

UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Sunnie Burningham, Managing Editor

The *Utah State Digest (Digest)* 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 *Digest* under authority of Section 63G-3-402.

The Portable Document Format (PDF) version of the *Digest* 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 *Digest* should be addressed to the contact person for the rule. Questions about the *Digest* 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 *Utah State Digest* summarizes the contents of the *Utah State Bulletin* 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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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 September 02, 2023, 12:00 a.m., and September 15, 2023, 11:59 p.m. are included in this, the October 01, 2023, issue of the *Utah State Digest*.

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.

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Digest* until at least October 31, 2023. 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 January 29, 2024, 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 Digest*. 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 PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R277-406	Filing ID: 55739

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R277-406. Early Learning Program and Benchmark Assessments
3. Purpose of the new rule or reason for the change:
This rule is being amended due to the passage of H.B. 477 in the 2023 General Session, to facilitate the Utah State Board of Education's (USBE's) designation of a kindergarten assessment.
4. Summary of the new rule or change:
H.B. 477 (2023) granted USBE the authority, through Section 53G-7-203, to allow the USBE to designate a kindergarten assessment for the 2024-25 school year and beyond, as well as to establish timelines and requirements for administration and reporting kindergarten assessment results and enrollment.
The amendments specifically update the definition of the Acadience Reading assessment and clarify the administration requirements of the Benchmark Reading and Mathematics Assessments.
The amendments also add specific requirements for 'Kindergarten Enrollment Reporting'.
This rule designates the required kindergarten assessment for the 2024-25 school year and beyond.

Fiscal Information

5. 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 currently designates Acadience as the kindergarten assessment tool.
The USBE will now conduct a request for proposals to designate the kindergarten assessment for school year 2024-2025 and beyond.
The USBE does not anticipate any added costs beyond the fiscal note to H.B. 477 (2023).
B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.
H.B. 477's (2023) fiscal note established to need to report kindergarten enrollment as full day or less than full day for accurate funding and those costs were captured in the fiscal note to H.B. 477 (2023).
Local Education Agencies (LEAs) are not expected to have additional costs to administer the kindergarten assessments or report results to parents of kindergarteners.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.
This only affects USBE and LEAs.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):

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

This rule change only affects USBE and LEAs.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons.

The USBE does not anticipate any increased compliance costs for USBE or LEAs.

Any costs were captured in the fiscal note to H.B. 477 (2023).

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

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

Article X, Section 3	Subsection 53E-3-401(4)	Section 53E-3-521
Section 53E-4-307	Section 53E-4-307.5	Subsection 53F-2-503(14)(a)
Section 53G-7-203		

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 10/31/2023

9. This rule change MAY become effective on: 11/07/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	09/15/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R277-415	Filing ID:	55743
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Agency Information

1. Department:	Education
Agency:	Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state and zip:	Salt Lake City, UT 84111

Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R277-415. School Nurses Matching Funds
3. Purpose of the new rule or reason for the change:
This rule is being amended because funding for school nurses is no longer handled through matching funds and is covered through the Weighted Pupil Unit (WPU). The bulk of the rule is now obsolete, but the rule is being retained to collect data for sharing with the Department of Health and Human Services (DHHS).
4. Summary of the new rule or change:
These amendments change the name of the rule to "School Health Reporting"; add reference to authorization found in Section 53F-2-204, which requires the Board to assess the progress and degree of effectiveness of programs funded by the minimum school program; eliminate the provisions of awarding an appropriation for School Nurses, while adding clarifying language to the necessary data collection requirements in connection with funds received for school nursing by LEAs through the minimum school program.

Fiscal Information

5. 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 existing School Health Workload report is still collected by the Utah State Board of Education (USBE) and the DHHS, but there are no added costs to USBE.
The School Nurse matching funds have been removed as a line item to Local Education Agencies (LEAs), but there is no impact to USBE staffing or budgets.

