pollution control project at an existing electric utility steam generating unit, unless the director determines that the addition, replacement, or use renders the unit less environmentally beneficial, or except:

(a) when the director has reason to believe that the pollution control project would result in a significant net increase in representative actual annual emissions of any criteria pollutant over levels used for that source in the most recent air quality impact analysis in the area conducted for Title I of the Clean Air Act, if any; and

(b) the director determines that the increase will cause or contribute to a violation of any national ambient air quality standard or PSD increment, or visibility limitation;

(9) the installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:

(a) the Utah State Implementation Plan; and

(b) other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

"Major Source" means, to the extent provided by the federal Clean Air Act as applicable to Title R307:

(1) any stationary source of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation under the Clean Air Act; or

(a) any source located in a nonattainment area for carbon monoxide which emits, or has the potential to emit, carbon monoxide in the amounts outlined in Section 187 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 187 of the federal Clean Air Act;

(b) any source located in Salt Lake or Davis Counties or in a nonattainment area for ozone which emits, or has the potential to emit, VOC or nitrogen oxides in the amounts outlined in Section 182 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 182 of the federal Clean Air Act; or

(c) any source located in a nonattainment area for PM10 which emits, or has the potential to emit, PM10 or any PM10 precursor in the amounts outlined in Section 189 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 189 of the federal Clean Air Act.

(2) any physical change that would occur at a source not qualifying[ ~~under Subsection (1)~~] as a major source, if the change would constitute a major source by itself;

(3) the fugitive emissions and fugitive dust of a stationary source may not be included in determining for any of the purposes of Title R307 rules whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

(a) coal cleaning plants with thermal dryers;

(b) Kraft pulp mills;

(c) Portland cement plants;

(d) primary zinc smelters;

(e) iron and steel mills;

(f) primary aluminum or reduction plants;

(g) primary copper smelters;

(h) municipal incinerators capable of charging more than 250 tons of refuse per day;

(i) hydrofluoric, sulfuric, or nitric acid plants;

(j) petroleum refineries;
(k) lime plants;
(l) phosphate rock processing plants;
(m) coke oven batteries;
(n) sulfur recovery plants;
(o) carbon black plants or furnace process;
(p) primary lead smelters;
(q) fuel conversion plants;
(r) sintering plants;
(s) secondary metal production plants;
(t) chemical process plants;
(u) fossil fuel boilers, or combination thereof, totaling more than 250 million British Thermal Units per hour heat input;
(v) petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
(w) taconite ore processing plants;
(x) glass fiber processing plants;
(y) charcoal production plants;
(z) fossil fuel-fired steam-electric plants of more than 250 million British Thermal Units per hour heat input; or
(aa) any other stationary source category which, as of August 7, 1980, is being regulated under Section 111 or 112 of the federal Clean Air Act.

"Modification" means any planned change in a source which results in a potential increase of emissions.

"National Ambient Air Quality Standards (NAAQS)" means the allowable concentrations of air pollutants in the ambient air specified by the federal government, see Title 40, Code of Federal Regulations, Part 50.

"Net Emissions Increase" means the amount by which the sum of the following exceeds zero:

(1) any increase in actual emissions from a particular physical change or change in method of operation at a source; and

(2) any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable. For purposes of determining a "net emissions increase":

(a) an increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date five years before construction on the particular change commences; and the date that the increase from the particular change occurs;

(b) an increase or decrease in actual emissions is creditable only if it has not been relied on in issuing a prior approval for the source which approval is in effect when the increase in actual emissions for the particular change occurs;

(c) an increase or decrease in actual emissions of sulfur dioxide, nitrogen oxides, or particulate matter which occurs before an applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available and with respect to particulate matter, only PM10 emissions will be used to evaluate this increase or decrease;

(d) an increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level;

(e) a decrease in actual emissions is creditable only to the extent that:

(i) the old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) it is enforceable at and after the time that actual construction on the particular change begins;

(iii) it has about the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

(iv) it has not been relied on in issuing any permit under Rule R307-401 nor has it been relied on in demonstrating attainment or reasonable further progress.

(f) an increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant and any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

"New Installation" means an installation or construction of which began after the effective date of any regulation having application to it.

"Nonattainment Area" means an area designated by the Environmental Protection Agency as nonattainment under Section 107, Clean Air Act for any National Ambient Air Quality Standard. The designations for Utah are listed in 40 CFR 81.345.

"Offset" means an amount of emission reduction, by a source, greater than the emission limitation imposed on the source by this rule, the State Implementation Plan, or both.

"Opacity" means the capacity to obstruct the transmission of light, expressed as a percentage.

"Open Burning" means any burning of combustible materials resulting in emissions of products of combustion into ambient air without passage through a chimney or stack.

"Owner or Operator" means any person who owns, leases, controls, operates or supervises a facility, an emission source, or air pollution control equipment.

"PSD Area" means an area designated as attainment or unclassifiable under Section 107(d)(1)(D) or Section 107(d)(1)(E) of the federal Clean Air Act.

"PM2.5" means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by an EPA reference or equivalent method.

"PM2.5 Precursor" means any chemical compound or substance which, after it has been emitted into the atmosphere, undergoes chemical or physical changes that convert it into particulate matter, specifically PM2.5.

(1) Specifically, Sulfur dioxide, Nitrogen oxides, Volatile organic compounds, and Ammonia are precursors to PM2.5 in any PM2.5 nonattainment area, except where the Administrator of the EPA has approved a demonstration satisfying 40 CFR 51.1006(a)(3) which has, for a particular PM2.5 nonattainment area, determined otherwise.

(2) The following denote specific nonattainment areas, as defined in the July 1, 2017, version of 40 CFR 81.345, within which certain pollutants [~~identified in Subsection (1)~~ ]are exempted from the definition of PM2.5 precursor for the purposes of 40 CFR 51.165: In the Logan Utah-Idaho PM2.5 nonattainment area, Ammonia is exempted.

"PM10" means particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers as measured by an EPA reference or equivalent method.

"PM10 Precursor" means any chemical compound or substance which, after it has been emitted into the atmosphere, undergoes chemical or physical changes that convert it into particulate matter, specifically PM10.

"Part 70 Source" means any source subject to the permitting requirements of Rule R307-415.

"Person" means an individual, trust, firm, estate, company, corporation, partnership, association, state, state or federal agency or entity, municipality, commission, or political subdivision of a state. See Subsection 19-2-103(4).

"Pollution Control Project" means any activity or project at an existing electric utility steam generating unit for purposes of reducing emissions from a unit. Activities or projects are limited to:

(1) the installation of conventional or innovative pollution control technology, including advanced flue gas desulfurization, sorbent injection for sulfur dioxide and nitrogen oxide controls, and electrostatic precipitators;

(2) an activity or project to accommodate switching to a fuel which is less polluting than the fuel used before the activity or project, including natural gas or coal reburning, or the cofiring of natural gas and other fuels for controlling emissions;

(3) a permanent clean coal technology demonstration project conducted under Title II, Section 101(d) of the Further Continuing Appropriations Act of 1985 (sec. 5903(d) of Title 42 of the United States Code), or subsequent appropriations, up to a total amount of $2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency; or

(4) a permanent clean coal technology demonstration project that constitutes a repowering project.

"Potential to Emit" means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

"Primary PM2.5" means the sum of filterable PM2.5 and condensable PM2.5.

"Process Level" means the operation of a source, specific to the kind or type of fuel, input material, or mode of operation.

"Process Rate" means the quantity per unit of time of any raw material or process intermediate consumed, or product generated, through the use of any equipment, source operation, or control apparatus. For a stationary internal combustion unit or any other fuel burning equipment, this term may be expressed as the quantity of fuel burned per unit of time.

"Reactivation of a Very Clean Coal-Fired Electric Utility Steam Generating Unit" means any physical change or change in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation where the unit:

(1) has not been in operation for the two-year period before the enactment of the Clean Air Act Amendments of 1990, and the emissions from the unit continue to be carried in the emission inventory at the time of enactment;

(2) was equipped before shutdown with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than 85% and a removal efficiency for particulates of no less than 98%;

(3) is equipped with low-NOx burners before operations begin following reactivation; and

(4) is otherwise in compliance with the requirements of the Clean Air Act.

"Reasonable Further Progress" means annual incremental reductions in emission of an air pollutant which are sufficient to provide for attainment of the NAAQS by the date identified in the State Implementation Plan.

"Refuse" means solid wastes, including garbage and trash.

"Regulated air pollutant" means any of the following:

(1) nitrogen oxides or any volatile organic compound;

(2) any pollutant for which a national ambient air quality standard has been promulgated;

(3) any pollutant that is subject to any standard promulgated under Section 111 of the Act, Standards of Performance for New Stationary Sources;

(4) any Class I or Class II substance subject to a standard promulgated under or established by Title VI of the Act, Stratospheric Ozone Protection; or

(5) any pollutant subject to a standard promulgated under Section 112, Hazardous Air Pollutants, or other requirements established under Section 112 of the Act, including Sections 112(g), (j), and (r) of the Act, including any of the following:

(a) Any pollutant subject to requirements under Section 112(j) of the Act, Equivalent Emission Limitation by Permit. If the Administrator fails to promulgate a standard by the date established pursuant to Section 112(e) of the Act, any pollutant for which a subject source would be major shall be regulated on the date 18 months after the applicable date established pursuant to Section 112(e) of the Act;

(b) Any pollutant for which the requirements of Section 112(g)(2) of the Act, Construction, Reconstruction and Modification, have been met, but only with respect to the individual source subject to Section 112(g)(2) requirements.

(1) "Repowering" means replacement of an existing coal-fired boiler with one of the following clean coal technologies:
(a) atmospheric or pressurized fluidized bed combustion;
(b) integrated gasification combined cycle;
(c) magnetohydrodynamics;
(d) direct and indirect coal-fired turbines;
(e) integrated gasification fuel cells; or
(f) as determined by the Administrator, in consultation with the Secretary of Energy, a derivative of one or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.

(2) Repowering shall also include any oil or gas-fired unit which has been awarded clean coal technology demonstration funding as of January 1, 1991, by the Department of Energy.

(3) The director shall give expedited consideration to permit applications for any source that satisfies the requirements of this definition and is granted an extension under Section 409 of the Clean Air Act.

"Representative Actual Annual Emissions" means the average rate, in tons per year, at which the source is projected to emit a pollutant for the two-year period after a physical change or change in the method of operation of unit, or a different consecutive two-year period within ten years after that change, where the director determines that the period is more representative of source operations, considering the effect any change will have on increasing or decreasing the hourly emissions rate and on projected capacity utilization. In projecting future emissions, the director shall:

(1) consider any relevant information, including historical operational data, the company's own representations, filings with the State of Federal regulatory authorities, and compliance plans under Title IV of the Clean Air Act; and

(2) exclude, in calculating any increase in emissions that results from the particular physical change or change in the method of operation at an electric utility steam generating unit, that portion of the unit's emissions following the change that could have been accommodated during the representative baseline period and is attributable to an increase in projected capacity utilization at the unit that is unrelated to the particular change, including any increased utilization due to the rate of electricity demand growth for the utility system as a whole.

"Residence" means a dwelling in which people live, including all ancillary buildings.

"Residential Solid Fuel Burning" device means any residential burning device except a fireplace connected to a chimney that burns solid fuel and is capable of, and intended for use as a space heater, domestic water heater, or indoor cooking appliance, and has an air-to-fuel ratio less than 35-to-1 as determined by the test procedures prescribed in 40 CFR 60.534. It shall also have a useable firebox volume of less than 6.10 cubic meters or 20 cubic feet, a minimum burn rate less than 5 kilograms per hour or 11 pounds per hour as determined by test procedures prescribed in 40 CFR 60.534, and weigh less than 800 kilograms or 362.9 pounds. Appliances that are described as prefabricated fireplaces and are designed to accommodate doors or other accessories that would create the air starved operating conditions of a residential solid fuel burning device shall be considered as such. Fireplaces are not included in this definition for solid fuel burning devices.

"Road" means any public or private road.

"Salvage Operation" means any business, trade, or industry engaged in whole or in part in salvaging or reclaiming any product or material, including metals, chemicals, shipping containers, or drums.

"Secondary Emissions" means emissions which would occur as a result of the construction or operation of a major source or major modification, but do not come from the major source or major modification itself.

(1) Secondary emissions shall be specific, well defined, quantifiable, and impact the general area as the source or modification which causes the secondary emissions. Secondary emissions include emissions from any off-site support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source including emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

(2) Fugitive emissions and fugitive dust from the source or modification are not considered secondary emissions.

"Secondary PM2.5" means particles that form or grow in mass through chemical reactions in the ambient air well after dilution and condensation have occurred. Secondary PM2.5 is usually formed at some distance downwind from the source.

"Significant" means:

(1) For a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:
(a) Carbon monoxide: 100 ton per year (tpy);
(b) Nitrogen oxides: 40 tpy;
(c) Sulfur dioxide: 40 tpy;
(d) PM10: 15 tpy;
(e) PM2.5: 10 tpy;
(f) Particulate matter: 25 tpy;
(g) Ozone: 40 tpy of volatile organic compounds; or
(h) Lead: 0.6 tpy.

"Solid Fuel" means wood, coal, and other similar organic materials or a combination of these materials.

"Solvent" means organic materials which are liquid at standard conditions, Standard Temperature and Pressure, and which are used as dissolvers, viscosity reducers, or cleaning agents.

"Source" means any structure, building, facility, or installation which emits or may emit any air pollutant subject to regulation under the Clean Air Act and which is located on one or more continuous or adjacent properties and which is under the control of the same person under common control. A building, structure, facility, or installation means any of the pollutant-emitting activities which belong to the same industrial grouping. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" which have the same two-digit code as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement, US Government Printing Office stock numbers 4101-0065 and 003-005-00176-0, respectively.

"Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

"Standards of Performance for New Stationary Sources" means the federally established requirements for performance and record keeping, Title 40 Code of Federal Regulations, Part 60.

"Temporary" means not more than 180 calendar days.

"Temporary Clean Coal Technology Demonstration Project" means a clean coal technology demonstration project that is operated for a period of five years or less, and which complies with the Utah State Implementation Plan and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

"Threshold Limit Value -- Ceiling (TLV-C)" means the airborne concentration of a substance which may not be exceeded, as adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Threshold Limit Value -- Time Weighted Average (TLV-TWA)" means the time weighted airborne concentration of a substance adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Total Suspended Particulate (TSP)" means minute separate particles of matter, collected by a high volume sampler.

"Toxic Screening Level" means an ambient concentration of an air pollutant equal to a threshold limit value -- ceiling (TLV- C) or threshold limit value -- time weighted average (TLV-TWA) divided by a safety factor.

"Trash" means solids not considered to be highly flammable or explosive including clothing, rags, leather, plastic, rubber, floor coverings, excelsior, tree leaves, yard trimmings, and other similar materials.

"VOC content" means the weight of VOC per volume of material and is calculated by the following equation in gram/liter, pound/gallon, or pound/pound:

Grams of VOC per Liter of Material = Ws - Ww - Wes / Vm

Where:

Ws = weight of volatile organic compounds

Ww = weight of water

Wes = weight of exempt compounds

Vm = volume of material

"Volatile Organic Compound (VOC)" means VOC as defined in 40 CFR 51.100(s), effective as of the date referenced in Section R307-101-3, is incorporated by reference.

"Waste" means any solid, liquid or gaseous material, including garbage, trash, household refuse, construction or demolition debris, or other refuse including that resulting from the prosecution of any business, trade, or industry.

"Zero Drift" means the change in the instrument meter readout over a stated period of normal continuous operation when the VOC concentration at the time of measurement is zero.

**R307-101-3. Version of Code of Federal Regulations Incorporated by Reference.**

Except as specifically identified in an individual rule, the version of the Code of Federal Regulations (CFR) incorporated throughout Title R307 is dated [~~September 30, 2025~~]June 30, 2026.

**KEY: air pollution, definitions**
**Date of Last Change: [~~February 4, 2026~~]2026**
**Notice of Continuation: November 1, 2023**
**Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)**

| NOTICE OF SUBSTANTIVE CHANGE | |
|---|---|
| **TYPE OF FILING:** Amendment | **Filing ID: 58134** |
| **Rule or section number:** | **R307-105** |

**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:**

R307-105. General Requirements: Emergency Controls

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

The Division of Air Quality (Division) is submitting this filing to comply with HB 384 (2026 General Session) which changed the title of the "Executive Director" of the Department of Environmental Quality to "commissioner."

**C. Summary of the new rule or change:**

This filing changes all references in Rule R307-105 of the "Executive Director" of the Department of Environmental Quality to "commissioner."

The Division is also making additional necessary amendments to Rule R307-105 to bring this rule into compliance with Executive Order No. 2021-12 requiring all departments to update their respective rules to align with the Rulewriting Manual for Utah standards.

**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 384 (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 as there is no fiscal component related to the amendments.

This amendment will not change any operating procedures.

**B. Local governments:**

There are no anticipated costs or savings for local governments as there is no fiscal component related to the amendments.

This amendment will not change any operating procedures.

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

There are no anticipated costs or savings for small businesses as there is no fiscal component related to the amendments.

This amendment will not change any operating procedures.

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

There are no anticipated costs or savings for non-small businesses as there is no fiscal component related to the amendments.

This amendment will not change any operating procedures.

| **E. Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:** |
|---|
| There are no anticipated costs or savings for persons other than small businesses, non-small businesses, state, or local government entities as there is no fiscal component related to the amendments.<br><br>This amendment will not change any operating procedures. |
| **F. Compliance costs for affected persons:** |
| There are no compliance costs for affected persons as there is no fiscal component related to the amendments.<br><br>This amendment will not change any operating procedures. |

**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 | Section 67-1-18 | |

**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:** | 10/01/2026 |

| **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)**:** |
| 09/30/2026 | 11:00AM - 12:00PM | A public hearing is set for 09/30/2026.<br>Further details may be found below.<br><br>The hearing will be cancelled should no request for one be made by 09/28/2026, at 10 AM MT.<br><br>The final status of the public hearing will be posted on 09/28/2026, after 10 AM MT.<br><br>The status of the public hearing may be checked at the following website location under the corresponding rule:<br>https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment<br><br>Interested Persons can participate in person or electronically, via the internet.<br><br>In Person:<br>MASOB<br>195 N 1950 W, Salt Lake City, UT<br>First Floor, Air Quality Board Room<br><br>Virtual Attendance:<br>Time zone: America/Denver<br>Google Meet joining info:<br>Video call link:<br>https://meet.google.com/bqu-wkmm-rxr<br><br>Or dial: (US) +1 530-500-4088<br>PIN: 552 615 345# |

**12. Effective Date Information**

| | |
|---|---|
| **This rule change MAY become effective on:**<br>(NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date) | 12/02/2026 |

**13. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Bryce C. Bird, Director, Division of Air Quality | **Date:** | 07/16/2026 |

**R307. Environmental Quality, Air Quality.**
**R307-105. General Requirements: Emergency Controls.**
**R307-105-1. Air Pollution Emergency Episodes.**

(1) Determination of an episode and its extent or stage shall be made by the director taking into consideration the levels of pollutant concentrations contained at 40 CFR Section 51.151 and 40 CFR Section 51, Appendix L, and summarized in the table [~~below~~]"Air Pollution Episode Criteria":

[~~TABLE~~

~~AIR POLLUTION EPISODE CRITERIA~~
~~(values in micrograms/cubic meter unless stated otherwise)~~

~~NEVER TO BE~~
~~POLLUTANT ALERT WARNING EMERGENCY EXCEEDED~~

~~SULFUR DIOXIDE 800 1,600 2,100 2,620~~
~~24-hour average (0.3 ppm) (0.6 ppm) (0.8 ppm) (1.0 ppm)~~

~~PM10 350 420 500 600~~
~~24-hour average~~

~~CARBON MONOXIDE~~
~~8-hour average 17,000 34,000 46,000 57,500~~
~~(15 ppm) (30 ppm) (40 ppm) (50 ppm)~~
~~4-hour average 86,300~~
~~(75 ppm)~~
~~1-hour average 144,000~~
~~(125 ppm)~~

~~OZONE~~
~~1-hour average 400 800 1,000~~
~~(0.2 ppm) (0.4 ppm) (0.5 ppm)~~
~~2-hour average 1,200~~
~~(0.6 ppm)~~

~~NITROGEN DIOXIDE 1130 2,260 3,000 3,750~~
~~1-hour average (0.6 ppm) (1.2 ppm) (1.6 ppm) (2.0 ppm)~~

~~NITROGEN DIOXIDE 282 565 750 938~~
~~24-hour average (0.15 ppm) (0.3 ppm) (0.4 ppm) (0.5 ppm)~~]

TABLE
AIR POLLUTION EPISODE CRITERIA
(values in micrograms/cubic meter unless stated otherwise)

| POLLUTANT | ALERT | WARNING | EMERGENCY | NEVER TO BE EXCEEDED |
|---|---|---|---|---|
| Sulfur Dioxide<br>24-hour average | 800<br>(0.3 ppm) | 1,600<br>(0.6 ppm) | 2,100<br>(0.8 ppm) | 2,620<br>(1.0 ppm) |
| PM10<br>24-hour average | 350 | 420 | 500 | 600 |
| Carbon Monoxide<br>8-hour average | 17,000<br>(15 ppm) | 34,000<br>(30 ppm) | 46,000<br>(40 ppm) | 57,500<br>(50 ppm) |
| Carbon Monoxide<br>4-hour average | | | | 86,300<br>(75 ppm) |
| Carbon Monoxide<br>1-hour average | | | | 144,000<br>(125 ppm) |
| Ozone<br>1-hour average | 400<br>(0.2 ppm) | 800<br>(0.4 ppm) | 1,000<br>(0.5 ppm) | |
| Ozone<br>2-hour average | | | | 1,200<br>(0.6 ppm) |
| Nitrogen Dioxide<br>1-hour average | 1,130<br>(0.6 ppm) | 2,260<br>(1.2 ppm) | 3,000<br>(1.6 ppm) | 3,750<br>(2.0 ppm) |
| Nitrogen Dioxide<br>24-hour average | 282<br>(0.15 ppm) | 565<br>(0.3 ppm) | 750<br>(0.4 ppm) | 938<br>(0.5 ppm) |

An air pollution alert, air pollution warning, or air pollution emergency will be declared [~~when~~]if any one of the [~~above~~ ]pollutants listed in the table "Air Pollution Episode Criteria" reaches the specified levels at any monitoring site.

In addition to the levels listed for the [~~above~~ ]pollutants in the table "Air Pollution Episode Criteria", meteorological conditions are such that pollutant concentrations can be expected to remain at the [~~above~~ ]levels listed in the table "Air Pollution Episode Criteria" for [~~twelve~~

~~(~~]12[~~)~~] or more hours or increase, or in the case of ozone, the situation is likely to reoccur within the next 24-hours unless control actions are taken.

ALERT The Alert level is that concentration at which first stage control action is to begin.

WARNING The warning level indicates that air quality is continuing to degrade and that additional control actions are necessary.

EMERGENCY The emergency level indicates that air quality is continuing to degrade toward a level of significant harm to the health of persons and that the most stringent control actions are necessary.

(2) The director shall also take into consideration, to determine an episode and its extent, rate of change of concentration, meteorological forecasts, and the geographical area of the episode, including a consideration of point and area sources of emission, where applicable.

**R307-105-2. Emergency Actions.**

(1) If an episode is determined to exist, the [~~Executive Director~~]commissioner, with concurrence of the [~~G~~]governor shall:

(a) Make public announcements pertaining to the existence, extent, and area of the episode; and[~~.~~]

(b) [~~R~~]require corrective measures as necessary to prevent a further deterioration of air quality.

(2) Episode termination shall be announced by the [~~Executive Director~~]commissioner, with concurrence of the [~~G~~]governor, once monitored pollutant concentration data and meteorological forecasts determine the crisis is over.