B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.
The legislature removed the appropriation for the school nurse matching funds, but the existing report for the School Health Workload is unchanged.
There are no added costs for LEAs due to this rule change.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.
This only affects USBE and LEAs.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):
This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.
This only affects USBE and LEAs.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
There are no compliance costs for affected persons.
There are no costs for USBE or LEAs to maintain the existing School Health Workload Report and no additional costs due to this rule change reflecting the legislature's removal of the school nurse matching funds.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Article X, Section 3	Section 53E-3-401	Section 53F-2-204

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	10/31/2023
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9. This rule change MAY become effective on:	11/07/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	09/15/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment			
Rule or Section Number:	R277-419	Filing ID:	55740

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov

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

General Information

2. Rule or section catchline:
R277-419. Pupil Accounting

3. Purpose of the new rule or reason for the change:
This rule is being amended to determine that the provisions for the 2023-24 school year will be continued for the 2024-25 school year and beyond, including a requirement that local education agencies (LEAs) provide at least 990 hours of educational services.
4. Summary of the new rule or change:
The amendments remove the requirement that this rule is only effective for the 2021-22, 2022-23, and 2023-24 school years.
In Section R277-419-4, this rule has been amended to eliminate the number of days available for LEAs to use exclusively for assessment of kindergarten students.

Fiscal Information

5. 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 effect of the change is largely to make the existing rule ongoing.
There are no added costs for the Utah State Board of Education (USBE) to make the rule ongoing.
B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.
The LEAs do not have any added costs with this rule being moved to ongoing.
Because of H.B. 477's (passed in the 2023 General Session) provisions for full day kindergarten, the 12 days for kindergarten assessments are no longer needed.
Any costs were captured in the fiscal note to H.B. 477 (2023).
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.
This only affects USBE and LEAs.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not

account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.			
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):			
This rule change is not expected to have fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities revenues or expenditures.			
This only affects USBE and LEAs.			
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):			
There are no compliance costs for affected persons.			
There are no additional costs for USBE or LEAs associated with making this rule ongoing.			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Article X, Section 3	Subsection 53E-3-401(4)	Subsection 53F-2-102(7)
Subsection 53E-3-501(1)(e)	Subsection 53E-3-602(2)	Subsection 53E-3-301(3)(d)
Section 53G-4-404		

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	10/31/2023

9. This rule change MAY become effective on:	11/07/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	09/15/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: New		
Rule or Section Number:	R277-439	Filing ID: 55747

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R277-439. Block Grant Funding for Prevention Programs in Public Education
3. Purpose of the new rule or reason for the change:
This rule is being created due to the passage of H.B. 16 in the 2023 General Session.
4. Summary of the new rule or change:
This new rule provides guidance to local education agencies (LEAs) about designing and implementing a comprehensive prevention program, technical assistance to LEAs prevention needs, and outlines targeted professional learning opportunities in evidence-based prevention practices.

Fiscal Information

5. 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.
LEAs now have the option to combine several grant applications into one block grant.
The fiscal note to H.B. 16 (2023) captured any fiscal impacts, but there are no additional costs to the Utah State Board of Education (USBE) due to the rule change.
B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.

NOTICES OF PROPOSED RULES

There are no additional costs to LEAs, though they may have some administrative time savings upon combining grant applications.

The USBE has no data to quantify time or cost savings.

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

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only affects USBE and LEAs.

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

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

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

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

This only affects USBE and LEAs.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons.

There are no added costs to USBE or LEAs to combine several grant applications.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

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

Article X, Section 3	Section 53F-2-525
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	10/31/2023
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9. This rule change MAY become effective on:

11/07/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	09/15/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R277-474	Filing ID: 55748

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R277-474. School Instruction and Sex Education
3. Purpose of the new rule or reason for the change:
This rule is being amended due to the passage of H.B. 348 in the 2023 General Session.
4. Summary of the new rule or change:
These amendments clarify local education agency (LEA) responsibilities when a student chooses to refrain from participation in course materials.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures.
This rule largely applies to LEA responsibilities and does not affect the Utah State Board of Education (USBE) staffing or budgets.

B) Local governments:			
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.			
Language of this rule is changed due to H.B. 348.			
Any costs were captured in the fiscal note to H.B. 348 (2023).			
C) Small businesses ("small business" means a business employing 1-49 persons):			
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.			
This only affects USBE and LEAs.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.			
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):			
This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.			
This only affects USBE and LEAs.			
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):			
There are no compliance costs for affected persons.			
There are no additional costs for USBE or LEAs outside those captured in the fiscal note to H.B. 348 (2023).			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026

NOTICES OF PROPOSED RULES

State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Article X, Section 3	Subsection 53E-3-401(4)	Subsections 53G-10-402(1) and (3)

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	10/31/2023
9. This rule change MAY become effective on:	11/07/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	08/15/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment		
Rule or Section Number:	R277-484	Filing ID: 55744

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov

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

General Information

2. Rule or section catchline:
R277-484. Data Standards
3. Purpose of the new rule or reason for the change:
This rule is being amended to update terminology and references and to add language regarding local education agency (LEA) reporting of educator data.
4. Summary of the new rule or change:
These amendments remove the references to "EdUcate", as well as the definitions for "EDEN" and "UDHHS".
The amendments also add clarification to the deadline requirements for Data Submission, specifying that an LEA is required to submit teacher assignment and salary data to the Board through the Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS) or the Utah Schools Information Management System (USIMS).

Fiscal Information

5. 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 USIMS is currently being constructed, and when operational, will replace the CACTUS.

This rule simply allows for data to be submitted through the applicable system when operational. There are no costs to the Utah State Board of Education (USBE) associated with this rule update.

B) Local governments:

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

There are no costs to LEAs associated with this rule change, as the data submitted to USBE through CACTUS and/or USIMS is the same data.

When operational, LEAs will now submit through USIMS.

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

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

This only affects USBE and LEAs.

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

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

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

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

This only affects USBE and LEAs.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons.

USIMS is already funded through legislative action and there are no additional costs for USBE or LEAs associated with these rule updates.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0

Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

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

Article X, Section 3	Subsections 53E-3-301(d) and (e)	Section 53E-3-401
Subsection 53E-3-401(8)(a)	Subsection 53E-3-511(8)2	

Incorporations by Reference Information

7. Incorporations by Reference:

A) This rule adds, updates, or removes the following title of materials incorporated by references:

Official Title of Materials Incorporated (from title page)	Board Reporting Deadline Table
Publisher	Utah State Board of Education
Issue Date	September 7, 2023

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	10/31/2023
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9. This rule change MAY become effective on:	11/07/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	09/15/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment		
Rule or Section Number:	R277-489	Filing ID: 55741

Agency Information

1. Department:	Education
Agency:	Administration
Building:	Board of Education
Street address:	250 E 500 S

City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R277-489. Kindergarten Programs and Assessment
3. Purpose of the new rule or reason for the change:
This rule is being amended due to the passage of H.B. 477 in the 2023 General Session.
4. Summary of the new rule or change:
These amendments clarify that for the 2023-24 school year, the Board selected kindergarten assessment is the kindergarten entry and exit profile or KEEP.
The amendments also provide a sunset clause for Rule R277-489 of 06/30/2024.

Fiscal Information

5. 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.
Costs associated with changes to kindergarten assessments were captured in the fiscal note to H.B. 477 (2023).
These updates clarify that this rule will only apply for the 2023-2024 school year due to the legislative changes.
B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.
H.B. 477's (2023) fiscal note captured costs associated with updates to the kindergarten assessments.
There are no additional costs for local education agencies (LEAs) to have this rule sunset after the 2023-2024 school year.