**KEY: air pollution, emergency powers, governor*, air pollution**
**Date of Last Change: [~~September 15, 1998~~]2026**
**Notice of Continuation: May 4, 2022**
**Authorizing, and Implemented or Interpreted Law: 19-2-112**

| NOTICE OF SUBSTANTIVE CHANGE | |
|---|---|
| **TYPE OF FILING:** Amendment | **Filing ID: 58136** |
| **Rule or section number:** | **R307-110** |

**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. General Requirements: State Implementation Plan

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

The Clean Air Act and Regional Haze Rule requires states to submit a State Implementation Plan (SIP) demonstrating reasonable progress towards achieving natural visibility by 2064 in Utah's five Class I Areas (CIAs), which include all five of the national parks in the State.

As part of this SIP, the state must conduct an emissions control determination to identify its long-term strategy (LTS) to achieve the 2064 natural conditions goal.

This rule is being amended to incorporate by reference Utah SIP Section XX.A.1: Regional Haze Second Implementation Period and amendments to SIP Section IX.H.23: Regional Haze Emissions Limits and Operating Practices.

| C. Summary of the new rule or change: |
|---|
| This amendment changes the "most recently amended" date in Sections R307-110-17 and R307-110-28 to 11/04/2026, incorporating by reference the requirements of Section XX.A.1: Regional Haze Second Implementation Period and Section IX: Control Measures for Area and Point Sources, Part H, Emission Limits, of the Utah SIP.<br><br>The reasonable progress determinations in these sections revise Section XX.A with the following changes to measures supporting the State's LTS:<br>1. Establishes mass-based annual and 30-day rolling Nitrogen Oxides (NOx) emissions limits for the Intermountain Power Plant (IPP) based on a four-factor analysis and the achievable control efficiency of selective non-catalytic reduction;<br>2. Removes the enforceable closure date for the coal-fired boilers at the IPP due to changes in federal and state policy; and<br>3. Revises the compliance date for flue gas recirculation at the US Magnesium Riley boiler to 2028, or upon source startup, whichever occurs later, and updates the SIP to reflect the current operator. |

**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 425 (2023 General Session), SB 161 (2024 General Session), HB 3004 (2024 Special Session), HB 70 (2025 General Session) |

**5. Fiscal Information**

| Provide an estimate and written explanation of the aggregate anticipated cost or savings to: |
|---|
| **A. State budget:** |
| Removal of the IPP closure date from the SIP provides the opportunity for the facility to be sold and potentially returned to operation in the future.<br><br>If a purchaser were to acquire and restart the facility, the State could experience fiscal benefits from tax revenue associated with the sale, potential job creation, and economic activity related to energy production and sales. Because no sale or restart has occurred, these potential benefits cannot be reliably quantified at this time.<br><br>The previous NOx emissions limit of 21,234.7 tons per 12-month rolling total is being reduced to 14,340 tons per 12-month rolling total, and a new 30-day rolling limit of 1,813 tons is being established.<br><br>These revised NOx emissions limits are not anticipated to impact the State budget. IPP is currently not operating, and the new limits are consistent with existing emissions limits for other pollutants at the facility. If the facility resumes operation, the revised limits are not expected to reduce productivity or utilization.<br><br>The revisions related to US Magnesium are not anticipated to impact the State budget because they only revise the timeline for installation of previously required controls.<br><br>The control installation requirement was adopted in a prior rulemaking, and the associated fiscal impacts were evaluated at that time. |
| **B. Local governments:** |
| IPP is owned by the Intermountain Power Agency (IPA), a political subdivision of the State consisting of 23 municipalities that receive financial benefits associated with IPP operations.<br><br>By removing the enforceable closure date, this revision allows for the continued operation of IPP and preserves the potential for sale of the facility.<br><br>If the facility were sold or returned to operation, the participating municipalities could experience financial benefits associated with employment, energy production, and related economic activity. Because no sale or restart has occurred, these potential benefits cannot be reliably quantified at this time.<br><br>The revisions related to US Magnesium are not anticipated to impact local governments because they only revise the timeline for installation of previously required controls.<br><br>The control installation requirement was adopted in a prior rulemaking, and associated fiscal impacts were evaluated at that time. |

| **C. Small businesses** ("small business" means a business employing 1-49 persons)**:** |
|---|
| This amendment is not anticipated to create costs for small businesses.<br><br>Removal of the IPP closure date preserves the potential for future operation or sale of the facility, which could provide indirect economic benefits to small businesses through increased economic activity, employment, and demand for local goods and services. Because no sale or restart has occurred, these potential benefits cannot be reliably quantified at this time.<br><br>The newly established NOx emissions limits apply to IPP and are not anticipated to affect small businesses because the facility is currently not in operation and other limits already impact utilization and production.<br><br>The revisions related to US Magnesium only revise the timeline for installation of previously required controls and do not create new requirements for small businesses. |
| **D. Non-small businesses** ("non-small business" means a business employing 50 or more persons)**:** |
| A potential purchaser and operator of the IPP could experience significant fiscal benefits associated with operation of the facility, including revenue from energy production and related economic activity.<br><br>Removal of the enforceable closure date preserves the opportunity for future operation or sale of the facility. Because there is currently no purchaser and the facility is not operating, these potential impacts cannot be reliably quantified at this time.<br><br>The newly established NOx emissions limits apply only to IPP and are not anticipated to create significant additional costs because the limits are inline with other pollutants and are not expected to reduce facility productivity or utilization.<br><br>The revisions related to US Magnesium only revise the timeline for installation of previously required controls and do not create fiscal impact 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***)**:** |
| If IPP were purchased and returned to operation, the facility would require approximately 300 employees onsite. This would provide a significant economic benefit to the individuals employed by the facility and to the surrounding communities.<br><br>The revisions related to US Magnesium only modify the compliance timeline for installation of previously required emission controls and do not create any fiscal impact for persons. |
| **F. Compliance costs for affected persons:** |
| The impacted entities will incur no additional costs to comply with these revisions.<br><br>For IPP, the new emission limit is not expected to restrict production or facility utilization.<br><br>For US Magnesium, the revisions only modify the compliance timeline for previously required controls and do not impose any new control requirements or associated 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 | inestimable | inestimable | inestimable | inestimable | inestimable |
| Local Governments | inestimable | inestimable | inestimable | inestimable | inestimable |
| Small Businesses | inestimable | inestimable | inestimable | inestimable | inestimable |
| Non-Small Businesses | inestimable | inestimable | inestimable | inestimable | inestimable |
| Other Persons | inestimable | inestimable | inestimable | inestimable | inestimable |
| **Total Fiscal Cost** | **inestimable** | **inestimable** | **inestimable** | **inestimable** | **inestimable** |

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

**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 | 40 CFR 51, Subpart P | |

**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 XX, Regional Haze |
| **Publisher** | Division of Air Quality, Utah Department of Environmental Quality |
| **Issue Date** | November 4, 2026 |

| **B. 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 IX, Control Measures for Area and Point Sources, Part H, Emission Limits and Operating Practices. |
| **Publisher** | Division of Air Quality, Utah Department of Environmental Quality |
| **Issue Date** | November 4, 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:** | 10/01/2026 |

| **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)**:** |
| 09/24/2026 | 02:00 PM - 03:00 PM | A public hearing is set for 09/24/2026.<br>Further details may be found below.<br><br>The hearing will be cancelled should no request for one be made by 09/22/ at 10 AM MT. |

| | | |
|---|---|---|
| | | The final status of the public hearing will be posted on 09/22/2026 after 10 AM MT.<br><br>The status of the public hearing may be checked at the following website location under the corresponding rule:<br>https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment<br><br>Interested Persons can participate in person or electronically, via the internet.<br><br>In Person:<br>MASOB<br>195 N 1950 W, Salt Lake City, UT<br>First Floor, Air Quality Board Room<br><br>Virtual Attendance:<br>Time zone: America/Denver<br>Google Meet joining info:<br>Video call link:<br>https://meet.google.com/qpx-feyv-vom<br><br>Or dial:(US) +1 740-936-3821<br>PIN: 799 848 699# |

**12. Effective Date Information**

| | |
|---|---|
| **This rule change MAY become effective on:**<br>(NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date) | 11/04/2026 |

**13. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Bryce C. Bird, Director, Division of Air Quality | **Date:** | 07/20/2026 |

**R307. Environmental Quality, Air Quality.**
**R307-110. General Requirements: State Implementation Plan.**
**R307-110-17. Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits.**

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits and Operating Practices, as most recently amended by the Utah Air Quality Board on November 4, 2026[~~July 1, 2026~~], pursuant to Section 19-2-104, is incorporated by reference and made a part of Rule R307-110.

**R307-110-28. Regional Haze.**

The Utah State Implementation Plan, Section XX, Regional Haze, as most recently amended by the Utah Air Quality Board on November 4, 2026[~~July 6, 2022~~], pursuant to Section 19-2-104, is incorporated by reference and made a part of [~~these rules~~]Rule R307-110.

**KEY: air pollution, PM10, PM2.5, ozone**
**Date of Last Change: [~~July 1, 2026~~]2026**
**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: 58135** |
| **Rule or section number:** | **R307-110-13** |

**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: |
|---|---|---|
| Ryan Bares | 801-536-4216 | rbares@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:**

R307-110-13. Section IX, Control Measures for Area and Point Sources, Part D, Ozone

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

The State of Utah is required to submit periodic emission inventories for ozone nonattainment areas to the Environmental Protection Agency as part of Clean Air Act (CAA) requirements, Section 182(a)(3)(A).

The first periodic emission inventory for the Southern Wasatch Front (SWF) nonattainment area (NAA) was completed and submitted for the year 2017.

This amendment incorporates the periodic inventories for the years 2020 and 2023 into Utah's State Implementation Plan (SIP) and as such the Air Quality Board (Board) is proposing to amend Section R307-110-13 Section IX, Control Measures for Area and Point Sources, Part D, Ozone to change the Board adoption date to the anticipated date of the amended plan.

**C. Summary of the new rule or change:**

This proposed rule amendment incorporates the required periodic emission inventory reports for the years 2020 and 2023 for the SWF NAA into the Utah SIP as required by the CAA.

Pursuant to Section 182(a)(3) of the CAA, the inventories include a comprehensive accounting of actual VOC and NOx emissions from the following source categories: point, area, on-road mobile, and non-road mobile sources.

Emissions from oil and gas sources are not included in this inventory due to the lack of oil and gas sources within the SWF NAA.

In addition to the exclusion of oil and gas emissions, this inventory submission does not include emissions from wildfire or biogenic sources as the inventory is limited to locally produced anthropogenic emissions only.

In Section R307-110-13, Section IX, Control Measures for Area and Point Sources, Part D, Ozone is being amended to change the Board adoption date to the anticipated date of the amended plan.

**5. Fiscal Information**

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

**A. State budget:**

This amendment does not have any impact on the state budget as the change reflects work already completed by the Division of Air Quality as part of staff's required workload.

This amendment does not alter current regulations or practices.

| |
|---|
| **B. Local governments:** |
| This amendment does not have any impact on local governments as this rule requires no action by local governments.<br><br>This amendment does not alter current regulations or practices. |
| **C. Small businesses** ("small business" means a business employing 1-49 persons)**:** |
| This amendment does not have any impact on small businesses as this rule requires no action by small businesses.<br><br>This amendment does not alter current regulations or practices. |
| **D. Non-small businesses** ("non-small business" means a business employing 50 or more persons)**:** |
| This amendment does not have any impact on non-small businesses as this rule requires no action by non-small businesses.<br><br>This amendment does not alter current regulations or practices. |
| **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 does not impact persons other than small businesses, non-small businesses, state, or local government entities as this rule requires no action by persons other than small businesses, non-small businesses, state, or local government entities.<br><br>This amendment does not alter current regulations or practices. |
| **F. Compliance costs for affected persons:** |
| There are no compliance costs associated with this amendment as the change is editorial to incorporate already prepared reports into the SIP.<br><br>This amendment does not alter current regulations or practices. |

**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 | 42 U.S.C. 85, Part D, Section 7511a | |

**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 IX, Control Measures for Area and Point Sources, Part D, Ozone |
| **Publisher** | Division of Air Quality, Utah Department of Environmental Quality |
| **Issue Date** | November 4, 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:** | 10/01/2026 |

| | | |
|---|---|---|
| **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)**:** |
| 09/30/2026 | 10:00AM - 11:00AM | A public hearing is set for 09/30/2026.<br>Further details may be found below.<br><br>The hearing will be cancelled should no request for one be made by 09/282026 at 10 AM MT.<br><br>The final status of the public hearing will be posted on 09/28/2026, after 10 AM MT.<br><br>The status of the public hearing may be checked at the following website location under the corresponding rule:<br>https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment<br><br>Interested Persons can participate in person or electronically, via the internet.<br><br>In Person:<br>MASOB<br>195 N 1950 W, Salt Lake City, UT<br>First Floor, Air Quality Board Room<br><br>Virtual Attendance:<br>Time zone: America/Denver |

| | | |
|---|---|---|
| | | Google Meet joining info:<br>Video call link:<br>https://meet.google.com/gvj-dexk-zby<br><br>Or dial: (US) +1 516-399-4901<br>PIN: 171 091 585# |

**12. Effective Date Information**

| | |
|---|---|
| **This rule change MAY become effective on:**<br>(NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date) | 11/04/2026 |

**13. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Bryce C. Bird, Director, Division of Air Quality | **Date:** | 07/14/2026 |

**R307. Environmental Quality, Air Quality.**
**R307-110. General Requirements: State Implementation Plan.**
**R307-110-13. Section IX, Control Measures for Area and Point Sources, Part D, Ozone.**

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part D, Ozone, as most recently amended by the Utah Air Quality Board on [~~October 1, 2026~~]November 4, 2026, pursuant to Section 19-2-104, is incorporated by reference and made a part of Rule R307-110.

**KEY: air pollution, PM10, PM2.5, ozone**
**Date of Last Change: [~~July 1, 2026~~]2026**
**Notice of Continuation: December 1, 2021**
**Authorizing, and Implemented or Interpreted Law: 19-2-104**

| **NOTICE OF SUBSTANTIVE CHANGE** | |
|---|---|
| **TYPE OF FILING:** Repeal and Readopt | **Filing ID: 58132** |
| **Rule or section number:** | **R384-201** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Health and Human Services; Population Health, Health Promotion and Prevention |
| **Building:** | Cannon Health Building |
| **Street address:** | 288 N 1460 W |
| **City, state:** | Salt Lake City, UT |
| **Mailing address:** | PO Box 142107 |
| **City, state and zip:** | Salt Lake City, UT 84114-2107 |

**2. Contact Persons**

| **Name:** | **Phone:** | **Email:** |
|---|---|---|
| Karlee Walker | 385-443-0871 | karleewalker@utah.gov |
| Sami Bushnell | 801-419-1078 | samanthabushnell@utah.gov |
| Mariah Noble | 385-214-1150 | mariahnoble@utah.gov |

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

**3. General Information**

| **A. Rule or section catchline:** |
|---|
| R384-201. School-Based Vision Screening for Students in Public Schools |

| B. Purpose of the new rule or reason for the change: |
|---|
| This filing is necessary to implement the new legislative mandates in Section 53G-9-404, updated as a result of HB 351 passed in the 2026 General Session, by clarifying Department of Health and Human Services (department) oversight of public education vision screenings.<br><br>Upon drafting this filing, the department also determined it is appropriate to format this substantive change as a repeal and readopt filing because the significant number of markups would have made the rule text difficult to follow if this filing were formatted as an amendment filing. |
| **C. Summary of the new rule or change:** |
| This filing updates and reorganizes Rule R384-201 to establish a clear two-tiered public school vision screening framework.<br><br>This filing establishes standard definitions of critical operational roles, including the designated vision point person (DVPP), tier one screener, and tier two screener.<br><br>It also establishes operational requirements, including mandating the Vision Symptom Questionnaire (VSQ) as a diagnostic trigger for students in grades one through three who fail reading benchmarks, students undergoing special education evaluations, or upon parent or guardian concern.<br><br>This filing establishes comprehensive protocols to formally separate basic tier one screenings from targeted, clinical tier two screenings, maximizing early intervention and academic support across local education agencies (LEAs).<br><br>This filing outlines specific criteria for automated doctor referrals if an LEA operates without an authorized tier two screener. It establishes a strict 30-day administrative timeline for delivering written initial referral notification to parents or guardians and a distinct, secondary follow-up protocol via phone, email, or direct contact to confirm receipt of referrals and to link families to vision care resources.<br><br>This filing updates this rule to enforce ethical and legal guardrails prohibiting outside screening entities from marketing, promoting businesses, or distributing material to families before an LEA issues an initial referral notification.<br><br>This filing also synchronizes aggregate year-end data reporting directly into the annual School Health Workload Report and establishes data privacy protections and explicit cross-agency jurisdictional hand-offs to the Utah State Board of Education (USBE) and Utah Schools for the Deaf and the Blind (USDB) regarding significant visual impairments. |

**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 351 (2026 General Session) |

**5. Fiscal Information**

| Provide an estimate and written explanation of the aggregate anticipated cost or savings to: |
|---|
| **A. State budget:** |
| This filing is not anticipated to have a fiscal impact to the state budget.<br><br>The department is expected to absorb any administrative costs associated with updating the VSQ and the aggregate data collection portals using existing staff and resources.<br><br>Standardized training modules will continue to be hosted digitally via existing online learning platforms, requiring no new state appropriations. |
| **B. Local governments:** |
| This filing is not anticipated to have a fiscal impact on LEAs, including school districts and charter schools. |

LEAs are already required by law to conduct student vision screenings. The shifting of workflows, the delivery of the written initial referral within 30 days, and the implementation of the VSQ use existing school nursing staff, administrative personnel, and data coordinators within standard contracted hours.

This filing does not mandate the purchase of new physical screening equipment or charts.

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

This filing is not anticipated to have a fiscal impact on small businesses because this rule does not apply to or impact small businesses.

This rule strictly regulates public education screening programs and authorized school personnel. It imposes no regulatory requirements, compliance burdens, or operational costs on private small businesses.

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

This filing is not anticipated to have a fiscal impact on non-small businesses because this rule does not apply to or impact non-small businesses.

This rule strictly regulates public education screening programs and authorized school personnel. It imposes no regulatory requirements, compliance burdens, or operational costs on private commercial corporations or 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 filing is not anticipated to have a fiscal impact on other persons, including nonprofit entities, such as Friends for Sight, that contract with LEAs to provide volunteer screening support.

Applicable nonprofit entities are already subject to training and data-sharing protocols.

While this rule establishes ethical boundaries regarding commercial marketing and limits the timing of resource distribution, it does not impose operational fees, licensing costs, or fiscal penalties on these organizations.

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

This filing is not anticipated to have any compliance costs for affected persons, including the department, LEAs, and nonprofit entities.

Adhering to this rule requires tracking aggregate statistics and routing paperwork within specified timelines, which relies entirely on existing administrative channels.

**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 Health and Human Services, Tracy S. Gruber, 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 26B-1-202 | Section 53G-9-404 | |

**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)** | Rule R277-750. Education Programs for Students with Disabilities |
| **Publisher** | Utah Office of Administrative Rules |
| **Issue Date** | March 15, 2024 |
| **Issue or Version** | March 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:** | 10/01/2026 |

**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) | 10/08/2026 |

**13. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Tracy S. Gruber, Commissioner | **Date:** | 07/31/2026 |

**R384. Health and Human Services, Population Health, Health Promotion and Prevention.**
**R384-201. School-Based Vision Screening for Students in Public Schools.**
**[~~R384-201-1. Authority.~~**

~~(1) This rule is authorized by Subsection 53G-9-404 and 26-1-30 (33).~~

~~(2) The Department of Health and Human Services is authorized under the rule to set standards and procedures for vision screening required by this chapter, which shall include a process for notifying the parent or guardian of a student who fails a vision screening or is identified as needing follow-up care.~~

**~~R384-201-2. Definitions.~~**

~~(1) "Eye care professional" means an ophthalmologist or optometrist.~~

~~(2) IEP means an Individualized Education Plan.~~

~~(3) "Instrument based screening" means an automated screening technique that facilitates vision screening for a student who is difficult to screen such as a student with a developmental delay.~~
~~(4) LEA means local education agency.~~
~~(5) "Screening certificate" means written documentation of vision screening or comprehensive eye examination by a health care professional as defined in Subsection 53G-9-404 (1)(a) done within one year of entering a public school.~~
~~(6) "Significant visual impairment" means a visual impairment severe enough to interfere with learning. The term is the designation required for a child to be eligible for services from a teacher of a student with a visual impairment.~~
~~(7) "Screener" means those trained to support a school vision screening program.~~
~~(8) DHHS means the Utah Department of Health and Human Services.~~
~~(9) "Vision Screening" means a way to identify a student with a visual impairment.~~

**~~R384-201-3. Purpose.~~**
~~The purpose of school-based vision screening is to set standards and procedures for vision screening in a public school.~~

**~~R384-201-4. Free Screening.~~**
~~(1) A student in an LEA shall receive a free tier 1 vision screening as follows:~~
~~(a) tier 1 vision screening shall be conducted for a student who is in pre-kindergarten, kindergarten, grades 1, 3, 5, 7 or 8, and 9 or 10, and any student referred by school personnel, parent or guardian or self to rule out vision as an obstacle to learning;~~
~~(b) a student enrolled in 10th grade may be exempt from screening if enrolled in a driver education class; and~~
~~(c) a student who has a diagnosed significant visual impairment will be exempt from screening.~~
~~(2) A student may be referred for tier 2 vision screening under the following circumstances:~~
~~(a) mandatory tier 2 screening or referral to an eye care professional shall be done for a student requiring education intervention such as special education referral or reevaluation, or failing benchmark reading assessment as defined by Rule R277-404 if indicated by results of the Vision Symptom Questionnaire;~~
~~(b) optional tier 2 vision screening may be done based on parent or teacher concern;~~
~~(c) a student failing a tier 1 screening who has been referred to an eye care professional is not required to complete a tier 2 screening;~~
~~(d) the LEA may automatically refer the student to an eye care professional in lieu of performing a tier 2 vision screening; and~~
~~(e) an LEA without an approved tier 2 screener shall automatically refer the student to an eye care professional in lieu of performing a tier 2 vision screening.~~

**~~R384-201-5. Required Screening for Students with an Individualized Education Plan.~~**
~~Required screening for a student referred or reevaluated for an IEP in an LEA are as follows:~~
~~(1) May only occur not more than once a year, unless the parent or adult student and LEA agree otherwise; and at least every three years unless the parent or adult student and LEA agree otherwise.~~
~~(a) A student must be reevaluated for eligibility for special education in all areas of suspected disability.~~
~~(b) If vision is an area of suspected disability, the LEA shall complete the Vision Symptom Questionnaire in conjunction with the evaluation.~~
~~(2) Vision issues as a primary obstacle to learning must be ruled out using the Vision Symptom Questionnaire before Specific Learning Disability eligibility can be determined.~~

**~~R384-201-6. Proof of Screening.~~**
~~Certificate or health form documenting a vision screening or examination given within one year of entering a public school are acceptable for school entry. A student less than age 9 entering a public school in Utah for the first time without proof of screening mentioned above, shall be screened during that school year.~~

**~~R384-201-7. Training of Screeners.~~**
~~(1) The LEA shall provide training annually to all who assist with the screening as follows:~~
~~(a) the school nurse shall provide the training; or~~
~~(b) those assisting with screening shall view the online module developed by DHHS.~~
~~(2) The LEA will provide training in compliance with material developed by DHHS.~~
~~(3) The DHHS will share vision screening training material with a qualified outside entity.~~
~~(4) The DHHS will create online training for:~~
~~(a) tier 1 vision screening;~~
~~(b) those who assist with tier 1 vision screening; and~~
~~(c) those approved to provide tier 2 vision screening.~~

**~~R384-201-8. Screening.~~**
~~(1) Screening is to be performed following criteria developed by DHHS.~~
~~(2) Vision screening should be done early in the school year to provide time for adequate referral and follow-up.~~
~~(3) A parent or guardian of a student has the right not to have their student participate in vision screening. A parent or guardian must be notified of scheduled vision screening by the LEA to provide an opportunity to opt-out of screening for their student. A parent or guardian choosing to opt-out of vision screening for their student must do so annually and in writing.~~

~~(4) An LEA staff member should be present at all times during vision screenings including those done by a qualified outside entity.~~
~~(5) Screenings are to be done using material and procedures approved by DHHS. Standards and procedures are based on recommendations of the American Academy of Pediatrics, the American Academy of Ophthalmology, the American Optometric Association, the National Center for Children's Vision and Eye Health, and the National Association of School Nurses.~~
~~(6) School vision screening is comprised of tier 1 and tier 2 screening.~~
~~(a) Tier 1 vision screening is a lower-level vision screening which includes basic distance vision screening.~~
~~(b) Tier 2 vision screening is a higher-level evaluation that should include screening of distance and near vision. It may also include eye focusing or tracking problems, color screening, and screening for convergence insufficiency if indicated by results of the Vision Symptom Questionnaire.~~
~~(i) The approved tier 2 screener may automatically refer the student to an eye care professional in lieu of performing the tier 2 screening.~~
~~(ii) If the LEA does not have an approved tier 2 screener the LEA should automatically refer the student to an eye care professional.~~
~~(7) Those approved to provide vision screening include the following:~~
~~(a) a school nurse, a qualified outside entity, trained volunteer, or a health care professional as defined in Subsection 53G-9-404 (1)(a) who has completed DHHS training for tier 1 vision screening is approved to provide tier 1 vision screening; and~~
~~(b) a school nurse or a health care professional as defined in Subsection 53G-9-404 (1)(a) who has completed DHHS training for tier 2 vision screening is approved to provide tier 2 vision screening.~~
~~(8) A person assisting with vision screening:~~
~~(a) may not profit financially from school vision screening; and~~
~~(b) may not market, advertise, or promote a business in connection with assisting with vision screening.~~
~~(9) A qualified outside entity shall provide results of vision screening to the LEA.~~
~~(10) A student who is not a candidate for regular vision screening may be screened using an approved instrument-based screening device. Only devices approved by DHHS should be used for screening, and then only when screening with a chart is not an option.~~
~~(10) The LEA shall document each vision screening result including any referral and follow-up in the student's permanent school record.~~

**~~R384-201-9. Requirements for Referral.~~**
~~(1) A school nurse may rescreen any student who fails initial age-appropriate school vision screening to confirm results before notification to student's parent or guardian of any impairment disclosed by the vision screening recommending further evaluation by an eye care professional.~~
~~(2) The LEA shall notify, in writing within 30 days from vision screening, a student's parent or guardian of any impairment disclosed by the vision screening recommending further evaluation by an eye care professional.~~

**~~R384-201-10. Vision Symptom Questionnaire.~~**
~~(1) The DHHS will provide to the LEA the Vision Symptom Questionnaire for the classroom teacher to potentially identify a vision problem. The DHHS will update the questionnaire as needed.~~
~~(2) For a student who fails to achieve benchmark status on the benchmark reading assessment in grades 1-3:~~
~~(a) the LEA shall notify the teacher within 30 calendar days of student performance on the benchmark reading assessment;~~
~~(b) the teacher must complete the Vision Symptom Questionnaire within 45 calendar days of the administration of the assessment and submit the questionnaire to the school nurse;~~
~~(c) the teacher need only complete the Vision Symptom Questionnaire once per school year; and~~
~~(d) the school nurse shall use the Vision Symptom Questionnaire to evaluate the need for a tier 2 screening or refer to an eye care professional within 30 calendar days of receiving the Vision Symptom Questionnaire.~~
~~(3) For a student who is being referred or reevaluated for special education for a suspected disability affected by a vision difficulty:~~
~~(a) the teacher must complete the Vision Symptom Questionnaire and submit to the school nurse; and~~
~~(b) the school nurse shall use the Vision Symptom Questionnaire to evaluate the need for a tier 2 screening or refer to an eye care professional within 30 calendar days of receiving the Vision Symptom Questionnaire.~~
~~(4) For a student who is being referred by parent or guardian for vision concern:~~
~~(a) the parent or guardian should complete the Vision Symptom Questionnaire and submit to the school nurse; and~~
~~(b) the school nurse shall use the Vision Symptom Questionnaire to evaluate the need for a tier 2 screening or refer to an eye care professional within 30 calendar days of receiving the Vision Symptom Questionnaire.~~

**~~R384-201-11. Aggregate Reporting Requirements.~~**
~~(1) LEAs shall report aggregate numbers annually to DHHS to include:~~
~~(a) total number receiving tier 1 vision screening;~~
~~(b) total number referred to an eye care professional following a tier 1 vision screening;~~
~~(c) total number referred to school nurse for tier 2 screening;~~
~~(d) total number referred to an eye care professional following a tier 2 vision screening; and~~
~~(e) other information as requested by DHHS.~~
~~(2) This report may be submitted on the annual vision screening report, or as part of the annual school health workload census, and shall be due on or before June 30 of each year.~~
~~(3) No personally identifiable information will be collected.~~]

**R384-201-1. Authority and Purpose.**

(1) Sections 26B-1-202 and 53G 9-404 authorize this rule.

(2) This rule provides Department of Health and Human Services (department) oversight of public education vision screening and establishes comprehensive standards, protocols, and reporting requirements for school-based tier one and tier two vision screenings.

**R384-201-2. Definitions.**

(1) "Designated vision point person" or "DVPP" means:

(a) the school nurse; or

(b) if a local education agency (LEA) does not employ a school nurse, an individual designated by the LEA to coordinate the school vision screening program.

(2) "Eye care professional" means an ophthalmologist or optometrist.

(3) "Health care professional" means the same as defined in Section 53G-9-404.

(4) "Instrument-based screening device" means a department-approved automated tool used to facilitate vision screening for a student who cannot complete a standard chart-based visual acuity test.

(5) "Screening certificate" means written documentation of a vision screening or comprehensive eye examination by a health care professional conducted within one year of a student entering a public school.

(6) "Significant vision impairment" means a visual impairment severe enough to interfere with learning.

(7) "Qualified outside entity" means a department-approved nonprofit entity contracted with an LEA to assist with tier one vision screening.

(8) Tier one screener" means an authorized individual who meets the criteria described in Subsection R384-201-5(8) to conduct a tier one screening for at the school.

(9) "Tier two screener" means a school nurse or health care professional who has completed department-approved training to conduct a tier two vision screening at the school.

(10) "Vision screening" means a process or method used to identify a student whose results may indicate a vision impairment.

(11) "Vision Symptom Questionnaire" or "VSQ" means the questionnaire developed by the department to identify a student who may need a tier two vision screening or referral to an eye care professional based on vision-related symptoms or concerns.

**R384-201-3. Screening Criteria and Qualifications.**

(1)(a) A tier one vision screener shall conduct a free tier one vision screening for at least each student:

(i) in pre-kindergarten;

(ii) in kindergarten;

(iii) in grade one;

(iv) in grade three;

(v) in grade five;

(vi) in grade seven or eight;

(vii) in grade nine or ten;

(viii) in that student's first year enrolled in public school in the state if the student is under nine years old; and

(ix) referred by school personnel or a parent or guardian to rule out vision as an obstacle for learning.

(b)(i) If a student in grade ten is enrolled in a driver education class, that student may be exempt from the tier one vision screening.

(ii) Any student with a diagnosed significant vision impairment shall be exempt from vision screening.

(2)(a) A student qualifies for a tier two vision screening or referral to an eye care professional if a teacher or a parent or guardian submits a VSQ indicating a vision concern.

(b) A subsequent tier two vision screening or referral to an eye care professional shall be conducted if indicated by the results of the VSQ.

(c) A student who is referred to an eye care professional after a tier one screening does not require a tier two vision screening.

(d) An LEA may refer a student to an eye care professional in lieu of performing a tier two vision screening.

(e) Any LEA without an authorized tier two screener shall automatically refer each student in need of a tier two vision screening to an eye care professional.

**R384-201-4. Vision Symptom Questionnaire.**

(1)(a) The department shall, in coordination with the State Board of Education, provide the VSQ to each LEA for the classroom teacher to potentially identify a vision problem.

(b) The department shall update the VSQ as needed.

(2) For a student who fails to achieve benchmark status on the benchmark reading assessment in grades one through three:

(a) the LEA shall notify the student's classroom teacher within 30 calendar days of student performance on the benchmark reading assessment; and

(b) the classroom teacher shall complete the VSQ within 45 calendar days of the administration of the benchmark reading assessment and submit the completed VSQ to the DVPP.

(3)(a) For a student who requires a VSQ in accordance with a special education referral or reevaluation and Rule R277-750, incorporated by reference in this rule, and the Special Education Rules manual, incorporated by reference in Rule R277-750, the classroom teacher shall submit a completed VSQ to the DVPP.

(b) The coordination, completion, and evaluation of each special education evaluation or reevaluation VSQ shall be conducted in accordance with Rule R277-750.

(4)(a) For a parent or guardian who has a vision concern for a student, the parent or guardian may complete the VSQ and submit the completed VSQ to the DVPP.

(b) If any school personnel, including a teacher, has a vision concern for a student, the school personnel may complete the VSQ and submit the completed VSQ to the DVPP.

(5) Upon receipt of a completed VSQ, the DVPP shall evaluate the completed VSQ within 30 calendar days for any needed tier two screening or referral to an eye care professional.

(6) An LEA may only require a classroom teacher to complete the VSQ once per student per school year, regardless of how many administrative triggers described in Subsection (2), (3), or (4) apply to the student.

**R384-201-5. Training of Screeners.**

(1) Each LEA shall ensure each individual who assists with vision screening receives annual training:

(a) through the department's online training course for vision screening, found on the department's school nursing website; or

(b) provided by a school nurse.

(2) The DVPP shall coordinate and verify completion of the training requirements described in Subsection (1) for every individual assisting with vision screening.

(3) The LEA shall provide training in compliance with material developed by the department.

(4) The department shall share vision screening training material with any qualified outside entity contracted by an LEA to provide screenings.

(4) The department, in coordination with the State Board of Education, shall create online training for:

(a) tier one vision screening;

(b) each individual assisting with tier one vision screening; and

(c) each individual who conducts tier two vision screening.

**R384-201-6. Screening Procedures.**

(1) Screening shall be conducted in accordance with department-developed criteria.

(2) Each LEA shall conduct vision screening early in the school year to provide time for adequate referral and follow-up.

(3) The LEA shall notify a student's parent or guardian of scheduled vision screening to provide the parent or guardian an opportunity to opt out of vision screening for the student.

(4) To opt a student out of vision screening, the student's parent or guardian must annually submit a written refusal for the student's participation in vision screening.

(5) An LEA staff member or DVPP shall be present during the entirety of a vision screening, including any screening conducted by a qualified outside entity.

(6)(a) Each vision screening shall be conducted using materials, questionnaires, and procedures approved by the department and developed in coordination with the State Board of Education.

(b) Screening standards and procedures are based on recommendations of the American Academy of Pediatrics, the American Academy of Ophthalmology, the American Optometric Association, the National Center for Children's Vision and Eye Health, and the National Association of School Nurses.

(7) School vision screening includes tier one and tier two screening.

(a) Tier one vision screening is a lower-level vision screening that includes basic distance vision screening.

(b)(i) Tier two vision screening is a higher-level evaluation that:

(A) includes screening of distance and near vision; and

(B) may include evaluation of eye focusing or tracking problems, color screening, and screening for convergence insufficiency, if indicated by results of the VSQ.

(8) An individual may conduct tier one vision screening if that individual:

(a) has completed department-approved training;

(b) is working in coordination with a DVPP; and

(c)(i) is a school nurse;

(ii) is health care professional;

(iii) is a qualified outside entity; or

(iii) is a trained school volunteer.

(9) A school nurse or a health care professional may conduct tier two vision screening if that individual has completed department-approved training for tier two vision screening.

(10) A person assisting with vision screening may not:

(a) profit financially from school vision screening;

(b) market, advertise, or promote a business in connection with assisting with vision screening; and

(c) distribute resource notifications or materials, unless acting as an authorized representative of a qualified outside entity operating in compliance with Subsection (11).

(11)(a) A qualified outside entity:

(i) shall provide the results of each vision screening to the LEA; and

(ii) may send a notification home with a student containing additional resources and instructions on how to obtain follow-up vision care, in accordance with Subsection 53G-9-404(9)(d), at the same time or after the LEA provides the initial referral notification.

(b) For an entity to be considered a qualified outside entity, that entity must have department approval through the department's application process.

(12)(a) A student who is not a candidate for regular vision screening may be screened using an instrument-based screening device.

(b) Only an instrument-based screening device approved by the department may be used for screening.

(c) An instrument-based screening device shall be used only when screening with a chart is not an option.

(13) The LEA shall document each vision screening result, including any referral and follow-up, in the student's permanent school record.

**R384-201-7. Requirements for Referral and Follow-up.**

(1) A school nurse may verify or confirm failed screening results before notifying a student's parent or guardian of any impairment or recommending further evaluation by an eye care professional.

(2)(a) Within 30 days of vision screening, the LEA shall provide a written initial referral notification, using the department-approved form, to a student's parent or guardian documenting any impairment disclosed by the vision screening and recommending further evaluation by an eye care professional.

(b) Each referral notification shall prominently include the statement: "A screening is not a substitute for a complete eye exam and vision evaluation by an eye doctor."

(3)(a) Each LEA shall implement a distinct follow-up protocol that is separate from, and not a substitute for, the initial referral notification described in Subsection (2).

(b) The follow-up protocol shall, at minimum, require the LEA to:

(i) directly contact the student's parent or guardian by telephone, email, or another LEA-approved method of communication;

(ii) confirm that the parent or guardian received the written initial referral notification; and

(iii) ensure the parent or guardian is provided with information on additional resources and instructions on how to obtain follow-up vision care, including any notification materials provided by a qualified outside entity under Subsection R384-201-6(11).

**R384-201-8. Aggregate Reporting Requirements.**

(1) Each LEA shall annually report to the department aggregate statistics, including that LEA's:

(a) total number of students who have received tier one vision screening;

(b) total number of students referred to an eye care professional after a tier one vision screening;

(c) total number of students referred to school nurse for tier two screening;

(d) total number of students referred to an eye care professional after a tier two vision screening; and

(e) other information, as requested by the department.

(2) Each LEA shall submit statistical information described in Subsection (1) as part of the annual School Health Workload Report, in accordance with Rule R277-415, no later than June 30 of each year.

(3) An LEA may not collect or report to the department any personally identifiable information under this rule.

**R384-201-9. Reporting and Referral for Significant Vision Impairments.**

(1) If a student is identified or suspected to have a significant vision impairment that may interfere with the student's ability to learn, the LEA shall promptly initiate the special education referral process in accordance with Rule R277-750.

(2) To coordinate required evaluation resources, including a functional vision assessment completed by a licensed teacher of students with visual impairments (TSVI), the LEA shall contact the Utah Schools for the Deaf and the Blind (USDB) Outreach Vision Services program or the LEA special education director for guidance and support without undue delay.

(3) The LEA shall ensure that any reporting, referral documentation, or student data shared under this section complies with:

(a) Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. Sec. 1232g; and

(b) Title 53E, Chapter 9, Student Privacy and Data Protection.

**KEY: eye exams, school vision, vision evaluations**
**Date of Last Change: [~~November 5, 2023~~]2026**
**Notice of Continuation: June 6, 2023**
**Authorizing, and Implemented or Interpreted Law: 53G-9-404**

| NOTICE OF SUBSTANTIVE CHANGE | |
|---|---|
| **TYPE OF FILING:** Amendment | **Filing ID: 58144** |
| **Rule or section number:** | **R414-303-10** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Health and Human Services, Integrated Healthcare |
| **Building:** | Cannon Health Building |

| | |
|---|---|
| **Street address:** | 288 N 1460 W |
| **City, state:** | Salt Lake City, UT |
| **Mailing address:** | PO Box 143325 |
| **City, state and zip:** | Salt Lake City, UT 84114-3325 |

**2. Contact Persons**

| Name: | Phone: | Email: |
|---|---|---|
| Craig Devashrayee | 801-915-4493 | cdevashrayee@utah.gov |
| Mariah Noble | 385-214-1150 | mariahnoble@utah.gov |

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

**3. General Information**

**A. Rule or section catchline:**

R414-303-10. Refugee Medicaid

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

The purpose of this change is to implement a change in refugee assistance as mandated by the Office of Refugee Resettlement in the July 14, 2026, edition of the Federal Register, which can be viewed at: https://www.federalregister.gov/documents/2026/07/14/2026-14095/federal-register-notice-change-in-eligibility-period-for-refugee-cash-assistance-and-refugee-medical.

This change mandates that eligibility for refugee medical assistance be eight months upon entry into the United States.

The state was required to implement this change no more than 30 days from the publication of the federal mandate and complied through an emergency rule.

This filing is appropriate to implement the mandated change permanently through this rule and allow for public comment.

**C. Summary of the new rule or change:**

In accordance with the mandate set forth by the Office of Refugee Resettlement, this amendment increases medical assistance for refugees from four months to eight months upon entry into the United States.

(EDITOR'S NOTE: A corresponding 120-day (emergency) rule that is effective as of 08/13/2026 is under ID 58143 in this issue, September 1, 2026, of the Bulletin.)

**5. Fiscal Information**

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

**A. State budget:**

The Department of Health and Human Services (department) estimates a nominal cost of $500 to the state, based on extending Medicaid services from four months to eight months for three individual cases of refugees who would receive Medicaid services in Utah.

There are no anticipated savings to the state as a result of extending the timeline for refugee medical services eligibility.

**B. Local governments:**

There is no anticipated fiscal impact on local governments as they neither fund nor provide services under the Medicaid program.

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

There is no anticipated fiscal impact on small businesses as this amendment does not impose requirements or restrictions for small businesses.

| **D. Non-small businesses** ("non-small business" means a business employing 50 or more persons)**:** |
|---|
| There is no anticipated fiscal impact on non-small businesses as this amendment does not impose requirements or restrictions 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***)**:** |
| Medicaid providers or individuals who would otherwise pay out-of-pocket for medical services may see only a nominal increase in revenue totaling $500 with the increase of medical assistance to the three refugees who would qualify to receive extended Medicaid services in Utah as a result of this filing.<br><br>As this increase in revenue would cover provided services, there is no anticipated cost to these Medicaid providers or individuals. |
| **F. Compliance costs for affected persons:** |
| The only anticipated compliance cost for affected persons is the estimated $500 total the state is expected to pay for Medicaid services for three refugees in Utah who qualify for the extension.<br><br>For any other affected persons, the only result of this filing is increased revenue for a Medicaid provider or out-of-pocket savings for an individual who qualifies for expanded refugee medical assistance. |

**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 | $500 | $500 | $500 | $500 | $500 |
| 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** | **$500** | **$500** | **$500** | **$500** | **$500** |
| **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 | $500 | $500 | $500 | $500 | $500 |
| **Total Fiscal Benefits** | **$500** | **$500** | **$500** | **$500** | **$500** |
| **Net Fiscal Benefits** | **$0** | **$0** | **$0** | **$0** | **$0** |

**7. Regulatory Impact Analysis Approval**

The Commissioner of the Department of Health and Human Services, Tracy S. Gruber, 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 26B-1-213 | Section 26B-3-108 | 45 CFR 400.211(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:** | 10/01/2026 |

**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) | 10/08/2026 |

**13. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Tracy S. Gruber, Commissioner | **Date:** | 08/13/2026 |

**R414. Health and Human Services, Integrated Healthcare.**
**R414-303. Coverage Groups.**
**R414-303-10. Refugee Medicaid.**

(1) The department applies this section in accordance with 45 CFR 400.90 through 400.107 and 45 CFR 401 relating to refugee medical assistance.

(2) The department may not apply child support enforcement rules.

(3) The department may not count the sponsor's income and resources or in-kind service or shelter provided by the sponsor.

(4) The department may not count cash assistance payments that a resettlement agency provides to a refugee.

(5) A refugee may qualify for medical assistance for [~~four~~]eight months after entry into the United States.

**KEY: MAGI-based, coverage groups, former foster care youth, presumptive eligibility**
**Date of Last Change: [~~June 29,~~ ]2026**
**Notice of Continuation: January 6, 2023**
**Authorizing, and Implemented or Interpreted Law: 26B-1-213; 26B-3-108**

| **NOTICE OF SUBSTANTIVE CHANGE** | |
|---|---|
| **TYPE OF FILING:** Amendment | **Filing ID: 58142** |
| **Rule or section number:** | **R884-24P-33** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Tax Commission, Property Tax |
| **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:** |
| R884-24P-33. 2026 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-107 |
| **B. Purpose of the new rule or reason for the change:** |
| This rule must be amended annually to reflect updated valuation and depreciation data for the next calendar year. |
| **C. Summary of the new rule or change:** |
| This proposed rule amendment modifies the percent good tables for the 2027 calendar year. |

**5. Fiscal Information**

| **Provide an estimate and written explanation of the aggregate anticipated cost or savings to:** |
|---|
| **A. State budget:** |
| The amount of savings or cost to state government is not affected by this rule.<br><br>Tax revenue generated by taxing personal property is distributed to local governments to finance public services, programs, school districts and local districts.<br><br>No tax revenues generated by taxation of personal property will be retained by state government. |
| **B. Local governments:** |
| The amount of saving or cost to local governments is undetermined.<br><br>Local governmental entities receive tax revenue based on increased or decreased personal property values and the change in the annual property tax rate.<br><br>Increases or decreases in 2027 property tax revenue cannot be determined, even if there were no changes in the percent good tables, because taxpayer acquisitions and deletions of personal property during 2027 are unknown.<br><br>The proposed personal property schedules in this amendment are raised, lowered, or remain the same for 2027 based upon the type and age of the personal property assessed.<br><br>Schedules used to value business personal property increase or decrease based upon the calculation of economic trends from cost indexes published by the Marshall Valuation Service.<br><br>It is anticipated that the change in the annual property tax rate will have a larger impact on revenue than will the proposed amendments to this rule. |
| **C. Small businesses** ("small business" means a business employing 1-49 persons)**:** |
| In the aggregate, the amount of savings or cost to small businesses is undetermined.<br><br>Affected businesses pay property taxes based on increased or decreased personal property values and the change in the annual property tax rate.<br><br>The proposed personal property schedules in this rule are raised, lowered, or remain the same for 2027 based upon the type and age of the property.<br><br>Since some schedules are increased and some decreased, it is not possible to determine the change to affected persons without knowing the 2027 personal property mix compared to the previous year. |
| **D. Non-small businesses** ("non-small business" means a business employing 50 or more persons)**:** |
| In the aggregate, the amount of savings or cost to non-small businesses is undetermined.<br><br>Affected non-small businesses pay property taxes based on increased or decreased personal property values and the change in the annual property tax rate.<br><br>The proposed personal property schedules in this rule are raised, lowered, or remain the same for 2027 based upon the type and age of the property.<br><br>Since some schedules are increased and some decreased, it is not possible to determine the change to affected persons without knowing the 2027 personal property mix compared to the previous year. |
| **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 the aggregate, the amount of savings or cost to persons other than small businesses, non-small businesses, and state or local government entities is undetermined. |

Affected persons pay property taxes based on increased or decreased personal property values and the change in the annual property tax rate.

The proposed personal property schedules in this rule are raised, lowered, or remain the same for 2027 based upon the type and age of the property.

Since some schedules are increased and some decreased, it is not possible to determine the change to affected persons without knowing the 2027 personal property mix compared to the previous year.

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

Local business owners and property tax practitioners will be required to be aware of new percent good figures.

This is an annual occurrence; therefore, the ongoing compliance cost to complete this assessment process will not change.