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

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

This only affects the Utah State Board of Education (USBE) and LEAs.

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

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

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

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

This only affects USBE and LEAs.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons.

There are no additional costs for USBE and LEAs outside the fiscal note to H.B. 477 (2023).

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

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

Article X, Section 3	Subsection 53E-3-401(4)	Section 53G-7-203
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	10/31/2023
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9. This rule change MAY become effective on:	11/07/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	09/15/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R277-552	Filing ID: 55745

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R277-552. Charter School Timelines and Approval Processes
3. Purpose of the new rule or reason for the change:
This rule is being amended so that the definitions are aligned with other definitions in Rule R277-550.
4. Summary of the new rule or change:
These amendments specifically remove the definitions for "Large expansion", "Market analysis", and "Significant school remodel".

Fiscal Information

5. 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 removed definitions allow this rule to more closely align with the recently updated Rule R277-550.
There are no added costs for the Utah State Board of Education (USBE).

Administrative time may be slightly reduced for USBE and the State Charter School Board, however, no data is available to quantify the savings.

B) Local governments:

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

The definitions removed apply to charter local education agencies (LEAs) only, and do not add costs for any LEA.

The removed definitions allow this rule to more closely align with the recently updated Rule R277-550 (Charter Schools – Definitions).

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

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

This only affects USBE and LEAs.

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

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

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

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

This only affects USBE and LEAs.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons.

There are no costs for USBE, LEAs, or any other entities with the removal of these definitions.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

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

Article X, Section 3	Section 53E-3-401	Section 53F-2-702
Section 53G-6-503		

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	10/31/2023
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9. This rule change MAY become effective on:	11/07/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	09/15/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R277-620	Filing ID:	55749
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Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov

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

General Information

2. Rule or section catchline:
R277-620. Suicide Prevention Programs

3. Purpose of the new rule or reason for the change:
This rule is being amended to expand the program to all grade levels rather than exclusively to secondary schools.
4. Summary of the new rule or change:
These amendments specifically remove the definitions for "Adverse Childhood Experiences Study", "Program for secondary grades", and "State suicide prevention coordinator".
The amendments also add clarification to the local education agency (LEA) reporting requirements concerning Youth Suicide Prevention Grants, and require LEAs to implement the appropriate youth suicide prevention programs for elementary and secondary grades.

Fiscal Information

5. 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.
Costs associated with youth suicide prevention programs were considered in 2023's H.B.16 fiscal note.
There are no added costs to the Utah State Board of Education (USBE) associated with the rule changes as USBE already has materials for all age levels.
B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.
Costs for LEAs were considered in the fiscal note for H.B. 16 (2023), and this rule does not add any additional quantifiable costs for LEAs.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.
This only applies to USBE and LEAs.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues

or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.			
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):			
This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.			
This only applies to USBE and LEAs.			
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):			
There are no compliance costs for affected persons.			
There are no costs for LEAs or USBE to comply with this rule.			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0

Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Article X, Section 3	Subsection 53E-3-401(4)	

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	10/31/2023

9. This rule change MAY become effective on:	11/07/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	09/15/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R277-626	Filing ID: 55746

Agency Information

1. Department:	Education
Agency:	Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state and zip:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200

City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R277-626. Special Needs Opportunity Scholarship Program
3. Purpose of the new rule or reason for the change:
This rule is being amended due to the passage of H.B. 398 in the 2023 General Session.
4. Summary of the new rule or change:
These amendments add specific requirements for effective monitoring of qualifying schools.

Fiscal Information

5. 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.
H.B. 398's (2023) fiscal note captured costs for the Utah State Board of Education (USBE) and the rule does not add any additional costs or staff time for USBE.
B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.
This only affects USBE, local education agencies (LEAs), and scholarship granting organizations participating in the Special Needs Opportunity Scholarship.
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

NOTICES OF PROPOSED RULES

account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

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

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

This may affect scholarship granting organizations participating in the Special Needs Opportunity Scholarship program.