The change in taxes charged for these persons depends entirely on the owner's mix of personal property since some percent good schedules are increasing and others decreasing. For example, the owner of a business may discard some personal property items and add new equipment or replace equipment which may increase or decrease personal property values.

In addition, the personal property percent good schedule percentages often change from the previous year due to current economic conditions.

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

**7. Regulatory Impact Analysis Approval**

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 59-2-107 | | |

**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:** | 10/01/2026 |

**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) | 10/08/2026 |

**13. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Rebecca Rockwell, Commissioner | **Date:** | 08/13/2026 |

**R884. Tax Commission, Property Tax.**
**R884-24P. Property Tax.**
**R884-24P-33. [~~2026~~]2027 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-107.**

(1) As used in this rule:

(a) "Acquisition cost" means the same as that term is defined in Section 59-2-102.

(b)(i) "Actual cost" includes the value of components necessary to complete the vehicle, such as tanks, mixers, special containers, passenger compartments, special axles, installation, engineering, erection, or assembly costs.

(ii) Actual cost does not include sales or excise taxes, maintenance contracts, registration and license fees, dealer charges, tire tax, freight, or shipping costs.

(c) "Assessing authority" means:

(i) the State Tax Commission for property assessed under Title 59, Chapter 2, Part 2, Assessment of Property; and

(ii) the county assessor for property assessed under Title 59, Chapter 2, Part 3, County Assessment.

(d) "Cost new" means the actual cost of the property when purchased new.

(i) Except as otherwise provided in this rule, the assessing authority shall rely on the following sources to determine cost new:

(A) documented actual cost of the new or used vehicle; or

(B) recognized publications that provide a method for approximating cost new for new or used vehicles.

(ii) For the following property purchased used, the assessing authority may determine cost new by dividing the property's actual cost by the percent good factor for that class:

(A) Class 6 heavy and medium duty trucks;

(B) Class 13 heavy equipment;

(C) Class 17 vessels equal to or greater than 31 feet in length; and

(D) Class 21 commercial trailers.

(e) For purposes of Sections 59-2-108 and 59-2-1115, "item of taxable tangible personal property" means a piece of equipment, machinery, furniture, or other piece of tangible personal property that is functioning at its highest and best use for the purpose it was designed and constructed and is capable of performing that function without being combined with other items of personal property. An item of taxable tangible personal property is not an individual component part of a piece of machinery or equipment, but the piece of machinery or equipment. For example, a fully functioning computer is an item of taxable tangible personal property, but the motherboard, hard drive, tower, or sound card are not.

(f) "Percent good" means an estimate of value, expressed as a percentage, based on a property's acquisition cost or cost new, adjusted for depreciation and appreciation.

(i) The percent good factor shall be applied against the acquisition cost or the cost new to derive taxable value for the property.

(ii) Percent good schedules shall be derived from an analysis of the Internal Revenue Service Class Life, the Marshall and Swift Cost index, other data sources or research, and vehicle valuation guides such as Price Digests.

(2) Each year percent good schedules for use in computing personal property valuation shall be updated and recommended by the Property Tax Division for adoption by the Commission by rule in accordance with Section 59-2-107.

(a) County assessors may deviate from the schedules when warranted by specific conditions affecting an item of personal property. When a deviation will affect an entire class or type of personal property, a written report, substantiating the changes with verifiable data, must be presented to the Commission. Alternative schedules may not be used without prior written approval of the Commission.

(b) A party may request a deviation from the value established by the schedule for a specific item of property if the use of the schedule does not result in the fair market value for the property at the retail level of trade on the lien date, including any relevant installation and assemblage value.

(3) This rule does not apply to:

(a) a vehicle subject to the age-based uniform fee under Section 59-2-405.1;

(b) the following personal property subject to the age-based uniform fee under Section 59-2-405.2:

(i) an all-terrain vehicle;

(ii) a camper;

(iii) an other motorcycle;

(iv) an other trailer;
(v) a personal watercraft;
(vi) a small motor vehicle;
(vii) a snowmobile;
(viii) a street motorcycle;
(ix) a tent trailer;
(x) a travel trailer; and
(xi) a vessel, including an outboard motor of the vessel, that is less than 31 feet in length;
(c) a motorhome subject to the uniform statewide fee under Section 59-2-405.3; and
(d) an aircraft subject to the uniform statewide fee under Section 72-10-110.5.
(4) Other taxable personal property that is not included in the listed classes includes:
(a) Equipment leased or rented from inventory is subject to ad valorem tax. Refer to the appropriate property class schedule to determine taxable value.
(b) Property held for rent or lease is taxable, and is not exempt as inventory. For entities primarily engaged in rent-to-own, inventory on hand at January 1 is exempt and property out on rent-to-own contracts is taxable.
(5) Personal property valuation schedules may not be appealed to, or amended by, county boards of equalization.
(6) Taxable personal property, other than personal property subject to an age-based uniform fee under Sections 59-2-405.1 through 59-2-405.3, or a uniform statewide fee under Section 59-2-405, is classified by expected economic life as follows:
(a) Class 1 - Short Life Property.
(i) Property in this class has a typical life of more than one year and less than four years. It is fungible in that it is difficult to determine the age of an item retired from service.
(ii) Property in this class includes:
(A) barricades or warning signs;
(B) library materials;
(C) patterns, jigs and dies;
(D) pots, pans, and utensils;
(E) canned computer software;
(F) hotel linen;
(G) wood and pallets;
(H) video tapes, compact discs, and DVDs; and
(I) uniforms.
(iii) Except as provided in Subsections (6)(a)(iv) and (v), taxable value shall be calculated by applying the percent good factor against the acquisition cost of the property.
(iv) A licensee of canned computer software shall use one of the following substitutes for acquisition cost of canned computer software if no acquisition cost for the canned computer software is available:
(A) retail price of the canned computer software;
(B) if a retail price is unavailable, and the license is a nonrenewable single year license agreement, the total sum of expected payments during that 12-month period; or
(C) if the licensing agreement is a renewable agreement or is a multiple year agreement, the present value of expected licensing fees paid pursuant to the agreement.
(v) Video tapes, compact discs, and DVDs shall be valued at $15 per tape or disc for the first year and $3 per tape or disc thereafter.

Table 1
Short Life Property

| Year of Acquisition | Percent Good of Acquisition Cost |
|---|---|
| [~~2025~~]2026 | 76% |
| [~~2024~~]2025 | [~~47~~]44% |
| [~~2023~~]2024 and prior | [~~12~~]11% |

(b) Class 2 - Computer Integrated Machinery.
(i) Machinery shall be classified as computer integrated machinery if the following conditions are met:
(A) except as provided in Subsection (6)(b)(iv), equipment is sold as a single unit.
(B) the machinery cannot operate without the computer and the computer cannot perform functions outside the machinery.
(C) the machinery can perform multiple functions and is controlled by a programmable central processing unit.
(D) the total cost of the machinery and computer combined is depreciated as a unit for income tax purposes.
(E) the capabilities of the machinery cannot be expanded by substituting a more complex computer for the original.
(ii) Property in this class includes:
(A) CNC mills;
(B) CNC lathes; or
(C) high-tech medical and dental equipment such as MRI equipment, CAT scanners, and mammography units.
(iii) Taxable value shall be calculated by applying the percent good factor against the acquisition cost of the property.

(iv) If the invoice for computer integrated machinery separately itemizes the computer from other machinery, the computer shall be valued as Class 12 property and the machinery shall be valued as Class 8 property.

| Table 2<br>Computer Integrated Machinery | |
|---|---|
| Year of Acquisition | Percent Good of Acquisition Cost |
| [~~2025~~]2026 | 96% |
| [~~2024~~]2025 | [~~89~~]86% |
| [~~2023~~]2024 | [~~79~~]74% |
| [~~2022~~]2023 | [~~68~~]63% |
| [~~2021~~]2022 | [~~56~~]59% |
| [~~2020~~]2021 | [~~43~~]48% |
| [~~2019~~]2020 | [~~29~~]32% |
| [~~2018~~]2019 and prior | [~~14~~]17% |

(c) Class 3 - Short Life Trade Fixtures.
(i) Property in this class is subject to rapid functional and economic obsolescence or severe wear and tear.
(ii) Property in this class includes:
(A) office machines;
(B) alarm systems;
(C) shopping carts;
(D) ATM machines;
(E) small equipment rentals;
(F) rent-to-own merchandise;
(G) telephone equipment and systems;
(H) music systems;
(I) vending machines;
(J) video game machines; and
(K) cash registers.
(iii) Taxable value shall be calculated by applying the percent good factor against the acquisition cost of the property.

| Table 3<br>Short Life Trade Fixtures | |
|---|---|
| Year of Acquisition | Percent Good of Acquisition Cost |
| [~~2025~~]2026 | 90% |
| [~~2024~~]2025 | [~~79~~]74% |
| [~~2023~~]2024 | [~~59~~]55% |
| [~~2022~~]2023 | [~~41~~]38% |
| [~~2021~~]2022 and prior | [~~21~~]22% |

(d) Class 5 - Long Life Trade Fixtures.
(i) Property in this class is subject to functional obsolescence in the form of style changes.
(ii) Property in this class includes:
(A) furniture;
(B) bars and sinks:
(C) booths, tables and chairs;
(D) beauty and barber shop fixtures;
(E) cabinets and shelves;
(F) displays, cases and racks;
(G) office furniture;
(H) theater seats;
(I) water slides;
(J) signs, mechanical and electrical; and
(K) LED component of a billboard.
(iii) Taxable value shall be calculated by applying the percent good factor against the acquisition cost of the property.

| Table 5<br>Long Life Trade Fixtures | |
|---|---|
| Year of Acquisition | Percent Good of Acquisition Cost |
| [~~2025~~]2026 | [~~96~~]97% |
| [~~2024~~]2025 | [~~90~~]89% |
| [~~2023~~]2024 | [~~83~~]78% |
| [~~2022~~]2023 | [~~74~~]68% |
| [~~2021~~]2022 | [~~64~~]66% |
| [~~2020~~]2021 | [~~52~~]58% |
| [~~2019~~]2020 | [~~39~~]43% |
| [~~2018~~]2019 | [~~26~~]30% |
| [~~2017~~]2018 and prior | [~~13~~]16% |

(e) Class 6 - Heavy and Medium Duty Trucks.

(i) Property in this class includes:

(A) heavy duty trucks;

(B) medium duty trucks;

(C) crane trucks;

(D) concrete pump trucks; and

(E) trucks with well-boring rigs.

(ii) Taxable value shall be calculated by applying the percent good factor against the cost new.

(iii)(A) Cost new of a vehicle in this class shall be the documented actual cost of the vehicle for new vehicles.

(B) If the documented actual cost of the vehicle for new vehicles is unavailable, the cost new shall be 75% of the manufacturer's suggested retail price.

(iv) For state assessed vehicles, cost new shall include the value of attached equipment.

(v) The [~~2026~~]2027 percent good applies to [~~2026~~]2027 models purchased in [~~2025~~]2026.

(vi) Trucks weighing two tons or more have a residual taxable value of $1,750.

| Table 6<br>Heavy and Medium Duty Trucks | |
|---|---|
| Model Year | Percent Good of Cost New |
| [~~2026~~]2027 | 98% |
| [~~2025~~]2026 | [~~97~~]94% |
| [~~2024~~]2025 | [~~96~~]88% |
| [~~2023~~]2024 | [~~91~~]83% |
| [~~2022~~]2023 | [~~86~~]78% |
| [~~2021~~]2022 | [~~81~~]72% |
| [~~2020~~]2021 | [~~76~~]67% |
| [~~2019~~]2020 | [~~71~~]62% |
| [~~2018~~]2019 | [~~66~~]56% |
| [~~2017~~]2018 | [~~61~~]51% |
| [~~2016~~]2017 | [~~56~~]46% |
| [~~2015~~]2016 | [~~51~~]40% |
| [~~2014~~]2015 | [~~46~~]35% |
| [~~2013~~]2014 and prior | [~~41~~]30% |

(f)(i) Class 7 - Medical and Dental Equipment.

(ii) Class 7 has been merged into Class 8.

(g) Class 8 - Machinery and Equipment and Medical and Dental Equipment.

(i) Machinery and equipment in this class is subject to considerable functional and economic obsolescence created by competition as technologically advanced and more efficient equipment becomes available. Machinery and equipment in this class includes:

(A) manufacturing machinery;

(B) amusement rides;

(C) bakery equipment;

(D) distillery equipment;

(E) refrigeration equipment;

(F) laundry and dry cleaning equipment;

(G) machine shop equipment;

(H) processing equipment;
(I) auto service and repair equipment;
(J) mining equipment;
(K) ski lift machinery;
(L) printing equipment;
(M) bottling or cannery equipment; and
(N) packaging equipment.

(ii) Medical and dental equipment in this class is subject to a high degree of technological development by the health industry. Medical and dental equipment in this class includes:
(A) medical and dental equipment and instruments;
(B) exam tables and chairs;
(C) microscopes; and
(D) optical equipment.

(iii) Except as provided in Subsection (6)(g)(iv), taxable value shall be calculated by applying the percent good factor against the acquisition cost of the property.

(iv) Notwithstanding Subsection (6)(g)(iii), the taxable value of pollution control equipment as defined in Section 59-2-301.9, shall be calculated pursuant to Section 59-2-301.9.

| Table 8<br>Machinery and Equipment Including Medical and Dental Equipment | |
|---|---|
| Year of Acquisition | Percent Good of Acquisition Cost |
| [~~2025~~]2026 | [~~97~~]98% |
| [~~2024~~]2025 | [~~93~~]92% |
| [~~2023~~]2024 | [~~89~~]83% |
| [~~2022~~]2023 | [~~82~~]75% |
| [~~2021~~]2022 | [~~74~~]77% |
| [~~2020~~]2021 | [~~65~~]72% |
| [~~2019~~]2020 | [~~54~~]60% |
| [~~2018~~]2019 | [~~43~~]50% |
| [~~2017~~]2018 | [~~33~~]39% |
| [~~2016~~]2017 | [~~22~~]26% |
| [~~2015~~]2016 and prior | [~~11~~]13% |

(h)(i) Class 9 - Off-Highway Vehicles.

(ii) As required by Section 59-2-405.2, an off-highway vehicle is subject to an age-based uniform fee in lieu of property tax.

(i)(i) Class 10 - Railroad Cars.

(ii) Property in this class is subject to heavy wear and tear, and functional and economic obsolescence resulting from developing technology within the shipping industry.

(iii) Taxable value shall be calculated by applying the percent good factor against the acquisition cost of the property.

| Table 10<br>Railroad Cars | |
|---|---|
| Year of Acquisition | Percent Good of Acquisition Cost |
| [~~2025~~]2026 | [~~97~~]98% |
| [~~2024~~]2025 | [~~95~~]96% |
| [~~2023~~]2024 | [~~93~~]94% |
| [~~2022~~]2023 | 90% |
| [~~2021~~]2022 | [~~85~~]88% |
| [~~2020~~]2021 | [~~78~~]86% |
| [~~2019~~]2020 | [~~69~~]77% |
| [~~2018~~]2019 | [~~61~~]70% |
| [~~2017~~]2018 | [~~53~~]62% |
| [~~2016~~]2017 | [~~44~~]53% |
| [~~2015~~]2016 | [~~36~~]42% |
| [~~2014~~]2015 | [~~28~~]32% |
| [~~2013~~]2014 | [~~19~~]21% |
| [~~2012~~]2013 and prior | [~~10~~]11% |

(j)(i) Class 11 - Street Motorcycles.
(ii) As required by Section 59-2-405.2, a street motorcycle is subject to an age-based uniform fee in lieu of property tax.
(k) Class 12 - Computer Hardware.
(i) Property in this class includes:
(A) data processing equipment;
(B) personal computers;
(C) main frame computers;
(D) computer equipment peripherals;
(E) cad or cam systems; and
(F) copiers.
(ii) Taxable value shall be calculated by applying the percent good factor against the acquisition cost of the property.

| Table 12<br>Computer Hardware | |
|---|---|
| Year of Acquisition | Percent Good of Acquisition Cost |
| [~~2025~~]2026 | 62% |
| [~~2024~~]2025 | 46% |
| [~~2023~~]2024 | 21% |
| [~~2022~~]2023 | 9% |
| [~~2021~~]2022 and prior | 7% |

(l) Class 13 - Heavy Equipment.
(i) Property in this class includes:
(A) construction equipment;
(B) excavation equipment;
(C) loaders;
(D) batch plants;
(E) snow cats; and
(F) pavement sweepers.
(ii) Taxable value shall be calculated by applying the percent good factor against the acquisition cost of the property.
(iii) For [~~2026~~]2027 model equipment purchased in [~~2025~~]2026, the model equipment is valued at 100% of acquisition cost.

| Table 13<br>Heavy Equipment | |
|---|---|
| Model Year | Percent Good of Acquisition Cost |
| [~~2025~~]2026 | [~~75~~]82% |
| [~~2024~~]2025 | [~~72~~]78% |
| [~~2023~~]2024 | [~~69~~]75% |
| [~~2022~~]2023 | [~~67~~]72% |
| [~~2021~~]2022 | [~~64~~]68% |
| [~~2020~~]2021 | [~~61~~]65% |
| [~~2019~~]2020 | [~~58~~]61% |
| [~~2018~~]2019 | [~~55~~]58% |
| [~~2017~~]2018 | [~~53~~]55% |
| [~~2016~~]2017 | [~~50~~]51% |
| [~~2015~~]2016 | [~~47~~]48% |
| [~~2014~~]2015 | ~~44~~% |
| [~~2013~~]2014 | ~~41~~% |
| [~~2012~~]2013 and prior | [~~39~~]38% |

(m)(i) Class 14 - Motor Homes.
(ii) As required by Section 59-2-405.3, a motor home is subject to an age-based uniform fee in lieu of property tax.
(n) Class 15 - Semiconductor Manufacturing Equipment.
(i) This class applies to equipment:
(A) used in the production of semiconductor products; and
(B) that is subject to significant economic and functional obsolescence due to rapidly changing technology and economic conditions.
(ii) Property in this class includes:
(A) crystal growing equipment;
(B) die assembly equipment;

(C) wire bonding equipment;
(D) encapsulation equipment;
(E) semiconductor test equipment;
(F) clean room equipment;
(G) chemical and gas systems related to semiconductor manufacturing;
(H) deionized water systems;
(I) electrical systems; and
(J) photo mask and wafer manufacturing dedicated to semiconductor production.
(iii) Taxable value shall be calculated by applying the percent good factor against the acquisition cost of the property.

| Table 15<br>Semiconductor Manufacturing Equipment | |
|---|---|
| Year of Acquisition | Percent Good of Acquisition Cost |
| [~~2025~~]2026 | 47% |
| [~~2024~~]2025 | 34% |
| [~~2023~~]2024 | 24% |
| [~~2022~~]2023 | 15% |
| [~~2021~~]2022 and prior | 6% |

(o) Class 16 -- Long Life Property.
(i) Property in this class has a long physical life with little obsolescence.
(ii) Property in this class includes:
(A) billboards , excluding LED component;
(B) sign towers;
(C) radio towers;
(D) ski lift and tram towers;
(E) non-farm grain elevators;
(F) bulk storage tanks;
(G) underground fiber optic cable;
(H) solar panels and supporting equipment; and
(I) pipe laid in or affixed to land.
(iii) Taxable value shall be calculated by applying the percent good factor against the acquisition cost of the property.

| Table 16<br>Long Life Property | |
|---|---|
| Year of Acquisition | Percent Good of Acquisition Cost |
| [~~2025~~]2026 | [~~97~~]98% |
| [~~2024~~]2025 | 96% |
| [~~2023~~]2024 | 94% |
| [~~2022~~]2023 | [~~91~~]92% |
| [~~2021~~]2022 | 90% |
| [~~2020~~]2021 | [~~89~~]88% |
| [~~2019~~]2020 | 85% |
| [~~2018~~]2019 | 80% |
| [~~2017~~]2018 | [~~73~~]74% |
| [~~2016~~]2017 | [~~67~~]68% |
| [~~2015~~]2016 | [~~59~~]62% |
| [~~2014~~]2015 | [~~56~~]60% |
| [~~2013~~]2014 | [~~54~~]56% |
| [~~2012~~]2013 | [~~47~~]49% |
| [~~2011~~]2012 | [~~40~~]42% |
| [~~2010~~]2011 | [~~31~~]34% |
| [~~2009~~]2010 | [~~25~~]26% |
| [~~2008~~]2009 | 18% |
| [~~2007~~]2008 and prior | 9% |

(p) Class 17 - Vessels Equal to or Greater Than 31 Feet in Length.
(i) Property in this class includes:
(A) houseboats equal to or greater than 31 feet in length;

(B) sailboats equal to or greater than 31 feet in length; and
(C) yachts equal to or greater than 31 feet in length.
(ii) A vessel, including an outboard motor of the vessel, under 31 feet in length:
(A) is not included in Class 17;
(B) may not be valued using Table 17; and
(C) is subject to an age-based uniform fee under Section 59-2-405.2.
(iii) Taxable value shall be calculated by applying the percent good factor against the cost new of the property.
(iv) The assessing authority shall rely on the following sources to determine cost new for property in this class:
(A) the following publications or valuation methods:
(I) the manufacturer's suggested retail price listed in the ABOS Marine Blue Book;
(II) for property not listed in the ABOS Marine Blue Book but listed in the NADA Marine Appraisal Guide, the NADA average value for the property divided by the percent good factor; or
(III) for property not listed in the ABOS Marine Blue Book or the NADA Appraisal Guide:
(aa) the manufacturer's suggested retail price for comparable property; or
(bb) the cost new established for that property by a documented valuation source; or
(B) the documented actual cost of new or used property in this class.
(v) The [~~2026~~]2027 percent good applies to [~~2026~~]2027 models purchased in [~~2025~~]2026.
(vi) Property in this class has a residual taxable value of $1,000.

| Table 17<br>Vessels Equal to or Greater Than 31 Feet in Length | |
|---|---|
| Model Year | Percent Good of Acquisition Cost |
| [~~2026~~]2027 | 90% |
| [~~2025~~]2026 | [~~74~~]77% |
| [~~2024~~]2025 | [~~72~~]75% |
| [~~2023~~]2024 | [~~70~~]73% |
| [~~2022~~]2023 | [~~68~~]71% |
| [~~2021~~]2022 | [~~66~~]69% |
| [~~2020~~]2021 | [~~64~~]67% |
| [~~2019~~]2020 | [~~63~~]65% |
| [~~2018~~]2019 | [~~61~~]63% |
| [~~2017~~]2018 | [~~59~~]61% |
| [~~2016~~]2017 | [~~57~~]59% |
| [~~2015~~]2016 | [~~55~~]57% |
| [~~2014~~]2015 | [~~53~~]55% |
| [~~2013~~]2014 | [~~51~~]53% |
| [~~2012~~]2013 | [~~49~~]51% |
| [~~2011~~]2012 | [~~47~~]49% |
| [~~2010~~]2011 | [~~46~~]47% |
| [~~2009~~]2010 | [~~44~~]45% |
| [~~2008~~]2009 | [~~42~~]43% |
| [~~2007~~]2008 | [~~40~~]41% |
| [~~2006~~]2007 | [~~38~~]39% |
| [~~2005~~]2006 and prior | [~~36~~]37% |

(q)(i) Class 17a - Vessels Less Than 31 Feet in Length.
(ii) As required by Section 59-2-405.2, a vessel less than 31 feet in length is subject to an age-based uniform fee in lieu of property tax.
(r)(i) Class 18 - Travel Trailers and Class 18a -- Tent Trailers or Truck Campers.
(ii) As required by Section 59-2-405.2, a travel trailer, tent trailer, and truck camper is subject to an age-based uniform fee in lieu of property tax.
(s) Class 20 - Petroleum and Natural Gas Exploration and Production Equipment.
(i) Property in this class is subject to significant functional and economic obsolescence due to the volatile nature of the petroleum industry.
(ii) Property in this class includes:
(A) oil and gas exploration equipment;
(B) distillation equipment;
(C) wellhead assemblies;

(D) holding and storage facilities;
(E) drill rigs;
(F) reinjection equipment;
(G) metering devices;
(H) cracking equipment;
(I) well-site generators, transformers, and power lines;
(J) equipment sheds;
(K) pumps;
(L) radio telemetry units; and
(M) support and control equipment.
(iii) Taxable value shall be calculated by applying the percent good factor against the acquisition cost of the property.

| Table 20<br>Petroleum and Natural Gas Exploration and Production Equipment | |
|---|---|
| Year of Acquisition | Percent Good of Acquisition Cost |
| [~~2025~~]2026 | [~~97~~]98% |
| [~~2024~~]2025 | [~~95~~]96% |
| [~~2023~~]2024 | [~~93~~]94% |
| [~~2022~~]2023 | 91% |
| [~~2021~~]2022 | [~~85~~]86% |
| [~~2020~~]2021 | [~~78~~]81% |
| [~~2019~~]2020 | [~~69~~]76% |
| [~~2018~~]2019 | [~~58~~]66% |
| [~~2017~~]2018 | [~~49~~]57% |
| [~~2016~~]2017 | [~~40~~]47% |
| [~~2015~~]2016 | [~~30~~]35% |
| [~~2014~~]2015 | [~~21~~]23% |
| [~~2013~~]2014 and prior | [~~11~~]12% |

(t) Class 21 - Commercial Trailers.
(i) Property in this class includes:
(A) dry freight van trailers;
(B) refrigerated van trailers;
(C) flat bed trailers;
(D) dump trailers;
(E) livestock trailers; and
(F) tank trailers.
(ii)(A) Taxable value shall be calculated by applying the percent good factor against the cost new of the property.
(B) For state assessed vehicles, cost new shall include the value of attached equipment.
(iii) The [~~2026~~]2027 percent good applies to [~~2026~~]2027 models purchased in [~~2025~~]2026.
(iv) Commercial trailers have a residual taxable value of $1,000.

| Table 21<br>Commercial Trailers | |
|---|---|
| Model Year | Percent Good of Acquisition Cost |
| [~~2026~~]2027 | 95% |
| [~~2025~~]2026 | [~~85~~]80% |
| [~~2024~~]2025 | [~~83~~]78% |
| [~~2023~~]2024 | [~~80~~]76% |
| [~~2022~~]2023 | [~~78~~]74% |
| [~~2021~~]2022 | [~~75~~]71% |
| [~~2020~~]2021 | [~~73~~]69% |
| [~~2019~~]2020 | [~~70~~]67% |
| [~~2018~~]2019 | [~~67~~]64% |
| [~~2017~~]2018 | [~~65~~]62% |
| [~~2016~~]2017 | [~~62~~]60% |
| [~~2015~~]2016 | [~~60~~]58% |
| [~~2014~~]2015 | [~~57~~]55% |
| [~~2013~~]2014 | [~~54~~]53% |

| | |
|---|---|
| [~~2012~~]2013 | [~~52~~]51% |
| [~~2011~~]2012 | 49% |
| [~~2010~~]2011 and prior | [~~47~~]46% |

(u)(i) Class 21a -- Other Non-Commercial Trailers.

(ii) As required by Section 59-2-405.2, a trailer in this class is subject to an age-based uniform fee in lieu of property tax.

(v) Class 22 - Passenger Cars, Light Trucks/Utility Vehicles, and Vans.

(i) Property in this class is the following:

(A) domestic passenger cars;

(B) foreign passenger cars;

(C) light trucks;

(D) utility vehicles; and

(E) vans.

(ii) As required by Section 59-2-405.1, property in this class is subject to an age-based uniform fee in lieu of property tax.

(w)(i) Class 22a - Small Motor Vehicles.

(ii) As required by Section 59-2-405.2, a small motor vehicle is subject to an age-based uniform fee in lieu of property tax.

(x)(i) Class 23 - Aircraft Required to be Registered With the State.

(ii) As required by Section 59-2-404, aircraft required to be registered with the state is subject to a statewide uniform fee in lieu of property tax.

(y) Class 24 - Leasehold Improvements on Exempt Real Property.

(i) This class applies to leasehold improvements where the underlying real property is owned by an entity that is exempt from property tax under Section 59-2-1101.

(ii) Property in this class includes:

(A) walls and partitions;

(B) plumbing and roughed fixtures;

(C) floor coverings other than carpet;

(D) store fronts;

(E) wiring;

(F) suspended or acoustical ceilings;

(G) heating and cooling systems; and

(H) iron or millwork trim.

(iii) Taxable value is calculated by applying the percent good factor against the cost of acquisition, including installation.

(iv) Short life leasehold improvements shall be valued under Class 3.

Table 24
Leasehold Improvements on Tax Exempt Real Property

| Year of Acquisition | Percent Good of Acquisition Cost |
|---|---|
| [~~2025~~]2026 | 94% |
| [~~2024~~]2025 | 88% |
| [~~2023~~]2024 | 82% |
| [~~2022~~]2023 | 77% |
| [~~2021~~]2022 | 71% |
| [~~2020~~]2021 | 65% |
| [~~2019~~]2020 | 59% |
| [~~2018~~]2019 | 54% |
| [~~2017~~]2018 | 48% |
| [~~2016~~]2017 | 42% |
| [~~2015~~]2016 | 36% |
| [~~2014~~]2015 | 30% |

(z) Class 25 - Aircraft Parts Manufacturing Tools and Dies.

(i) Property in this class is subject to heavy wear and tear, and rapid physical, functional, and economic obsolescence due to rapid technological and economic shifts in the airline parts manufacturing industry.

(ii) Property in this class includes:

(A) aircraft parts manufacturing jigs and dies;

(B) aircraft parts manufacturing molds;

(C) aircraft parts manufacturing patterns;

(D) aircraft parts manufacturing taps and gauges; and

(E) aircraft parts manufacturing test equipment.

(iii) Taxable value shall be calculated by applying the percent good factor against the acquisition cost of the property.

| Table 25<br>Aircraft Parts Manufacturing Tools and Dies | |
|---|---|
| Year of Acquisition | Percent Good of Acquisition Cost |
| [~~2025~~]2026 | [~~91~~]90% |
| [~~2024~~]2025 | [~~79~~]74% |
| [~~2023~~]2024 | [~~60~~]56% |
| [~~2022~~]2023 | [~~42~~]39% |
| [~~2021~~]2022 | [~~23~~]24% |
| [~~2020~~]2021 and prior | 4% |

(aa)(i) Class 26 - Personal Watercraft.

(ii) As required by Section 59-2-405.2, a personal watercraft is subject to an age-based uniform fee in lieu of property tax.

(bb) Class 27 - Electrical Power Generating Equipment and Fixtures.

(i) Property in this class includes:

(A) electrical power generators; and

(B) control equipment.

(ii) Taxable value shall be calculated by applying the percent good factor against the acquisition cost of the property.

| Table 27<br>Electrical Power Generating Equipment and Fixtures | |
|---|---|
| Year of Acquisition | Percent Good of Acquisition Cost |
| [~~2025~~]2026 | 97% |
| [~~2024~~]2025 | 95% |
| [~~2023~~]2024 | 92% |
| [~~2022~~]2023 | 90% |
| [~~2021~~]2022 | 87% |
| [~~2020~~]2021 | 84% |
| [~~2019~~]2020 | 82% |
| [~~2018~~]2019 | 79% |
| [~~2017~~]2018 | 77% |
| [~~2016~~]2017 | 74% |
| [~~2015~~]2016 | 71% |
| [~~2014~~]2015 | 69% |
| [~~2013~~]2014 | 66% |
| [~~2012~~]2013 | 64% |
| [~~2011~~]2012 | 61% |
| [~~2010~~]2011 | 58% |
| [~~2009~~]2010 | 56% |
| [~~2008~~]2009 | 53% |
| [~~2007~~]2008 | 51% |
| [~~2006~~]2007 | 48% |
| [~~2005~~]2006 | 45% |
| [~~2004~~]2005 | 43% |
| [~~2003~~]2004 | 40% |
| [~~2002~~]2003 | 38% |
| [~~2001~~]2002 | 35% |
| [~~2000~~]2001 | 32% |
| [~~1999~~]2000 | 30% |
| [~~1998~~]1999 | 27% |
| [~~1997~~]1998 | 25% |
| [~~1996~~]1997 | 22% |
| [~~1995~~]1996 | 19% |
| [~~1994~~]1995 | 17% |
| [~~1993~~]1994 | 14% |
| [~~1992~~]1993 | 12% |
| [~~1991~~]1992 and prior | 9% |

This rule shall be implemented and become binding on taxpayers beginning January 1, [~~2026~~]2027.

**KEY: taxation, personal property, property tax, appraisals**
**Date of Last Change: [~~August 7,~~] 2026**
**Notice of Continuation: November 9, 2021**
**Authorizing, and Implemented or Interpreted Law: Art. XIII, Sec 2; 9-2-201; 11-13-302; 41-1a-202; 41-1a-301; 59-1-210; 59-2-102; 59-2-103; 59-2-103.5; 59-2-104; 59-2-201; 59-2-210; 59-2-211; 59-2-301; 59-2-301.3; 59-2-302; 59-2-303; 59-2-303.1; 59-2-305; 59-2-306; 59-2-401; 59-2-402; 59-2-404; 59-2-405; 59-2-405.1; 59-2-406; 59-2-508; 59-2-514; 59-2-515; 59-2-701; 59-2-702; 59-2-703; 59-2-704; 59-2-704.5; 59-2-705; 59-2-801; 59-2-918 through 59-2-924; 59-2-1002; 59-2-1004; 59-2-1005; 59-2-1006; 59-2-1101; 59-2-1102; 59-2-1104; 59-2-1106; 59-2-1107 through 59-2-1109; 59-2-1113; 59-2-1115; 59-2-1202; 59-2-1202(5); 59-2-1302; 59-2-1303; 59-2-1308.5; 59-2-1317; 59-2-1328; 59-2-1330; 59-2-1347; 59-2-1351; 59-2-1365; 59-2-1703**

| NOTICE OF SUBSTANTIVE CHANGE | |
|---|---|
| **TYPE OF FILING:** Amendment | **Filing ID: 58137** |
| **Rule or section number:** | **R895-4** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Government Operations, Technology Services |
| **Building:** | Taylorsville State Office Building |
| **Street address:** | 4315 S 2700 W |
| **City, state:** | Taylorsville, UT |
| **Mailing address:** | 4315 S 2700 W |
| **City, state and zip:** | Taylorsville, UT 84129 |

**2. Contact Persons**

| Name: | Phone: | Email: |
|---|---|---|
| Stephanie Weteling | 435-720-5315 | stephanie@utah.gov |

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

**3. General Information**

| **A. Rule or section catchline:** |
|---|
| R895-4. Subdomain Naming Conventions for Executive Branch Agencies |
| **B. Purpose of the new rule or reason for the change:** |
| Updates are needed to align with code reference changes, and to allow for redirecting of a "utah.gov" subdomain. |
| **C. Summary of the new rule or change:** |
| The change allows for the redirecting of a "utah.gov" subdomain. |

**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 444 (2025 General Session) |

**5. Fiscal Information**

| **Provide an estimate and written explanation of the aggregate anticipated cost or savings to:** |
|---|
| **A. State budget:** |
| There is no anticipated cost or savings to the state budget because it only allows for the redirecting of a "utah.gov" subdomain. |

| |
|---|
| **B. Local governments:** |
| There is no anticipated cost or savings to local governments because this rule only applies to state executive branch agencies. |
| **C. Small businesses** ("small business" means a business employing 1-49 persons)**:** |
| There is no anticipated cost or savings to small businesses because this rule only applies to state executive branch agencies. |
| **D. Non-small businesses** ("non-small business" means a business employing 50 or more persons)**:** |
| There is no anticipated cost or savings to non-small businesses because this rule only applies to state executive branch agencies. |
| **E. Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:** |
| There is no anticipated cost or savings to persons other than small businesses, non-small businesses, state, or local government entities because this rule only applies to state executive branch agencies. |
| **F. Compliance costs for affected persons:** |
| There is no expected compliance cost for affected persons because it only allows for the redirecting of a "utah.gov" subdomain. |

**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-16-205 | Section 63G-3-201 | Section 63A-16-110 |

**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:** | 10/01/2026 |

**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) | 10/08/2026 |

**13. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Marvin Dodge, Commissioner | **Date:** | 07/28/2026 |

**R895. Government Operations, Technology Services.**
**R895-4. Subdomain Naming Conventions for Executive Branch Agencies.**
**R895-4-1. Purpose.**

This rule establishes standards for executive branch agencies use of the utah.gov subdomain for state websites and compliance with domain requirements for government websites in Section 63A-16-110[~~63D-2-105~~] of the Information Technology Act.

**R895-4-2. Authority.**

This rule is issued by the Chief Information Officer under the authority of Section 63A-16-205 of the Technology Governance Act, and in accordance with Section 63G-3-201.

**R895-4-3. Scope of Application.**

All state agencies of the executive branch of the [~~S~~]state government shall comply with this rule, which provides a consistent internet access identifier for the [~~S~~]state through the "utah.gov" subdomain.

**R895-4-4. Definitions.**

(1) "Domain Name" means a meaningful name or identifier used for services such as websites and email provided through the internet and organized in multiple hierarchical levels, including:

(a) com;

(b) us; or

(c) gov.

(2) "Subdomain" means a domain name in a subordinate level below a top level domain name in the organization of its hierarchical levels.

(3) "Top level domain" means a domain name at the top hierarchal level above a subdomain level, including:

(a) net;

(b) org; or

(c) com.

(4) "Publicize" means to make accessible, advertise or otherwise publicly disseminate information regarding a domain.

**R895-4-5. Compliance and Responsibilities.**

(1) Any state executive branch agency that develops, hosts, or funds a website shall only register a subdomain using the "utah.gov" naming convention.

(2) No state executive branch agency may publicize a government operated website unless it conforms with the requirements of Section 63A-16-110[~~63D-2-105~~] or for the sole purpose of redirecting to a utah.gov subdomain.

**R895-4-6. Exceptions.**

(1) The requirements of this rule do not apply to websites that meet the criteria of Section 63A-16-110 for non authorized top level domains[~~funds that are passed through or contracted to a private entity and subsequently used by that entity for its own website or for the purchase of a domain~~].

(2) The CIO may provide a waiver for the required use of "utah.gov" subdomains according to Section 63A-16-110[~~63D-2-105~~].

(3) A nonconforming domain may be obtained or retained to retain ownership of the domain for avoiding identifier misuse or for redirecting a utah.gov subdomain[~~, provided the non-conforming domain is not publicized~~].

**R895-4-7. Rule Compliance Management.**

(1) A state executive branch agency commissioner[~~executive director~~], or designee, upon becoming aware of a violation of this rule, shall enforce the rule.

(2) The CIO may, where appropriate, monitor compliance and report to the commissioner[~~executive director~~] any findings or violations of this rule.

(3) The CIO may further enforce this rule by requesting that the entity responsible for providing identifier mapping withhold or remove the offending top level domain[~~TLD~~] from state production servers.

**KEY: utah.gov**
**Date of Last Change: 2026[~~October 4, 2023~~]**
**Notice of Continuation: April 14, 2023**
**Authorizing, and Implemented or Interpreted Law: 63F-1-206; 63G-3-201**

**End of the Notices of Proposed Rules Section**

# NOTICES OF
# CHANGES IN PROPOSED RULES

After an agency has published a **PROPOSED RULE** in the *Utah State Bulletin*, it may receive comment that requires the **PROPOSED RULE** to be altered before it goes into effect. A **CHANGE IN PROPOSED RULE** allows an agency to respond to comments it receives.

As with a **PROPOSED RULE**, a **CHANGE IN PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **CHANGE IN PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Bulletin* ends October 01, 2026.

Following the **RULE ANALYSIS**, the text of the **CHANGE IN PROPOSED RULE** is usually printed. The text shows only those changes made since the **PROPOSED RULE** was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (example). Deletions made to the rule appear struck out with brackets surrounding them ([~~example~~]). A row of dots in the text between paragraphs (**. . . . . .**) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a **CHANGE IN PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of rules that are too long to print is available from the agency or from the Office of Administrative Rules.

From the end of the 30-day waiting period through December 30, 2026, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

**CHANGES IN PROPOSED RULES** are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

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

| NOTICE OF SUBSTANTIVE CHANGE | |
|---|---|
| **TYPE OF FILING:** CPR (Change in Proposed Rule) | **Filing ID: 57882** |
| **Rule or section number:** | **R307-110-13** |
| **Date of previous publication (only for CPRs):** | **04/15/2026** |

**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: |
|---|---|---|
| Sheila Vance | 801-518-3132 | svance@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:**

R307-110-13. Section IX, Control Measures for Area and Point Sources, Part D, Ozone

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

The state of Utah is required to submit periodic emission inventories for marginal ozone nonattainment areas to the Environmental Protection Agency as part of Clean Air Act Section 182(a)(3)(A). The first periodic emission inventory for the Uinta Basin nonattainment area was completed and submitted for the year 2017.

This Change in Proposed Rule (CPR) incorporates the periodic inventories for the years 2020 and 2023 into Utah's State Implementation Plan (SIP) and as such the Board is proposing to amend Section R307-110-13 Section IX, Control Measures for Area and Point Sources, Part D, Ozone to change the Board adoption date to the anticipated date of the amended plan.

After publication in the Bulletin and a 30-day comment period, changes were made to the drafted incorporated document. This CPR is being made to incorporate those new changes and to update the Board adoption date of the plan.

**C. Summary of the new rule or change:**

This CPR is in response to internal reviews by technical staff during the development of related documents during the public comment process after the Utah Air Quality Board proposed the amendments for a 30-day public comment period.

New changes include:
(1) Updated pollutant daily totals for NOx, VOC, and CO in the 2020 and 2023 Uinta Basin periodic emission inventory report due to:
(a) rule reductions that had been applied twice in the area source solvent sector;
(b) the reclassification of one facility from a minor source to a major source; and
(c) the inclusion of eight minor source point facilities that had been omitted because of a reference file error.
These corrections resulted in increases of approximately one-tenth of a ton per day for all pollutants in the 2020 periodic inventory and decreases of approximately one-tenth of a ton per day of VOCs in the 2023 periodic inventory.

(2) Figure 2 in the 2020 and 2023 Uinta Basin periodic emission inventory reports was replaced with a new figure to reflect the addition of the minor source that was actually a major source.

(3) Editorial clarifications were made in the 2020 Uinta Basin periodic emission inventory report.

(EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the April 15, 2026, issue of the Utah State Bulletin, on page 19. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

**5. Fiscal Information**

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

**A. State budget:**

This CPR does not have any impact on the state budget as the change reflects work already completed by the Division of Air Quality as part of staff's required workload.

This CPR does not alter current regulations or practices.

**B. Local governments:**

This CPR does not have any impact on local governments as this rule requires no action by local governments.

This CPR does not alter current regulations or practices.

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

This CPR does not have any impact on small businesses as this rule requires no action by small businesses.

This CPR does not alter current regulations or practices.

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

This CPR does not have any impact on non-small businesses as this rule requires no action by non-small businesses.

This CPR does not alter current regulations or practices.

**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 CPR does not impact persons other than small businesses, non-small businesses, state, or local government entities as this rule requires no action by persons other than small businesses, non-small businesses, state, or local government entities.

This CPR does not alter current regulations or practices.

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

There are no compliance costs associated with this CPR as the change is editorial to incorporate already prepared reports into our SIP.

This CPR does not alter current regulations or practices.

**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 | 42 U.S.C. 85 Part D Section 7511a | |

**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 IX, Control Measures for Area and Point Sources, Part D, Ozone |
| **Publisher** | Division of Air Quality, Utah Department of Environmental Quality |
| **Issue Date** | October 1, 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:** | No Formal Comment Period |

**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) | 10/01/2026 |

**13. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Bryce C. Bird, Director, Division of Air Quality | **Date:** | 07/14/2026 |

**R307. Environmental Quality, Air Quality.**
**R307-110. General Requirements: State Implementation Plan.**
**R307-110-13. Section IX, Control Measures for Area and Point Sources, Part D, Ozone.**

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part D, Ozone, as most recently amended by the Utah Air Quality Board on [~~July 1, 2026~~]October 1, 2026, pursuant to Section 19-2-104, is incorporated by reference and made a part of Rule R307-110.

**KEY: air pollution, PM10, PM2.5, ozone**
**Date of Last Change: 2026**
**Notice of Continuation: December 1, 2021**
**Authorizing, and Implemented or Interpreted Law: 19-2-104**

**End of the Notices of Changes in Proposed Rules Section**

# NOTICES OF
# 120-DAY (EMERGENCY) RULES

An agency may file a **120-DAY (EMERGENCY) RULE** when it finds that regular rulemaking procedures would:

(a) cause an imminent peril to the public health, safety, or welfare;
(b) cause an imminent budget reduction because of budget restraints or federal requirements; or
(c) place the agency in violation of federal or state law (Subsection 63G-3-304(1)).

As with a **PROPOSED RULE**, a **120-DAY RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **120-DAY RULE** including the name of a contact person, justification for filing a **120-DAY RULE**, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **120-DAY RULE** is printed. New text is underlined (example) and text to be deleted is struck out with brackets surrounding the deleted text ([~~example~~]). An emergency rule that is new is entirely underlined. Likewise, an emergency rule that repeals an existing rule shows the text completely struck out. A row of dots in the text (**. . . . . .**) indicates that unaffected text was removed to conserve space.

A **120-DAY RULE** is effective when filed with the Office of Administrative Rules, or on a later date designated by the agency. A **120-DAY RULE** is effective for 120 days or until it is superseded by a permanent rule. Because of its temporary nature, a **120-DAY RULE** is not codified as part of the *Utah Administrative Code*.

The law does not require a public comment period for **120-DAY RULES**. However, when an agency files a **120-DAY RULE**, it may file a **PROPOSED RULE** at the same time, to make the requirements permanent.

Emergency or **120-DAY RULES** are governed by Section 63G-3-304, and Section R15-4-8.

---

| NOTICE OF EMERGENCY (120-DAY) RULE | | |
|---|---|---|
| **Rule or section Number:** | **R414-303-10** | **Filing ID: 58143** |

| | |
|---|---|
| **Effective date:** | **08/13/2026** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Health and Human Services, Integrated Healthcare |
| **Building:** | Cannon Health Building |
| **Street address:** | 288 N 1460 W |
| **City, state:** | Salt Lake City, UT |
| **Mailing address:** | PO Box 143325 |
| **City, state and zip:** | Salt Lake City, UT 84114-3325 |

**2. Contact Persons**

| Name: | Phone: | Email: |
|---|---|---|
| Craig Devashrayee | 801-538-6641 | cdevashrayee@utah.gov |
| Mariah Noble | 385-214-1150 | mariahnoble@utah.gov |

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

**3. General Information**

| A. Rule or section catchline: |
|---|
| R414-303-10. Refugee Medicaid |

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

The purpose of this change is to implement a change in refugee assistance as mandated by the Office of Refugee Resettlement in the July 14, 2026, edition of the Federal Register, which can be viewed at: https://www.federalregister.gov/documents/2026/07/14/2026-14095/federal-register-notice-change-in-eligibility-period-for-refugee-cash-assistance-and-refugee-medical.

This change mandates that eligibility for refugee medical assistance be eight months upon entry into the United States.

The state is required to implement this change no more than 30 days from the publication of the federal mandate.

**C. Summary of the new rule or change:**

In accordance with the mandate set forth by the Office of Refugee Resettlement, this amendment increases medical assistance for refugees from four months to eight months upon entry into the United States.

(EDITOR'S NOTE: A corresponding proposed amendment is under ID 58144 in this issue, September 1, 2026, of the Bulletin.)