USBE does not have any data to support additional costs, but they may be subject to additional monitoring.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons. There are no costs outside the fiscal note to H.B. 398 (2023).

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0

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

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

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

Article X, Section 3	Subsection 53E-3-401(4)	Title 53E, Chapter 7, Part 4
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 10/31/2023

9. This rule change MAY become effective on: 11/07/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	09/15/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment		
Rule or Section Number:	R277-629	Filing ID: 55750

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R277-629. Paid Professional Hours for Educators
3. Purpose of the new rule or reason for the change:
This rule is being amended due to the passage of H.B. 489 in the 2023 General Session, to clarify the requirements for use of educator funds, as well as the technical assistance that the Utah State Board of Education (USB E) provides to local education agencies (LEAs).
4. Summary of the new rule or change:
These amendments add a definition clarifying that a "student support educator" may include a librarian, instructional coach, or another certified position that works 50% or more in a school building. The amendments also add language to clarify that an LEA may pro-rate funds if an educator ends employment prior to the end of the school year.

Fiscal Information

5. 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. It clarifies eligible positions and adds language for proration in response to legislative changes. There is no additional staff or costs for the USB E to carry out the changes.

B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. Legislative changes clarified eligible positions and proration for educators starting employment midyear. The changes give clarity to LEAs and allow them to maximize the funds received from legislative allocations. There are no additional costs for LEAs due to the rule change.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only affects USB E and LEAs.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):
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. Educators qualifying under the legislation will be able to receive prorated amounts if they join midyear. There are no costs for other entities.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
There are no compliance costs for affected persons. There are no additional costs to USB E and LEA to prorate the funds for educators joining midyear. USB E will continue to distribute the funds to LEAs in the same manner.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

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

Article X, Section 3	Subsection 53E-3-401(4)	Section 53F-7-203
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	10/31/2023
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9. This rule change MAY become effective on:	11/07/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	09/15/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment		
Rule or Section Number:	R277-700	Filing ID: 55751

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov

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

General Information

2. Rule or section catchline:
R277-700. The Elementary and Secondary School General Core

3. Purpose of the new rule or reason for the change:
This rule is being amended due to the passage of H.B. 475 in the 2023 General Session.
4. Summary of the new rule or change:
The amendments to Section R277-700-6 add a communication credit requirement that includes up to 0.5 credits emphasizing verbal communication completed in a course or school-sponsored activity.
The amendments to Section R277-700-7 add clarification to the student mastery and assessment of core standards requirements if student refrains from a portion of a course or to a course in its entirety, under Section 53G-10-205.

Fiscal Information

5. 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 budget revenues or expenditures.
The Utah State Board of Education (USBE) does not estimate any costs for local education agencies (LEAs) outside the impacts captured in the fiscal note to H.B. 475 (2023).
B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.
USBE does not estimate any costs for LEAs outside the impacts captured in the fiscal note to H.B. 475 (2023).
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.
This only affects USBE and LEAs.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):			
This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.			
This only affects USBE and LEAs.			
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):			
There are no compliance costs for affected persons.			
USBE does not estimate any compliance costs for USBE or LEAs outside the fiscal note to H.B. 475 (2023).			
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

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

Article X, Section 3	Subsection 53E-3-401(4)	Subsection 53E-3-501(1)(b)
Section 53E-4-202		

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 10/31/2023

9. This rule change MAY become effective on: 11/07/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	08/15/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R277-701	Filing ID:	55752
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Agency Information

1. Department:	Education
Agency:	Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state and zip:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

Contact persons:

Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov

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

General Information

2. Rule or section catchline:

R277-701. Early College Programs

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

This rule is being amended due to passage of H.B. 189 in the 2023 General Session.