## 5. Emergency Rule Information

**A. The agency finds that regular rulemaking would:**

| | |
|---|---|
| ☐ | cause an imminent peril to the public health, safety, or welfare; |
| ☐ | cause an imminent budget reduction because of budget restraints or federal requirements; or |
| ☒ | place the agency in violation of federal or state law. |

**B. Specific reasons and justifications for this finding:**

The Office of Refugee Resettlement published updated federal regulations establishing a 30-day implementation deadline for expanded refugee medical assistance eligibility.

As the standard administrative rulemaking process requires a public comment period and administrative review that exceeds 30 days, regular rulemaking cannot be completed before the federal deadline, and this emergency rule is necessary.

The Department of Health and Human Services (department) is planning to file a traditional proposed filing concurrently with this emergency rule to make these changes permanent and allow for public comment.

## 6. Fiscal Information

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

**A. State budget:**

The department estimates a nominal cost of $500 to the state, based on extending Medicaid services from four months to eight months for three individual cases of refugees who would receive Medicaid services in Utah.

There are no anticipated savings to the state as a result of extending the timeline for refugee medical services eligibility.

**B. Local governments:**

There is no anticipated fiscal impact on local governments as they neither fund nor provide services under the Medicaid program.

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

There is no anticipated fiscal impact on small businesses as this amendment does not impose requirements or restrictions for small businesses.

**D. Persons other than 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***)**:**

Medicaid providers or individuals who would otherwise pay out-of-pocket for medical services may see only a nominal increase in revenue totaling $500 with the increase of medical assistance to the three refugees who would qualify to receive extended Medicaid services in Utah as a result of this filing.

| |
|---|
| As this increase in revenue would cover provided services, there is no anticipated cost to these Medicaid providers or individuals. |
| **E. Compliance costs for affected persons:** |
| The only anticipated compliance cost for affected persons is the estimated $500 total the state is expected to pay for Medicaid services for three refugees in Utah who qualify for the extension.<br><br>For any other affected persons, the only result of this filing is increased revenue for a Medicaid provider or out-of-pocket savings for an individual who qualifies for expanded refugee medical assistance. |
| **F. Comments by the department head on the fiscal impact this rule may have on businesses** (Include the name and title of the department head): |
| The Commissioner of the Department of Health and Human Services, Tracy S. Gruber, has read and agrees with the above analysis of the anticipated fiscal impact of this filing on businesses. |

**7. 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 26B-1-213 | Section 26B-3-108 | 45 CFR 400.211(b) |

**9. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Tracy S. Gruber, Commissioner | **Date:** | 08/13/2026 |

**R414. Health and Human Services, Integrated Healthcare.**
**R414-303. Coverage Groups.**
**R414-303-10. Refugee Medicaid.**

(1) The department applies this section in accordance with 45 CFR 400.90 through 400.107 and 45 CFR 401 relating to refugee medical assistance.

(2) The department may not apply child support enforcement rules.

(3) The department may not count the sponsor's income and resources or in-kind service or shelter provided by the sponsor.

(4) The department may not count cash assistance payments that a resettlement agency provides to a refugee.

(5) A refugee may qualify for medical assistance for [~~four~~]eight months after entry into the United States.

**KEY: MAGI-based, coverage groups, former foster care youth, presumptive eligibility**
**Date of Last Change: [~~June 29,~~] 2026**
**Notice of Continuation: January 6, 2023**
**Authorizing, and Implemented or Interpreted Law: 26B-1-213; 26B-3-108**

**End of the Notices of 120-Day (Emergency) Rules Section**

# FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at adminrules.utah.gov. The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

**REVIEWS** are governed by Section 63G-3-305.

| NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION | | |
|---|---|---|
| **Rule number:** | **R27-4** | **Filing ID: 55170** |

| | |
|---|---|
| **Effective date:** | **08/03/2026** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Government Operations, Fleet Operations |
| **Building:** | Taylorsville State Office Building |
| **Street address:** | 4315 S 2700 W |
| **City, state:** | Taylorsville, UT |
| **Mailing address:** | 4315 S 2700 W |
| **City, state and zip:** | Taylorsville, UT 84129 |

**2. Contact Persons**

| Name: | Phone: | Email: |
|---|---|---|
| Cory Weeks | 801-419-6729 | coryweeks@utah.gov |

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

**3. General Information**

| **A. Rule catchline:** |
|---|
| R27-4. Vehicle Replacement and Expansion of State Fleet |

| **B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:** | |
|---|---|
| Subsection 63A-9-401(d) | This statute gives the Division of Fleet Operations' rulemaking authority for vehicle procurement, cost recovery, reassignment, use and disposal of vehicles. |

| **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 made 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 is required by statute. Therefore, this rule should be continued. |

**4. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Cory Weeks, Director | **Date:** | 08/03/2026 |

| **NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION** | | |
|---|---|---|
| **Rule number:** | **R27-5** | **Filing ID: 55171** |

| | |
|---|---|
| **Effective date:** | **08/03/2026** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Government Operations, Fleet Operations |
| **Building:** | Taylorsville State Office Building |
| **Street address:** | 4315 S 2700 W |
| **City, state:** | Taylorsville, UT |
| **Mailing address:** | 4315 S 2700 W |
| **City, state and zip:** | Taylorsville, UT 84129 |

**2. Contact Persons**

| **Name:** | **Phone:** | **Email:** |
|---|---|---|
| Cory Weeks | 801-419-6729 | coryweeks@utah.gov |

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

**3. General Information**

| **A. Rule catchline:** |
|---|
| R27-5. Fleet Tracking |

| **B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:** | |
|---|---|
| Subsection 63A-9-401(d) | This statute gives the Division of Fleet Operations rulemaking authority for vehicle management.<br><br>This rulemaking authority is required to effectively use the information system described in Subsection 63A-9-401(c). |

| **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 made ever. |
| **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 required by statute. Therefore, this rule should be continued. |

**4. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Cory Weeks, Director | **Date:** | 08/03/2026 |

| NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION | | |
|---|---|---|
| **Rule number:** | **R27-6** | **Filing ID: 55172** |

| | |
|---|---|
| **Effective date:** | **08/03/2026** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Government Operations, Fleet Operations |
| **Building:** | Taylorsville State Office Building |
| **Street address:** | 4315 S 2700 W |
| **City, state:** | Taylorsville, UT |
| **Mailing address:** | 4315 S 2700 W |
| **City, state and zip:** | Taylorsville, UT 84129 |

**2. Contact Persons**

| Name: | Phone: | Email: |
|---|---|---|
| Cory Weeks | 801-419-6729 | coryweeks@utah.gov |

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

**3. General Information**

| **A. Rule catchline:** |
|---|
| R27-6. Fuel Dispensing Program |

| **B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:** | |
|---|---|
| Subsection 63A-9-401(d) | This statute gives the Division of Fleet Operations (division) rulemaking authority for fuel management programs. |
| Subsection 63A-9-401(5) | This statute gives the division rulemaking authority for fuel dispensing. |

| **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 made ever. |
| **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 required by statute. Therefore, this rule should be continued. |

**4. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Cory Weeks, Director | **Date:** | 08/03/2026 |

| NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION | | |
|---|---|---|
| **Rule number:** | **R27-8** | **Filing ID: 55174** |

| | |
|---|---|
| **Effective date:** | **08/03/2026** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Government Operations, Fleet Operations |

| | |
|---|---|
| **Building:** | Taylorsville State Office Building |
| **Street address:** | 4315 S 2700 W |
| **City, state:** | Taylorsville, UT |
| **Mailing address:** | 4315 S 2700 W |
| **City, state and zip:** | Taylorsville, UT 84129 |

**2. Contact Persons**

| **Name:** | **Phone:** | **Email:** |
|---|---|---|
| Cory Weeks | 801-419-6729 | coryweeks@utah.gov |

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

**3. General Information**

| **A. Rule catchline:** |
|---|
| R27-8. State Vehicle Maintenance Program |

| **B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:** | |
|---|---|
| Subsection 63A-9-401(d) | This statute gives the Division of Fleet Operations rulemaking authority for vehicle maintenance. |

| **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 ever been made. |
| **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 required by statute. Therefore, this rule should be continued. |

**4. Agency Authorization Information**

| **Agency head or designee and title:** | Cory Weeks, Director | **Date:** | 08/03/2026 |
|---|---|---|---|

| **NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION** | | |
|---|---|---|
| **Rule number:** | **R27-10** | **Filing ID: 55175** |

| | |
|---|---|
| **Effective date:** | **08/03/2026** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Government Operations, Fleet Operations |
| **Building:** | Taylorsville State Office Building |
| **Street address:** | 4315 S 2700 W |
| **City, state:** | Taylorsville, UT |
| **Mailing address:** | 4315 S 2700 W |
| **City, state and zip:** | Taylorsville, UT 84129 |

**2. Contact Persons**

| **Name:** | **Phone:** | **Email:** |
|---|---|---|
| Cory Weeks | 801-419-6729 | coryweeks@utah.gov |

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

**3. General Information**

| **A. Rule catchline:** |
|---|
| R27-10. Identification Markings for State Motor Vehicles |

| **B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:** | |
|---|---|
| Subsection 63A-9-601(1)(c) | This statute gives the Division of Fleet Operations (division) rulemaking authority for placing markings on vehicles to identify them as state vehicles. |

| **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 governor's office released new branding guidelines for all State of Utah materials. While not directed at the division specifically, the branding guidelines do impact this rule.<br><br>Guidelines for vehicle markings have been reviewed by the governor's office and agency customers of the division. |
| **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 as is while the amended rules are cycled through the rulemaking process. Therefore, this rule should be continued. |

**4. Agency Authorization Information**

| **Agency head or designee and title:** | Cory Weeks, Director | **Date:** | 08/03/2026 |
|---|---|---|---|

| **NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION** | | |
|---|---|---|
| **Rule number:** | **R156-75** | **Filing ID: 50305** |

| **Effective date:** | **08/04/2026** |
|---|---|

**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 |
| **Mailing address:** | PO Box 146741 |
| **City, state and zip:** | Salt Lake City, UT 84114-6741 |

**2. Contact Persons**

| **Name:** | **Phone:** | **Email:** |
|---|---|---|
| Jim Garfield | 801-530-6458 | jimgarfield@utah.gov |

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

**3. General Information**

| **A. Rule catchline:** |
|---|
| R156-75. Genetic Counselors Licensing Act Rule |

| B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions: | |
|---|---|
| Section 58-75-101 et seq. | Title 58, Chapter 75, Genetic Counselors Licensing Act, provides for the licensure and regulation of genetic counselors. |
| Subsection 58-1-106(1)(a) | This subsection establishes that it is a duty of the Division of Professional Licensing to prescribe, adopt, and enforce rules to administer Title 58, Occupations and Professions. |

| 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 as it provides a mechanism to inform potential licensees of the specific requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 75.<br><br>This rule is also necessary as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements, and provides licensees with information concerning unprofessional conduct, definitions, minimum standards of practice, and ethical standards relating to the profession all of which further public safety. Therefore, this rule should be continued. |

**4. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Deborah Blackburn, Assistant Director | **Date:** | 08/04/2026 |

| NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION | | |
|---|---|---|
| **Rule number:** | **R277-101** | **Filing ID: 52770** |

| | |
|---|---|
| **Effective date:** | **08/06/2026** |

**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: |
|---|
| R277-101. Public Participation in Utah State Board of Education Meetings |

| 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). |
| Title 52, Chapter 4 | Directs that the deliberations and actions of the Board be conducted openly. |
| Section 52-4-207 | Allows the Board to adopt a rule governing the use of electronic meetings. |
| 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 describes procedures to be followed by the Board in its conduct of the public's business in order to hear from those who desire to be heard on public education matters in the state, effectively and efficiently utilize the time of the Board, balance desire for public information with other demands on the Board's time, and allow the Board to conduct electronic meetings as needed. Therefore, this rule should be continued. |

**4. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Elisse Newey, Deputy Superintendent of Policy | **Date:** | 08/06/2026 |

| NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION | | |
|---|---|---|
| **Rule number:** | **R277-409** | **Filing ID: 52835** |

| | |
|---|---|
| **Effective date:** | **08/06/2026** |

**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: |
|---|
| R277-409. Public School Membership in Associations |

| 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. |

| 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 places limitations on public school membership in certain associations with rules or policies that conflict with Board policies. Therefore, this rule should be continued. |

**4. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Elisse Newey, Deputy Superintendent of Policy | **Date:** | 08/06/2026 |

| NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION | | |
|---|---|---|
| **Rule number:** | **R277-445** | **Filing ID: 57559** |

| | |
|---|---|
| **Effective date:** | **08/06/2026** |

**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: |
|---|
| R277-445. Classifying Small Schools as Necessarily Existent |

| 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-2-304(3) | Requires the Board to adopt rules to adopt a formula to calculate a scale of operations weighting for each student enrolled in a school district in a county of the fourth, fifth, or sixth class as described in Section 17-50-501 or a school district in a county of the third class with fewer than 2,000 students. |
| 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 specifies the standards for schools and districts to receive funding under the Necessarily Existent Small Schools (NESS) program. Therefore, this rule should be continued. |

**4. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Elisse Newey, Deputy Superintendent of Policy | **Date:** | 08/06/2026 |

| **NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION** | | |
|---|---|---|
| **Rule number:** | **R277-460** | **Filing ID: 52852** |

| | |
|---|---|
| **Effective date:** | **08/06/2026** |

**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:** |
|---|
| R277-460. Distribution of Substance Abuse Prevention Account |

| **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 53G-10-405 | Directs the Board to adopt rules providing for instruction on the harmful effects of alcohol, tobacco, electronic cigarette products, and controlled substances. |
| 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 51-9-405 | Provides for funds from the Substance Abuse Prevention Account to be allocated to the Board for substance abuse prevention and education, substance abuse prevention training for teachers and administrators, and Local Education Agency (LEA) programs to supplement, not supplant, existing local prevention efforts in cooperation with local substance abuse authorities. |

| **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 for the distribution of the Board's share of the money from the Substance Abuse Prevention Account. Therefore, this rule should be continued. |

**4. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Elisse Newey, Deputy Superintendent of Policy | **Date:** | 08/06/2026 |

| **NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION** | | |
|---|---|---|
| **Rule number:** | **R428-1** | **Filing ID: 56510** |

| | |
|---|---|
| **Effective date:** | **08/03/2026** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Health and Human Services; Data, Systems and Evaluation, Research and Evaluation, Health Care Statistics |
| **Building:** | Cannon Health Building |
| **Street address:** | 280 N 1460 W |
| **City, state:** | Salt Lake City, UT |
| **Mailing address:** | PO Box 144004 |
| **City, state and zip:** | Salt Lake City, UT 84116 |

**2. Contact Persons**

| **Name:** | **Phone:** | **Email:** |
|---|---|---|
| Mike Martin | 801-538-9205 | mikemartin@utah.gov |
| Patrice Nicholes | 385-244-8786 | pnicholes@utah.gov |
| Mariah Noble | 385-214-1150 | mariahnoble@utah.gov |

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

**3. General Information**

| **A. Rule catchline:** |
|---|
| R428-1. Health Data Plan and Incorporated Documents |

| B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions: | |
|---|---|
| Section 26B-8-501.1 | Subsection 26B-8-501.1(2) requires the Department of Health and Human Services (department), in consultation with the Health Data Committee (committee), to make rules to carry out the provisions of Title 26B, Chapter 8, Part 5, Utah Health Data Authority, when the provisions require action from a person that is not the department. |
| Section 26B-8-505 | Subsection 26B-8-505(4) requires the department, in consultation with the committee, to make rules to adopt a timetable for the collection and analysis of data from multiple types of data suppliers.<br><br>These timetables are included in the documents incorporated by reference within this rule for the Health Care Facilities Database and the All Payer Claims Database. |

| 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 because this rule complies with statutory mandates and establishes the basic operational requirement for the department to manage data analysis and distribution for Title 26B, Chapter 8, Part 5, Utah Health Data Authority. Without the incorporations by reference in this rule, the Health Care Statistics Program would be unable to sufficiently communicate expectations for data compilation, management, and distribution. Therefore, this rule should be continued.<br><br>Additionally, HB 199, passed in the 2026 General Session, updated statute references in this rule, so it is necessary that this rule be continued so the department can update references in this rule accordingly.<br><br>As there were no comments in opposition to this rule, the department did not respond to any such comments. |

**4. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Tracy S. Gruber, Commissioner | **Date:** | 08/01/2026 |

| NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION | | |
|---|---|---|
| **Rule number:** | **R428-2** | **Filing ID: 56890** |

| | |
|---|---|
| **Effective date:** | **08/03/2026** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Health and Human Services; Data, Systems and Evaluation, Research and Evaluation, Health Care Statistics |
| **Building:** | Cannon Health Building |
| **Street address:** | 280 N 1460 W |
| **City, state:** | Salt Lake City, UT |
| **Mailing address:** | PO Box 144004 |
| **City, state and zip:** | Salt Lake City, UT 84114-4004 |

**2. Contact Persons**

| Name: | Phone: | Email: |
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| Mike Martin | 801-538-9205 | mikemartin@utah.gov |

| | | |
|---|---|---|
| Patrice Nicholes | 385-244-8786 | pnicholes@utah.gov |
| Mariah Noble | 385-214-1150 | mariahnoble@utah.gov |

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

**3. General Information**

| **A. Rule catchline:** |
|---|
| R428-2. Health Data Authority Standards for Health Data |

| **B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:** | |
|---|---|
| Section 26B-8-501.1 | Subsection 26B-8-501.1(2) requires the Department of Health and Human Services (department), in consultation with the Health Data Committee, to make rules to carry out the provisions of Title 26B, Chapter 8, Part 5, Utah Health Data Authority, when the provisions require action from a person that is not the department. |
| Section 26B-8-506 | Subsection 26B-8-506(1) requires the department to establish in rule a reasonable time for data suppliers to review compilations or reports that compare and identify health care providers, correct data found to be in error, and allow a reasonable time for the data supplier to review the department's interpretation of the data and prepare a response, when using health care data acquired under the authority of Title 26B, Chapter 8, Part 5. |

| **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 establishes the reporting standards, which apply to data suppliers, and the classification, control, use, and release of data received by the Health Data Committee pursuant to Section 26-33a. This rule is necessary to assure the data definitions, standards, security, and disclosure under the Health Data Authority Act are consistent across every data supplier, data user, and public inquiry. Therefore, this rule should be continued.<br><br>Additionally, HB 199, passed in the 2026 General Session, updated statutory references in this rule, so it is necessary that this rule be continued so the department can update references in this rule accordingly.<br><br>As there were no comments in opposition to this rule, the department did not respond to any such comments. |

**4. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Tracy S. Gruber, Commissioner | **Date:** | 08/01/2026 |

| **NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION** | | |
|---|---|---|
| **Rule number:** | **R428-10** | **Filing ID: 56866** |

| | |
|---|---|
| **Effective date:** | **08/03/2026** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Health and Human Services; Data, Systems and Evaluation, Research and Evaluation, Health Care Statistics |
| **Building:** | Cannon Health Building |
| **Street address:** | 280 N 1460 W |

| | |
|---|---|
| **City, state:** | Salt Lake City, UT |
| **Mailing address:** | PO Box 144004 |
| **City, state and zip:** | Salt Lake City, UT 84114-4004 |

**2. Contact Persons**

| **Name:** | **Phone:** | **Email:** |
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| Mike Martin | 801-538-9205 | mikemartin@utah.gov |
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| Mariah Noble | 385-214-1150 | mariahnoble@utah.gov |

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

**3. General Information**

| **A. Rule catchline:** |
|---|
| R428-10. Health Data Authority Healthcare Facility Data Reporting Rule |

| **B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:** | |
|---|---|
| Section 26B-8-501.1 | Subsection 26B-8-501.1(2) requires the Department of Health and Human Services (department), in consultation with the Health Data Committee, to make rules to carry out the provisions of Title 26B, Chapter 8, Part 5, Utah Health Data Authority, when the provisions require action from a person that is not the department. |

| **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 establishes the reporting standards and procedures for discharge and encounter data submitted by licensed hospitals, ambulatory surgery centers, and emergency departments in the state of Utah.<br><br>This rule is necessary to assure that the state continuously carries out activities in developing and using the statewide healthcare facility database to improve health care costs, quality, and access.<br><br>Provisions in this rule have been use widely for access to nearly 35 years of data within many programs at the department for planning and reports on hospitalization trends.<br><br>Also, many individuals in the healthcare industry, researchers, and the Federal Agency for Healthcare Research and Quality have purchased public use data files, which demonstrates the need for these standards and procedures. Therefore, this rule should be continued.<br><br>As there were no comments in opposition to this rule, the department did not respond to any such comments. |

**4. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Tracy S. Gruber, Commissioner | **Date:** | 08/01/2026 |

| **NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION** | | |
|---|---|---|
| **Rule number:** | **R428-12** | **Filing ID: 56925** |

| | |
|---|---|
| **Effective date:** | **08/03/2026** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Health and Human Services; Data, Systems and Evaluation, Research and Evaluation, Health Care Statistics |
| **Building:** | Cannon Health Building |
| **Street address:** | 280 N 1460 W |
| **City, state:** | Salt Lake City, UT |
| **Mailing address:** | PO Box 144004 |
| **City, state and zip:** | Salt Lake City, UT 84114-4004 |

**2. Contact Persons**

| **Name:** | **Phone:** | **Email:** |
|---|---|---|
| Mike Martin | 801-538-9205 | mikemartin@utah.gov |
| Patrice Nicholes | 385-244-8786 | pnicholes@utah.gov |
| Mariah Noble | 385-214-1150 | mariahnoble@utah.gov |

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

**3. General Information**

| **A. Rule catchline:** |
|---|
| R428-12. Health Data Authority Survey of Enrollees in Health Plans |

| **B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:** | |
|---|---|
| Section 26B-8-501.1 | Subsection 26B-8-501.1(2) requires the Department of Health and Human Services (department), in consultation with the Health Data Committee, to make rules to carry out the provisions of Title 26B, Chapter 8, Part 5, Utah Health Data Authority, when the provisions require action from a person that is not the department. |

| **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 allows monitoring of satisfaction with the quality and access of care provided by participating Utah health plans. This rule is necessary to assure that health plans are monitored using nationally-recognized standards. Therefore, this rule should be continued.<br><br>As there were no comments in opposition to this rule, the department did not respond to any such comments. |

**4. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Tracy S. Gruber, Commissioner | **Date:** | 08/01/2026 |

| **NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION** | | |
|---|---|---|
| **Rule number:** | **R429-1** | **Filing ID: 55941** |

| | |
|---|---|
| **Effective date:** | **08/10/2026** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Health and Human Services, Patient Safety Program |
| **Building:** | Cannon Health Building |
| **Street address:** | 228 N 1460 W |
| **City, state:** | Salt Lake City, UT |

**2. Contact Persons**

| **Name:** | **Phone:** | **Email:** |
|---|---|---|
| Shanna Jaggers | 385-332-1720 | sjaggers@utah.gov |
| Mariah Noble | 385-214-1150 | mariahnoble@utah.gov |

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

**3. General Information**

| **A. Rule catchline:** |
|---|
| R429-1. Patient Safety Surveillance and Improvement Program (PSSIP) |

| **B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:** | |
|---|---|
| Subsection 26B-1-202(2)(z) | Subsection 26B-1-202(2)(z), which has been renumbered from Subsection 26B-1-202(26), authorizes the Department of Health and Human Services (department) to establish, maintain, and enforce rules authorized under state law or required by federal law to promote and protect the public health or to prevent disease and illness. |
| Subsection 26B-1-202(2)(cc) | Subsection 26B-1-202(2)(cc), which has been renumbered from Subsection 26B-1-202(29), authorizes the department to collect and report information on causes of injury, sickness, death, and disability and the risk factors that contribute to the causes of injury, sickness, death, and disability within the state. |
| Subsection 26B-1-202(2)(dd) | Subsection 26B-1-202(2)(dd), which has been renumbered from Subsection 26B-1-202(30), authorizes the department to collect, prepare, publish, and disseminate information to inform the public concerning the health and wellness of the population, specific hazards, and risks that may affect the health and wellness of the population and specific activities which may promote and protect the health and wellness of the population. |
| Subsection 26B-7-202(1) | Subsection 26B-7-202(1) authorizes the department to investigate and control the causes of epidemic infections and communicable disease, and shall provide for the detection, reporting, prevention, and control of communicable diseases and epidemic infections or any other health hazard which may affect the public health, including drug overdose and drug overdose fatalities. |
| Section 26B-8-407 | Section 26B-8-407 gives the department the discretion to make disclosures provided for in Section 26B-8-406. |

| **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:** |
|---|
| In the years since this rule was first enacted, the department has gathered verbal and written feedback from community members who use REDCap, the tool the state uses to gather data, to submit patient safety reports. Overall, stakeholders expressed strong support for the Patient Safety Surveillance and Improvement Program (PSSIP), highlighting its value in fostering collaboration, driving quality improvement at both state and facility levels, and building meaningful partnerships.<br><br>Responses were overwhelmingly in favor of continuing the program at the state level, due to the program's focus on quality improvement over punitive compliance, value of data-driven feedback, and appreciation for tailored engagement with facilities regarding reporting standards and compliance updates. |

While consensus was not unanimous on every point, the majority of respondents recommended program and rule changes to better align Utah's program with national patient safety reporting standards. Specific recommendations included reclassifying reporting thresholds for patient suicide and attempted suicide, expanding reporting requirements to residential treatment facilities, and streamlining reporting criteria for missing patients, also referred to as "elopement."

The current rule requires an event of patent suicide or an attempted suicide while in the facility or emergency room within 72 hours of discharge be reported if the event meets the harm scale threshold of a reportable event "resulting in permanent patient harm, intervention to sustain life, or patient death." Community members recommended updating the rule to require that these events be reported anytime they occur, regardless of the outcome on the harm scale.

Stakeholders recommend expanding reporting requirements to include state-licensed residential treatment facilities. Commenters felt it is appropriate to hold these facilities to the same patient safety reporting standards as other covered medical facilities because residential treatment facilities provide and manage medical care.

The current administrative code only requires reporting the elopement or disappearance of a patient "with cognitive impairment" for more than four hours, but commenters believe the removal of the phrase "with cognitive impairment" from this requirement would eliminate subjectivity and clarify the reporting threshold. Commenters felt that standardizing this rule to require reporting for any patient who goes missing for more than four hours ensures consistent data collection, simplifies compliance for staff, and strengthens facility-wide quality improvement efforts.

**D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**

Utah is among 28 states nationwide that mandate patient safety reporting, while the remaining states rely on voluntary reporting models, which are often heavily subsidized by dedicated state funding. With the support of Utah's healthcare facilities and the department, this rule is appropriate to retain this mandatory reporting framework and maintain structured, state-level collaboration. Therefore, this rule should be continued.

While public comments did not yield any opposition to the program, they provided recommendations for updates to this rule to improve patient outcomes, which the department plans to implement through a substantive change filing after this rule is continued.

**4. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Tracy S. Gruber, Commissioner | **Date:** | 08/08/2026 |

| **NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION** | | |
|---|---|---|
| **Rule number:** | **R429-2** | **Filing ID: 55942** |

| | |
|---|---|
| **Effective date:** | **08/10/2026** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Health and Human Services, Patient Safety Program |
| **Building:** | Cannon Health Building |
| **Street address:** | 228 N 1460 W |
| **City, state:** | Salt Lake City, UT |

**2. Contact Persons**

| **Name:** | **Phone:** | **Email:** |
|---|---|---|
| Shanna Jaggers | 385-332-1720 | sjaggers@utah.gov |
| Mariah Noble | 385-214-1150 | mariahnoble@utah.gov |

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

**3. General Information**

| **A. Rule catchline:** |
|---|
| R429-2. Health Care Facility Patient Safety Program |

| **B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:** | |
|---|---|
| Subsection 26B-1-202(2)(z) | Subsection 26B-1-202(2)(z), which has been renumbered from Subsection 26B-1-202(26), authorizes the Department of Health and Human Services (department) to establish, maintain, and enforce rules authorized under state law or required by federal law to promote and protect the public health or to prevent disease and illness. |
| Subsection 26B-1-202(2)(cc) | Subsection 26B-1-202(2)(cc), which has been renumbered from Subsection 26B-1-202(29), authorizes the department to collect and report information on causes of injury, sickness, death, and disability and the risk factors that contribute to the causes of injury, sickness, death, and disability within the state. |
| Subsection 26B-1-202(2)(dd) | Subsection 26B-1-202(2)(dd), which has been renumbered from Subsection 26B-1-202(30), authorizes the department to collect, prepare, publish, and disseminate information to inform the public concerning the health and wellness of the population, specific hazards, and risks that may affect the health and wellness of the population and specific activities which may promote and protect the health and wellness of the population. |
| Subsection 26B-7-202(1) | Subsection 26B-7-202(1) authorizes the department to investigate and control the causes of epidemic infections and communicable disease, and shall provide for the detection, reporting, prevention, and control of communicable diseases and epidemic infections or any other health hazard which may affect the public health, including drug overdose and drug overdose fatalities. |
| Section 26B-8-407 | Section 26B-8-407 gives the department the discretion to make disclosures provided for in Section 26B-8-406. |

| **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:** |
|---|
| In the years since this rule was first enacted, the department has gathered verbal and written feedback from community members who use REDCap, the tool the state uses to gather data, to submit patient safety reports. Overall, stakeholders expressed strong support for the Health Care Facility Patient Safety Program, highlighting its value in fostering collaboration, driving quality improvement at both state and facility levels, and building meaningful partnerships.<br><br>Responses were overwhelmingly in favor of continuing the program at the state level, due to the program's focus on quality improvement over punitive compliance, value of data-driven feedback, and appreciation for tailored engagement with facilities regarding reporting standards and compliance updates.<br><br>The majority of respondents also recommended program and rule changes to expand the scope of covered facilities to include residential treatment facilities and better align Utah's program with national patient safety reporting standards. Commenters suggested amending the definition of "facility" in this rule to explicitly include state-licensed residential treatment facilities. Stakeholders recommend expanding reporting requirements to include state-licensed residential treatment facilities. Commenters felt it is appropriate to hold these facilities to the same patient safety reporting standards as other covered medical facilities because residential treatment facilities provide and manage medical care. Expanding this definition would ensure consistent oversight and strengthen protective standards across medical and clinical environments in Utah. |
| **D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:** |
| Utah is among 28 states nationwide that mandate patient safety reporting, while the remaining states rely on voluntary reporting models, which are often heavily subsidized by dedicated state funding. With the support of Utah's healthcare facilities and the department, this rule is appropriate to retain this mandatory reporting framework and maintain structured, state-level collaboration. Therefore, this rule should be continued. |

While public comments did not yield any opposition to the program, they provided recommendations for updates to this rule to improve patient outcomes, which the department plans to implement through a substantive change filing after this rule is continued.

**4. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Tracy S. Gruber, Commissioner | **Date:** | 08/08/2026 |

| **NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION** | | |
|---|---|---|
| **Rule number:** | **R432-200** | **Filing ID: 56018** |

| | |
|---|---|
| **Effective date:** | **08/06/2026** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Health and Human Services, Health Care Facility Licensing |
| **Building:** | Multi-State Agency Office Building |
| **Street address:** | 195 N 1950 W |
| **City, state:** | Salt Lake City, UT |

**2. Contact Persons**

| **Name:** | **Phone:** | **Email:** |
|---|---|---|
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| Jeremiah Sniffin | 385-443-3344 | jsniffin@utah.gov |
| Mariah Noble | 385-214-1150 | mariahnoble@utah.gov |

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

**3. General Information**

| **A. Rule catchline:** |
|---|
| R432-200. Small Health Care Facility - Four to Sixteen Beds |

| **B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:** | |
|---|---|
| Section 26B-2-202 | Section 26B-2-202 authorizes the Department of Health and Human Services (department) to enforce rules established pursuant to Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.<br><br>It also authorizes the department to make rules as necessary to implement the provisions of Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection. |

| **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 comply with the statutory mandate to make rules that provide health and social services to the people of Utah and promote and protect the public health or to prevent disease and illness.<br><br>Additionally, this rule helps implement provisions in Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection. |

This rule also ensures there is no lapse in the enforcement and oversight of licensure for small health care facilities with four to sixteen beds. Therefore, this rule should be continued.

As there have been no comments in opposition to this rule, the department has not responded to any such comments.

**4. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Tracy S. Gruber, Commissioner | **Date:** | 08/05/2026 |

| **NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION** | | |
|---|---|---|
| **Rule number:** | **R432-300** | **Filing ID: 55271** |

| | |
|---|---|
| **Effective date:** | **08/06/2026** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Health and Human Services, Health Care Facility Licensing |
| **Building:** | Multi-State Agency Office Building |
| **Street address:** | 195 N 1950 W |
| **City, state:** | Salt Lake City, UT |

**2. Contact Persons**

| **Name:** | **Phone:** | **Email:** |
|---|---|---|
| Kamille Sheikh | 385-227-1290 | kamillesheikh@utah.gov |
| Jeremiah Sniffin | 385-443-3344 | jsniffin@utah.gov |
| Mariah Noble | 385-214-1150 | mariahnoble@utah.gov |

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

**3. General Information**

| **A. Rule catchline:** |
|---|
| R432-300. Small Health Care Facility - Type N |

| **B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:** | |
|---|---|
| Section 26B-1-202 | Section 26B-1-202 authorizes the Department of Health and Human Services (department) to adopt rules the department may consider necessary or desirable for providing health and social services to the people of this state.<br><br>It also authorizes the department to establish, maintain, and enforce rules authorized under state law or required by federal law to promote and protect the public health or to prevent disease and illness.<br><br>This rule helps accomplish this statutory mandate by governing the licensure of Type N specialty health care facilities in Utah. |
| Section 26B-2-202 | Section 26B-2-202 authorizes the department to enforce rules established pursuant to Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.<br><br>It also authorizes the department to make rules as necessary to implement the provisions of Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection. |

| **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 comply with the statutory mandate to make rules that provide health and social services to the people of Utah and promote and protect the public health or prevent disease and illness.<br><br>Additionally, this rule helps implement provisions in Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.<br><br>This rule also ensures there is no lapse in the enforcement and oversight of licensure for Type N health care facilities. Therefore, this rule should be continued.<br><br>As there have been no comments in opposition to this rule, the department has not responded to any such comments.<br><br>Through a future filing, the department anticipates updating this rule's rulemaking authority to cite Section 26B-2-202, as this is the a citation more specific to licensing, rather than the whole department. |

**4. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Tracy S. Gruber, Commissioner | **Date:** | 08/05/2026 |
| | | | |

| **NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION** | | |
|---|---|---|
| **Rule number:** | **R432-650** | **Filing ID: 51082** |

| | |
|---|---|
| **Effective date:** | **08/06/2026** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Health and Human Services, Health Care Facility Licensing |
| **Building:** | Multi-State Agency Office Building |
| **Street address:** | 195 N 1950 W |
| **City, state:** | Salt Lake City, UT |

**2. Contact Persons**

| **Name:** | **Phone:** | **Email:** |
|---|---|---|
| Kamille Sheikh | 385-227-1290 | kamillesheikh@utah.gov |
| Mariah Noble | 385-214-1150 | mariahnoble@utah.gov |

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

**3. General Information**

| **A. Rule catchline:** |
|---|
| R432-650. End Stage Renal Disease Facility Rules |

| **B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:** | |
|---|---|
| Section 26B-1-202 | Section 26B-1-202 authorizes the Department of Health and Human Services (department) to adopt rules the department may consider necessary or desirable for providing health and social services to the people of this state. |

| | |
|---|---|
| | It also authorizes the department to establish, maintain, and enforce rules authorized under state law or required by federal law to promote and protect the public health or to prevent disease and illness.<br><br>This rule helps accomplish this statutory mandate by governing the licensure of end stage renal disease facilities in Utah. |
| Section 26B-2-202 | Section 26B-2-202 authorizes the department to enforce rules established pursuant to Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.<br><br>It also authorizes the department to make rules as necessary to implement the provisions of Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection. |

| **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 comply with and the statutory mandate to make rules that provide health and social services to the people of Utah and protect the public health or prevent disease and illness.<br><br>Additionally, this rule helps implement provisions in Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.<br><br>This rule also ensures there is no lapse in the enforcement and oversight of licensure for end stage renal disease facilities. Therefore, this rule should be continued.<br><br>As there have been no comments in opposition to this rule, the department has not responded to any such comments.<br><br>Through a future filing after the completion of this five-year review, the department plans to file an amendment to update the statutory provision that authorizes this rule. |

**4. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Tracy S. Gruber, Commissioner | **Date:** | 08/05/2026 |

| **NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION** | | |
|---|---|---|
| **Rule number:** | **R432-700** | **Filing ID: 55351** |

| | |
|---|---|
| **Effective date:** | **08/06/2026** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Health and Human Services, Health Care Facility Licensing |
| **Building:** | Multi-State Agency Office Building |
| **Street address:** | 195 N 1950 W |
| **City, state:** | Salt Lake City, UT |

**2. Contact Persons**

| **Name:** | **Phone:** | **Email:** |
|---|---|---|
| Kamille Sheikh | 385-227-1290 | kamillesheikh@utah.gov |
| Mariah Noble | 385-214-1150 | mariahnoble@utah.gov |

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

**3. General Information**

| **A. Rule catchline:** |
|---|
| R432-700. Home Health Agency Rule |

| **B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:** | |
|---|---|
| Section 26B-2-202 | Section 26B-2-202 authorizes the Department of Health and Human Services (department) to enforce rules established pursuant to Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.<br><br>It also authorizes the department to make rules as necessary to implement the provisions of Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection. |

| **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 comply with the statutory mandate to make rules that provide health and social services to the people of Utah and protect the public health or prevent disease and illness.<br><br>Additionally, this rule helps implement provisions in Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.<br><br>This rule also ensures there is no lapse in the enforcement and oversight of licensure for home health agencies. Therefore, this rule should be continued.<br><br>As there have been no comments in opposition to this rule, the department has not responded to any such comments. |

**4. Agency Authorization Information**

| **Agency head or designee and title:** | Tracy S. Gruber, Commissioner | **Date:** | 08/05/2026 |
|---|---|---|---|

| **NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION** | | |
|---|---|---|
| **Rule number:** | **R432-725** | **Filing ID: 53420** |

| **Effective date:** | **08/06/2026** |
|---|---|

**1. Agency Information**

| **Title catchline:** | Health and Human Services, Health Care Facility Licensing |
|---|---|
| **Building:** | Multi-State Agency Office Building |
| **Street address:** | 195 N 1950 W |
| **City, state:** | Salt Lake City, UT |

**2. Contact Persons**

| **Name:** | **Phone:** | **Email:** |
|---|---|---|
| Kamille Sheikh | 385-227-1290 | kamillesheikh@utah.gov |
| Mariah Noble | 385-214-1150 | mariahnoble@utah.gov |

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

**3. General Information**

| **A. Rule catchline:** |
|---|
| R432-725. Personal Care Agency Rule |

| **B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:** | |
|---|---|
| Section 26B-1-202 | Section 26B-1-202 authorizes the Department of Health and Human Services (department) to adopt rules the department may consider necessary or desirable for providing health and social services to the people of this state.<br><br>It also authorizes the department to establish, maintain, and enforce rules authorized under state law or required by federal law to promote and protect the public health or to prevent disease and illness.<br><br>This rule helps accomplish this statutory mandate by governing the licensure of personal care agencies in Utah. |
| Section 26B-2-202 | Section 26B-2-202 authorizes the department to enforce rules established pursuant to Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.<br><br>It also authorizes the department to make rules as necessary to implement the provisions of Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection. |

| **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 continue to comply with the statutory mandate to make rules that provide health and social services to the people of Utah and protect the public health or prevent disease and illness.<br><br>Additionally, this rule helps implement provisions in Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.<br><br>This rule also ensures there is no lapse in the enforcement and oversight of licensure for personal care agencies. Therefore, this rule should be continued.<br><br>As there have been no comments in opposition to this rule, the department has not responded to any such comments.<br><br>After the completion of this five-year review, the department plans to file an amendment to update the statutory provision that authorizes this rule. |

**4. Agency Authorization Information**

| **Agency head or designee and title:** | Tracy S. Gruber, Commissioner | **Date:** | 08/05/2026 |
|---|---|---|---|

| **NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION** | | |
|---|---|---|
| **Rule number:** | **R432-750** | **Filing ID: 56921** |

| **Effective date:** | **08/06/2026** |
|---|---|

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Health and Human Services, Health Care Facility Licensing |
| **Building:** | Multi-State Agency Office Building |
| **Street address:** | 195 N. 1950 W. |
| **City, state:** | Salt Lake City, UT |

**2. Contact Persons**

| **Name:** | **Phone:** | **Email:** |
|---|---|---|
| Kamille Sheikh | 385-227-1290 | kamillesheikh@utah.gov |
| Mariah Noble | 385-214-1150 | mariahnoble@utah.gov |

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

**3. General Information**

| **A. Rule catchline:** |
|---|
| R432-750. Hospice Rule |

| **B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:** | |
|---|---|
| Section 26B-2-202 | Section 26B-2-202 authorizes the Department of Health and Human Services (department) to enforce rules established pursuant to Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.<br><br>It also authorizes the department to make rules as necessary to implement the provisions of Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection. |

| **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 comply with the statutory mandate to make rules that provide health and social services to the people of Utah and protect the public health or prevent disease and illness.<br><br>Additionally, this rule helps implement provisions in Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.<br><br>This rule also ensures there is no lapse in the enforcement and oversight of licensure for hospice facilities. Therefore, this rule should be continued.<br><br>As there have been no comments in opposition to this rule, the department has not responded to any such comments. |

**4. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Tracy S. Gruber, Commissioner | **Date:** | 08/05/2026 |

| **NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION** | | |
|---|---|---|
| **Rule number:** | **R432-950** | **Filing ID: 57643** |

| | |
|---|---|
| **Effective date:** | **08/06/2026** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Health and Human Services, Health Care Facility Licensing |
| **Building:** | Multi-State Agency Office Building |
| **Street address:** | 195 N 1950 W |
| **City, state:** | Salt Lake City, UT |

**2. Contact Persons**

| Name: | Phone: | Email: |
|---|---|---|
| Kamille Sheikh | 385-227-1290 | kamillesheikh@utah.gov |
| Mariah Noble | 385-214-1150 | mariahnoble@utah.gov |

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

**3. General Information**

| **A. Rule catchline:** |
|---|
| R432-950. Mammography Quality Assurance |

| **B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:** | |
|---|---|
| Section 26B-2-602 | Section 26B-2-602 requires the Department of Health and Human Services (department) to make rules establishing quality assurance standards for all facilities performing screening or diagnostic mammography and developing mammogram x-ray films, including notification and procedures for clinical follow-up of abnormal mammograms.<br><br>This section also requires the department to make rules providing for the collection and periodic reporting of mammography examinations and clinical follow-up data to the department, certification and revocation of certification of mammogram facilities, inspection of mammogram facilities, including entry of agents of the department into the facilities for inspections, setting fees for certification, and an appeal process regarding department certification decisions. |

| **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 comply with the statutory mandate to make rules that provide health and social services to the people of Utah and protect the public health or prevent disease and illness.<br><br>Additionally, this rule helps implement provisions in Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection, and complies with requirements in Section 26B-2-602.<br><br>This rule also ensures there is no lapse in the enforcement and oversight of licensure for mammography facilities. Therefore, this rule should be continued.<br><br>As there have been no comments in opposition to this rule, the department has not responded to any such comments. |

**4. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Tracy S. Gruber, Commissioner | **Date:** | 08/05/2026 |

| NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION | | |
|---|---|---|
| **Rule number:** | **R495-830** | **Filing ID: 53387** |

| | |
|---|---|
| **Effective date:** | **08/03/2026** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Health and Human Services, Administration (Human Services) |
| **Building:** | Cannon Health Building |
| **Street address:** | 288 N 1460 W |
| **City, state:** | Salt Lake City, UT |
| **Mailing address:** | 288 N 1460 W |
| **City, state and zip:** | Salt Lake City, UT 84116 |

**2. Contact Persons**

| Name: | Phone: | Email: |
|---|---|---|
| Thomas Dunford | 801-538-4181 | tdunford@utah.gov |
| Mariah Noble | 385-214-1150 | mariahnoble@utah.gov |

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

**3. General Information**

| **A. Rule catchline:** |
|---|
| R495-830. Qualifications for Forensic Evaluator |

| **B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:** | |
|---|---|
| Section 26B-1-202 | Section 26B-1-202 allows the Department of Health and Human Services (department) to adopt rules the department may consider necessary or desirable for providing health and social services to the people of Utah. |

| **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 ensure the integrity of Utah's judicial and behavioral health systems. Forensic evaluators provide critical professional opinions regarding a defendant's competency and mental state and inform decisions that directly impact constitutional due process, legal outcomes, and public safety. Because these evaluations must withstand intense legal scrutiny and cross-examination, this rule is necessary to ensure all evaluators possess the rigorous educational, clinical, and ethical credentials required to deliver legally defensible testimony.<br><br>Additionally, this rule establishes a uniform statewide framework that helps prevent inconsistencies across Utah's courts by mandating a recurring certification and renewal process. It supports evaluators to maintain ongoing professional development and stay current with evolving statutes and forensic practices. A discontinuation of this rule would create a dangerous regulatory void, compromising the reliability of forensic evidence, increasing the risk of costly legal appeals, and undermining public trust in the state's legal system. Therefore, this rule should be continued.<br><br>Furthermore, at the time of this five-year review, the department is in the process of updating this rule's statutory rulemaking authority and other requirements within this rule to remain consistent with current professional standards.<br><br>As there were no comments in opposition to this rule, the department has not responded to any such comment. |

**4. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Tracy S Gruber, Commissioner | **Date:** | 08/01/2026 |

| **NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION** | | |
|---|---|---|
| **Rule number:** | **R512-2** | **Filing ID: 57080** |

| | |
|---|---|
| **Effective date:** | **08/10/2026** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Health and Human Services, Child and Family Services |
| **Building:** | Multi-Agency State Office Building |
| **Street address:** | 195 N 1950 W |
| **City, state:** | Salt Lake City, UT |
| **Mailing address:** | 195 N 1950 W |
| **City, state and zip:** | Salt Lake City, UT 84116 |

**2. Contact Persons**

| **Name:** | **Phone:** | **Email:** |
|---|---|---|
| Corey Blythe | 801-891-9068 | coblythe@utah.gov |
| Steven Sullivan | 385-256-7094 | ssulliva@utah.gov |
| Mariah Noble | 385-214-1150 | mariahnoble@utah.gov |

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

**3. General Information**

**A. Rule catchline:**

R512-2. Title IV-B Child and Family Services and Title IV-E Foster Care, Prevention, and Permanency

| **B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:** | |
|---|---|
| Section 80-2-301 | Section 80-2-301 authorizes the Division of Child and Family Services (division) to provide out-of-home services and requires the division to establish standards for contract providers of out-of-home care for minors and families. |
| Section 80-2-302 | Section 80-2-302 requires the division to make rules regarding abuse, neglect, and dependency proceedings. |
| Subsection 42 U.S.C. 671(a)(14) | Subsection 42 U.S.C. 671(a)(14) requires a state in its State Plan for Foster Care and Adoption Assistance to include a provision in state law establishing the maximum number of children who, at any time during such year, will remain in foster care after having been in such care for a period in excess of 24 months. |
| Section 42 U.S.C. 672 | Section 42 U.S.C. 672 authorizes federal foster care. |