4. Summary of the new rule or change:

These amendments update the International Baccalaureate (IB) funding policy specifically related to the distribution and use of funds, eliminating the \$100,000 cap on IB spending, and making updates to the process for determining funding awards to a local education agency's (LEA) IB programs.

Fiscal Information

5. 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.

H.B.189's (2023) fiscal note captured the fiscal impacts, and there are none for the Utah State Board of Education (USBE) staff or budgets.

B) Local governments:

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

It does impact funding distributions for AP and IB programs. 40% of the allocation is still to be used for Advanced Placement (AP) and IB, but language requiring up to \$100,000 for IB programs is removed, and IB funds are distributed based on number of programs and exam costs for students experiencing socioeconomic disadvantage.

These impacts were captured in the fiscal note for H.B. 189 (2023).

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

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

This only affects USBE and local education agencies (LEAs).

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

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

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

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

This only affects USBE and LEAs.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons.

There are no costs to change the distribution method in accordance with H.B.189's (2023).

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0

Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

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

Article X, Section 3	Subsection 53E-3-401(4)	Section 53F-2-408.5
Section 53F-2-409		

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	10/31/2023
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9. This rule change MAY become effective on:	11/07/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	09/15/2023
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NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R277-922	Filing ID: 55753

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R277-922. Digital Teaching and Learning Grant Program
3. Purpose of the new rule or reason for the change:
This rule is being amended due to passage of H.B. 494 in the 2023 General Session.
4. Summary of the new rule or change:
The amendments to this rule clarify that the digital readiness assessment is only required to be completed the first time a local education agency (LEA) applies for the Digital Teaching and Learning Grant Program.
The amendments also remove the requirement that the LEA plan include the LEA's results on the readiness assessment, as required in Section 53F-2-510.

Fiscal Information

5. 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.
There are no impacts to the Utah State Board of Education (USBE) budgets outside impacts captured by the fiscal note to H.B. 494 (2023). The changes only apply to the digital readiness assessments required by LEAs.

B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.
The fiscal note to H.B. 494 (2023) captured that requirements for the digital readiness assessment have been loosened somewhat.
There are no other impacts to LEA budgets associated with this rule change.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.
This only affects USBE and LEAs.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.
This only affects USBE and LEAs.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
There are no compliance costs for affected persons.
There are no costs to comply with the rule change for USBE or LEAs.
The requirements for the digital readiness assessments are lessened due to H.B. 494 (2023).
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in

this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

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

Article X, Section 3	Subsection 53E-3-401(4)	Section 53F-2-510
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 10/31/2023

9. This rule change MAY become effective on: 11/07/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	09/15/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Rule or Section Number:	R277-927	Filing ID:	55742
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Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov

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

General Information

2. Rule or section catchline:
R277-927. Teacher and Student Success Act (TSSA) Program

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

This rule is being amended due to the passage of H.B. 308 in the 2023 General Session.

4. Summary of the new rule or change:
 These amendments clarify accountability performance standards by removing the requirement for the Utah State Board of Education (USBE) to publish an overall rating for school accountability, and specifying the total point possible when determining the threshold of points that designates a school as succeeding in school performance.

Fiscal Information

5. 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.

 School performance standards are updated due to H.B. 308 (2023). The fiscal note to H.B. 308 (2023) captured any costs for the USBE and this rule does not add any additional costs.

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

 The fiscal note for H.B. 308 (2023) captured any costs for local education agencies (LEAs) associated with school performance standard updates in this rule and this rule does not add additional costs for LEAs.

C) Small businesses ("small business" means a business employing 1-49 persons):
 This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.

 This only affects USBE and LEAs.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
 There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

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

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

 This only affects USBE and LEAs.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons.

 This rule change does not add any compliance costs for USBE or LEAs.