**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 because it adopts federal requirements applicable to Title IV-B and Title IV-E of the Social Security Act and incorporates them by reference in this rule.<br><br>This rule additionally fulfills requirements in state and federal law, including describing the goal for the proportion of children in out-of-home care for more than 24 months. Therefore, this rule should be continued.<br><br>As there were no comments in opposition to this rule, the division has not responded to any such comments. |

**4. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Tracy S. Gruber, Commissioner | **Date:** | 08/08/2026 |

| NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION | | |
|---|---|---|
| **Rule number:** | **R512-31** | **Filing ID: 55625** |

| | |
|---|---|
| **Effective date:** | **08/10/2026** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Health and Human Services, Child and Family Services |
| **Building:** | Multi-Agency State Office Building |
| **Street address:** | 195 N 1950 W |
| **City, state:** | Salt Lake City, UT |
| **Mailing address:** | 195 N 1950 W |
| **City, state and zip:** | Salt Lake City, UT 84116 |

**2. Contact Persons**

| Name: | Phone: | Email: |
|---|---|---|
| Corey Blythe | 801-891-9068 | coblythe@utah.gov |
| Steven Sullivan | 385-256-7094 | ssulliva@utah.gov |
| Mariah Noble | 385-214-1150 | mariahnoble@utah.gov |

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

**3. General Information**

| A. Rule catchline: |
|---|
| R512-31. Foster Parent Due Process |

| B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions: | |
|---|---|
| Section 80-2-302 | Section 80-2-302 requires the Division of Child and Family Services (division) to make rules regarding abuse, neglect, and dependency proceedings. |

| 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 for statutory compliance and because this rule describes the due process rights of a foster parent when a decision is made to remove a foster child from that foster parent's home. Therefore, this rule should be continued.<br><br>As there were no comments in opposition to this rule, the division did not respond to any such comments. |

**4. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Tracy S. Gruber, Commissioner | **Date:** | 08/08/2026 |

| **NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION** | | |
|---|---|---|
| **Rule number:** | **R512-32** | **Filing ID: 55626** |

| | |
|---|---|
| **Effective date:** | **08/10/2026** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Health and Human Services, Child and Family Services |
| **Building:** | Multi-Agency State Office Building |
| **Street address:** | 195 N 1950 W |
| **City, state:** | Salt Lake City, UT |
| **Mailing address:** | 195 N 1950 W |
| **City, state and zip:** | Salt Lake City, UT 84116 |

**2. Contact Persons**

| **Name:** | **Phone:** | **Email:** |
|---|---|---|
| Corey Blythe | 801-891-9068 | coblythe@utah.gov |
| Steven Sullivan | 385-256-7094 | ssulliva@utah.gov |
| Mariah Noble | 385-214-1150 | mariahnoble@utah.gov |

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

**3. General Information**

| **A. Rule catchline:** |
|---|
| R512-32. Children with Reportable Communicable Diseases |

| **B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:** | |
|---|---|
| Section 80-2-302 | Section 80-2-302 requires the Division of Child and Family Services (division) to make rules regarding abuse, neglect, and dependency proceedings. |

| **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 because this rule complies with statutory requirements and establishes standards for confidentiality and testing of children with reportable communicable diseases. Therefore, this rule should be continued. |

| |
|---|
| As there were no comments in opposition to this rule, the division has not responded to any such comments. |

**4. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Tracy S. Gruber, Commissioner | **Date:** | 08/08/2026 |

| **NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION** | | |
|---|---|---|
| **Rule number:** | **R512-40** | **Filing ID: 57775** |

| | |
|---|---|
| **Effective date:** | **08/10/2026** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Health and Human Services, Child and Family Services |
| **Building:** | Multi-Agency State Office Building |
| **Street address:** | 195 N 1950 W |
| **City, state:** | Salt Lake City, UT |
| **Mailing address:** | 120 N 1950 W |
| **City, state and zip:** | Salt Lake City, UT 84116 |

**2. Contact Persons**

| **Name:** | **Phone:** | **Email:** |
|---|---|---|
| Corey Blythe | 801-891-9068 | coblythe@utah.gov |
| Steven Sullivan | 385-256-7094 | ssulliva@utah.gov |
| Mariah Noble | 385-214-1150 | mariahnoble@utah.gov |

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

**3. General Information**

| **A. Rule catchline:** |
|---|
| R512-40. Identification, Home Studies, and Approval of Adoptive Families for Children in the Custody of Child and Family Services |

| **B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:** | |
|---|---|
| Section 80-2-302 | Section 80-2-302 requires the Division of Child and Family Services (division) to make rules regarding abuse, neglect, and dependency proceedings. |
| Section 80-2-301 | Under Section 80-2-301, the division has a responsibility to provide for a child in care, preferably to keep or return a child to their home. When that is not possible, the division has a responsibility to provide an alternative permanency option for the child |

| **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 establish criteria for recruitment of adoptive families, standards for conducting adoptive home studies, and requirements for approval of adoptive homes. |

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| It additionally fulfills statutory requirements. Therefore, this rule should be continued.<br><br>As there were no comments in opposition to this rule, the division has not responded to any such comments. |

**4. Agency Authorization Information**

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|---|---|---|---|
| **Agency head or designee and title:** | Tracy S. Gruber, Commissioner | **Date:** | 08/08/2026 |

| **NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION** | | |
|---|---|---|
| **Rule number:** | **R512-51** | **Filing ID: 55630** |

| | |
|---|---|
| **Effective date:** | **08/10/2026** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Health and Human Services, Child and Family Services |
| **Building:** | Multi-Agency State Office Building |
| **Street address:** | 195 N 1950 W |
| **City, state:** | Salt Lake City, UT |
| **Mailing address:** | 195 N 1950 W |
| **City, state and zip:** | Salt Lake City, UT 84116 |

**2. Contact Persons**

| **Name:** | **Phone:** | **Email:** |
|---|---|---|
| Corey Blythe | 801-891-9068 | coblythe@utah.gov |
| Steven Sullivan | 385-256-7094 | ssulliva@utah.gov |
| Mariah Noble | 385-214-1150 | mariahnoble@utah.gov |

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

**3. General Information**

| **A. Rule catchline:** |
|---|
| R512-51. Fee Collection for Criminal Background Screening for Prospective Foster and Adoptive Parents and for Employees of Other Department of Health and Human Services Licensed Programs |

| **B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:** | |
|---|---|
| Section 80-2-302 | Section 80-2-302 requires the Division of Child and Family Services (division) to make rules regarding abuse, neglect, and dependency proceedings. |

| **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 because it fulfills statutory requirements and enables the division to collect fees for processing criminal background screenings for prospective foster and adoptive parents of children in state custody and other adults in the home as well as, for employees of other licensed programs upon request of the Division of Licensing and Background Checks. Therefore, this rule should be continued. |

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| As there were no comments in opposition to this rule, the division has not responded to any such comments. |

**4. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Tracy S. Gruber, Commissioner | **Date:** | 08/08/2026 |

| **NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION** | | |
|---|---|---|
| **Rule number:** | **R512-80** | **Filing ID: 56038** |

| | |
|---|---|
| **Effective date:** | **08/10/2026** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Health and Human Services, Child and Family Services |
| **Building:** | Multi-Agency State Office Building |
| **Street address:** | 195 N 1950 W |
| **City, state:** | Salt Lake City, UT |
| **Mailing address:** | 195 N 1950 W |
| **City, state and zip:** | Salt Lake City, UT 84116 |

**2. Contact Persons**

| **Name:** | **Phone:** | **Email:** |
|---|---|---|
| Corey Blythe | 801-891-9068 | coblythe@utah.gov |
| Steven Sullivan | 385-256-7094 | ssulliva@utah.gov |
| Mariah Noble | 385-214-1150 | mariahnoble@utah.gov |

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

**3. General Information**

| **A. Rule catchline:** |
|---|
| R512-80. Definitions of Abuse, Neglect, and Dependency |

| **B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:** | |
|---|---|
| Section 80-2-302 | Section 80-2-302 requires the Division of Child and Family Services (division) to make rules regarding abuse, neglect, and dependency proceedings. |

| **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 because this rule provides definitions used throughout Title R512, Health and Human Services, Child and Family Services. These definitions create clarity and consistency for terms used throughout this title and within the division. Therefore, this rule should be continued.<br><br>As there were no comments in opposition to this rule, the division has not responded to any such comments. |

**4. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Tracy S. Gruber, Commissioner | **Date:** | 08/08/2026 |

| **NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION** | | |
|---|---|---|
| **Rule number:** | **R527-3** | **Filing ID: 57462** |

| | |
|---|---|
| **Effective date:** | **08/10/2026** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Health and Human Services, Recovery Services |
| **Building:** | Taylorsville State Office Building |
| **Street address:** | 4315 S 2700 W |
| **City, state:** | Taylorsville, UT |
| **Mailing address:** | PO Box 45033 |
| **City, state and zip:** | Salt Lake City, UT 84145-0033 |

**2. Contact Persons**

| **Name:** | **Phone:** | **Email:** |
|---|---|---|
| Jodi Witte | 801-741-7417 | jwitte@utah.gov |
| Casey Cole | 801-741-7523 | cacole@utah.gov |
| Mariah Noble | 385-214-1150 | mariahnoble@utah.gov |

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

**3. General Information**

| **A. Rule catchline:** |
|---|
| R527-3. Definitions |

| **B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:** | |
|---|---|
| Section 26B-1-202 | Section 26B-1-202 gives the Department of Health and Human Services (department) the authority to create rules necessary to carry out department responsibilities. |
| Section 26B-9-108 | Section 26B-9-108 gives the Office of Recovery Services (ORS) the authority to adopt, amend, and enforce rules necessary to carry out its responsibilities under 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 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 provide the public with knowledge of commonly used terms and acronyms associated with the ORS and ORS programs, some of which are not available in statute. Therefore, this rule should be continued.<br><br>As there were no comments in opposition to this rule, the department did not respond to any such comments. |

**4. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Tracy S. Gruber, Commissioner | **Date:** | 08/08/2026 |

| **NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION** | | |
|---|---|---|
| **Rule number:** | **R527-258** | **Filing ID: 55563** |

| | |
|---|---|
| **Effective date:** | **08/10/2026** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Health and Human Services, Recovery Services |
| **Building:** | Taylorsville State Office Building |
| **Street address:** | 4315 S 2700 W |
| **City, state:** | Taylorsville, UT |
| **Mailing address:** | PO Box 45033 |
| **City, state and zip:** | Salt Lake City, UT 84145-0033 |

**2. Contact Persons**

| **Name:** | **Phone:** | **Email:** |
|---|---|---|
| Jodi Witte | 801-741-7417 | jwitte@utah.gov |
| Casey Cole | 801-741-7523 | cacole@utah.gov |
| Mariah Noble | 385-214-1150 | mariahnoble@utah.gov |

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

**3. General Information**

| **A. Rule catchline:** |
|---|
| R527-258. Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program |

| **B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:** | |
|---|---|
| Section 26B-1-202 | Section 26B-1-202 gives the Department of Health and Human Services (department) the authority to create rules necessary to carry out department responsibilities. |
| Section 26B-9-108 | Section 26B-9-108 gives the Office of Recovery Services (ORS) the authority to adopt, amend, and enforce rules necessary to carry out ORS responsibilities under state law. |
| Subsection 26B-9-219(1) | Subsection 26B-9-219(1) allows ORS to establish support payment schedules for ex-prisoner obligors or obligors in or just released from a mental health or substance abuse treatment program and the conditions under which an obligor may contest a payment schedule.<br><br>This subsection also provides the basis for this rule in working with IV-A child support debts that may accrue during a period of incarceration or enrollment in an in-patient treatment program. |
| Section 26B-9-225 | Section 26B-9-225 requires ORS to issue a notice to a parent or legal guardian's employer to enroll a dependent child in the insurance plan available, which is available through the parent or legal guardian's employer, and to also provide notice to the parent or legal guardian about a notice sent to the employer. |
| 45 CFR 303.32 | 45 CFR 303.32 provides the requirement for ORS to include private health insurance in new or modified orders for support and to establish written criteria to identify orders that do not address health care needs of children and enforce the provision of health care coverage for the children using the federally mandated National Medical Support Notice. |

| **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 for compliance with federal and state statutory requirements still in effect.<br><br>The payment schedule program, including the program providing for the discharge of the IV-A debt when support payments are made as required for the year following a noncustodial parent's incarceration or enrollment in a treatment program, continues to be beneficial from a child support perspective as well as, a corrections and rehabilitation perspective.<br><br>This rule also provides the procedures for ORS to set up payment schedules and clarifies that the federal National Medical Support Notice will be used to enroll a dependent child in the parent or legal guardian's health insurance plan through the parent or legal guardian's employer, even when the responsible parent has recently been incarcerated or in a treatment program. Therefore, this rule should be continued.<br><br>As there were no comments in opposition to this rule, the department did not respond to any such comments. |

**4. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Tracy S. Gruber, Commissioner | **Date:** | 08/08/2026 |

| **NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION** | | |
|---|---|---|
| **Rule number:** | **R714-164** | **Filing ID: 53703** |

| | |
|---|---|
| **Effective date:** | **08/14/2026** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Public Safety, Highway Patrol |
| **Building:** | Calvin Rampton Building |
| **Street address:** | 4501 S 2700 W, 1st Floor |
| **City, state:** | Salt Lake City, UT 84119 |
| **Mailing address:** | PO Box 141775 |
| **City, state and zip:** | Salt Lake City, UT 84114-1775 |

**2. Contact Persons**

| **Name:** | **Phone:** | **Email:** |
|---|---|---|
| Kim Gibb | 801-556-8198 | kgibb@utah.gov |

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

**3. General Information**

| **A. Rule catchline:** |
|---|
| R714-164. School Bus Inspection, Maintenance and Auditing Requirements |

| **B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:** | |
|---|---|
| Subsection 53-8-211(2)(b)(i) | States that an education entity shall perform the safety inspections of a school bus that it operated in accordance with rules made by the Division of Highway Patrol (division). |

| | |
|---|---|
| Subsection 53-8-211(2)(b)(ii) | Specifies that rules made by the division shall include provisions for:<br>a) maintaining school bus drivers' hours of service records;<br>b) requiring school bus drivers to maintain vehicle condition reports;<br>c) maintaining school bus maintenance and report records; and<br>d) validating that defects discovered during the inspection process have been corrected prior to returning a school bus to service. |

| **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 during 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:** |
| Subsection 53-8-211(2)(b)(i) requires that education entities perform school bus safety inspections in accordance with rules made by the division, and Subsection 53-8-211(2)(b)(ii) specifies the provisions that shall be included in the rules.<br><br>This rule is necessary to comply with statutory requirements. Therefore, this rule should be continued. |

**4. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Colonel Greg Holley, Utah Highway Patrol | **Date:** | 08/14/2026 |

| **NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION** | | |
|---|---|---|
| **Rule number:** | **R714-560** | **Filing ID: 55552** |

| | |
|---|---|
| **Effective date:** | **08/05/2026** |

**1. Agency Information**

| | |
|---|---|
| **Title catchline:** | Public Safety, Highway Patrol |
| **Building:** | Calvin Rampton Building |
| **Street address:** | 4501 S 2700 W, 1st Floor |
| **City, state:** | Taylorsville, UT |
| **Mailing address:** | PO Box 141775 |
| **City, state and zip:** | Salt Lake City, UT 84114-1775 |

**2. Contact Persons**

| **Name:** | **Phone:** | **Email:** |
|---|---|---|
| Kim Gibb | 801-556-8198 | kgibb@utah.gov |

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

**3. General Information**

| **A. Rule catchline:** |
|---|
| R714-560. Technology and Equipment for Officer-Involved Critical Incident Investigation |

| **B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:** | |
|---|---|
| Section 53-1-121 | Requires the commissioner to make rules establishing a program with criteria and procedures for grant matching funds under Section 53-1-121 to law enforcement agencies to purchase technology or equipment meeting the criteria in Subsection 53-1-121(2). |

| **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 required by Section 53-1-121 and is necessary to establish a program with criteria and procedures for grant matching funds under Section 53-1-121 to law enforcement agencies to purchase technology or equipment meeting the criteria in Subsection 53-1-121(2). Therefore, this rule should be continued. |

**4. Agency Authorization Information**

| | | | |
|---|---|---|---|
| **Agency head or designee and title:** | Colonel Greg Holley, Utah Highway Patrol | **Date:** | 08/05/2026 |

**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.

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Agriculture and Food
Specialized Products
No. 58044 (Amendment) R66-3: Quality Assurance Testing on Cannabis
Published: 07/01/2026
Effective: 08/07/2026

No. 58045 (Amendment) R66-6: Home Delivery and Courier
Published: 07/01/2026
Effective: 08/07/2026

No. 58088 (Amendment) R66-30: Industrial Hemp Program - Cannabinoid Product Processors
Published: 07/15/2026
Effective: 08/21/2026

No. 58089 (Amendment) R66-31: Industrial Hemp Cannabinoid Product Testing
Published: 07/15/2026
Effective: 08/21/2026

No. 58090 (Amendment) R66-34: Industrial Hemp Retailer Permit
Published: 07/15/2026
Effective: 08/21/2026

No. 58091 (Amendment) R66-35: Cannabinoid Product Registration and Labeling
Published: 07/15/2026
Effective: 08/21/2026

Alcoholic Beverage Services
Administration
No. 57999 (Repeal and ReadoptA) R82-9: Event Permits
Published: 06/01/2026
Effective: 08/06/2026

Commerce
Professional Licensing
No. 58032 (Amendment) R156-61: Psychologist Licensing Act Rule
Published: 07/01/2026
Effective: 08/07/2026

No. 58036 (Amendment) R156-72: Acupuncture Licensing Act Rule
Published: 07/01/2026
Effective: 08/07/2026

Education
Administration
No. 58054 (Amendment) R277-100: Definitions for Utah State Board of Education Rules
Published: 07/01/2026
Effective: 08/07/2026

No. 58055 (Amendment) R277-317: Incentives for National Board Certification
Published: 07/01/2026
Effective: 08/07/2026

No. 58056 (Amendment) R277-326: Early Literacy Coaches
Published: 07/01/2026
Effective: 08/07/2026

No. 58057 (Amendment) R277-328: Equal Opportunity in Education
Published: 07/01/2026
Effective: 08/07/2026

No. 58058 (Amendment) R277-404: Requirements for Assessments of Student Achievement
Published: 07/01/2026
Effective: 08/07/2026

No. 58059 (Amendment) R277-407: School Fees
Published: 07/01/2026
Effective: 08/07/2026

No. 58060 (Amendment) R277-419: Pupil Accounting
Published: 07/01/2026
Effective: 08/07/2026

No. 58061 (Amendment) R277-477: Distributions of Funds from the Trust Distribution Account and Administration of the School LAND Trust Program
Published: 07/01/2026
Effective: 08/07/2026

No. 58062 (Amendment) R277-484: Data Standards
Published: 07/01/2026
Effective: 08/07/2026

No. 58063 (Amendment) R277-605: Coaching Standards and Athletic Clinics
Published: 07/01/2026
Effective: 08/07/2026

No. 58064 (Amendment) R277-607: Absenteeism and Truancy Prevention
Published: 07/01/2026
Effective: 08/07/2026

No. 58065 (Amendment) R277-625: Mental Health Screeners
Published: 07/01/2026
Effective: 08/07/2026

No. 58066 (Amendment) R277-632: Funding for At-Risk Students and Students Learning English
Published: 07/01/2026
Effective: 08/07/2026

No. 58051 (New Rule) R277-634: Grants and Scholarships
Published: 07/01/2026
Effective: 08/07/2026

No. 58067 (Amendment) R277-705: Secondary School Completion and Diplomas
Published: 07/01/2026
Effective: 08/07/2026

No. 58068 (Amendment) R277-726: Statewide Online Education Program
Published: 07/01/2026
Effective: 08/07/2026

No. 58069 (Amendment) R277-801: Services for Students who are Deaf, Hard of Hearing, Blind, visually Impaired, and Deaf-Blind
Published: 07/01/2026
Effective: 08/07/2026

No. 58070 (Amendment) R277-911: Secondary Career and Technical Education
Published: 07/01/2026
Effective: 08/07/2026

No. 58053 (Repeal) R277-916: College and Career Awareness
Published: 07/01/2026
Effective: 08/07/2026

No. 58052 (New Rule) R277-917: Gold Medal Schools Pilot Program
Published: 07/01/2026
Effective: 08/07/2026

No. 58071 (Amendment) R277-923: American Indian and Alaskan Native Education State Plan Programs
Published: 07/01/2026
Effective: 08/07/2026

Environmental Quality
Drinking Water
No. 57930 (Amendment) R309-220: Monitoring and Water Quality: Public Notification Requirements
Published: 05/15/2026
Effective: 08/26/2026

No. 57929 (Amendment) R309-225: Monitoring and Water Quality: Consumer Confidence Reports
Published: 05/15/2026
Effective: 08/26/2026

No. 57963 (Repeal and Reenact) R309-400: Improvement Priority System and Public Water System Ratings
Published: 05/15/2026
Effective: 08/25/2026

Health and Human Services
Population Health, Environmental Health
No. 57953 (Amendment) R392-304: Artificial Swimming Lagoons
Published: 05/15/2026
Effective: 08/03/2026

No. 57954 (Amendment) R392-701: Body Art Facility Sanitation
Published: 05/15/2026
Effective: 08/03/2026

Higher Education (Utah Board of)
Administration
No. 58072 (New Rule) R765-135: Legal Services for Utah System of Higher Education Degree-Granting Institutions
Published: 07/01/2026
Effective: 08/12/2026

No. 58043 (Amendment) R765-606: USHE Employee Partner Scholarship
Published: 07/01/2026
Effective: 08/12/2026

Natural Resources
State Parks
No. 58049 (Amendment) R651-612: Veterans with Disabilities Honor Pass
Published: 07/01/2026
Effective: 08/12/2026

Forestry, Fire and State Lands
No. 58073 (Repeal and Reenact) R652-121: Wildland Fire Suppression Fund
Published: 07/15/2026
Effective: 08/24/2026

No. 58074 (Repeal and Reenact) R652-122: Cooperative Agreements
Published: 07/01/2026
Effective: 08/11/2026

Wildlife Resources
No. 58075 (Amendment) R657-4: Possession and Release of Pen-Reared Birds
Published: 07/15/2026
Effective: 08/22/2026

No. 58081 (Amendment) R657-24: Compensation for Mountain Lion, Bear, Wolf or Eagle Damage
Published: 07/15/2026
Effective: 08/22/2026

No. 58082 (Amendment) R657-28: Use of Division Lands
Published: 07/15/2026
Effective: 08/22/2026

No. 58080 (Amendment) R657-37: Cooperative Wildlife Management Units for Big Game or Turkey
Published: 07/15/2026
Effective: 08/22/2026

No. 58076 (Amendment) R657-42: Fees, Exchanges, Surrenders, Refunds, and Reallocation of Wildlife Documents
Published: 07/15/2026
Effective: 08/22/2026

No. 58077 (Amendment) R657-54a: Taking Wild Turkey
Published: 07/15/2026
Effective: 08/22/2026

No. 58078 (Amendment) R657-65: Urban Deer Control
Published: 07/15/2026
Effective: 08/22/2026

No. 58079 (Amendment) R657-69: Turkey Depredation
Published: 07/15/2026
Effective: 08/22/2026

No. 58083 (New Rule) R657-75: Wildlife Consultation Procedure for Utility Scale Renewable Energy Facilities
Published: 07/15/2026
Effective: 08/22/2026

Tax Commission
Administration
No. 58047 (Amendment) R861-1A-32: Mediation Process Pursuant to Utah Code Section 63G-4-102
Published: 07/01/2026
Effective: 08/13/2026

Auditing
No. 58048 (Amendment) R865-19S-43: Sales to or by Religious and Charitable Institutions Pursuant to Utah Code Ann. Section 59-12-104
Published: 07/01/2026
Effective: 08/13/2026

**End of the Notices of Rule Effective Dates Section**