 The fiscal note for H.B. 308 (2023) captured any associated compliance costs.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

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

Article X, Section 3	Subsection 53E-3-401(4)	Section 53F-2-416
Section 53G-7-1304	Section 53G-7-1306	

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 10/31/2023

9. This rule change MAY become effective on: 11/07/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	09/15/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Repeal		
Rule or Section Number:	R398-3	Filing ID: 55721

Agency Information

1. Department:	Health and Human Services
Agency:	Family Health, Children with Special Health Care Needs
Room number:	3032
Building:	Multi-Agency State Office Building (MASOB)
Street address:	195 N 1950 W
City, state and zip:	Salt Lake City, UT 84116

Mailing address:	PO Box 144610	
City, state and zip:	Salt Lake City, UT 84114-4610	
Contact persons:		
Name:	Phone:	Email:
Alexis Weight	8014-273-2956	abweight@utah.gov
Stephanie McVicar	801-273-6600	smcvicar@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R398-3. Children's Hearing Aid Program
3. Reason for this change:
Following the passing of S.B. 272 in the 2023 General Session, the Children's Hearing Aid Program no longer has rulemaking authority.
4. Summary of this change:
This repeals the Children's Hearing Aid Program rule in its entirety.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There are no anticipated costs or savings associated with this repeal. The state budget will not see a fiscal impact.
This program is now funded through the general fund and the Department of Health and Human Services (Department) will govern the program through policy.
B) Local government:
There are no anticipated costs or savings associated with this repeal. Local governments will not see a fiscal impact.
The Department will govern the program through policy.
C) Small businesses ("small business" means a business employing 1-49 persons):
There are no anticipated costs or savings associated with this repeal. Small businesses will not see a fiscal impact.
The Department will govern the program through policy.

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

There are no anticipated costs or savings associated with this repeal. Non-small businesses will not see a fiscal impact. The Department will govern the program through policy.

E) Persons other than small businesses, non-small businesses, or 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 associated with this repeal. Persons other than small businesses, non-small businesses, or state or local government entities will not see a fiscal impact.

The Department will govern the program through policy.

F) Compliance costs for affected persons:

There are no compliance costs associated with this repeal.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0

Total Fiscal Benefits	\$0	\$0	\$0
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Net Fiscal Benefits	\$0	\$0	\$0
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H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.

Citation Information

6. 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 26-10-11		
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	10/31/2023
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9. This rule change MAY become effective on:	11/07/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	09/14/2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Repeal

Rule or Section Number:	R945-1	Filing ID:	55719
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Agency Information

1. Department:	UTech Board of Trustees
Agency:	Administration
Room number:	5th Floor
Building:	Board of Regents Building, The Gateway
Street address:	60 S 400 W
City, state and zip:	Salt Lake City, UT 84101

Contact persons:		
Name:	Phone:	Email:
Kevin V. Olsen	801-556-3461	kvolsen@agutah.gov
Geoffrey T. Landward	801-321-7136	glandward@ushe.edu
Alison Adams	801-643-5535	Alison.Adams@ushe.edu
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R945-1. UTech Technical College Scholarship
3. Purpose of the new rule or reason for the change:
Beginning 07/01/2020, the Utah Board of Higher Education assumed all statutory and administrative obligations of the Utah System of Technical Colleges Board of Trustees. This rule is no longer needed as a result of rules promulgated by the Utah Board of Higher Education.
4. Summary of the new rule or change:
This filing repeals Rule R945-1 in its entirety.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
Because the rule has been replaced by other rules of the Utah Board of Higher Education, it is no longer needed. As a result, the repeal of this rule will not affect the state budget.
B) Local governments:
Because the rule does not affect local governments, its repeal will not affect local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
Because the rule does not affect small businesses, its repeal will not affect small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
Because the rule does not affect non-small businesses, its repeal will not affect 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):
Because the rule has been replaced by other rules of the Utah Board of Higher Education, the rule is no longer useful for any person. As a result, the repeal of the rule will not affect persons other than small businesses, non-small businesses, state, or local government entities.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
The repeal of this rule will not create compliance costs for any person.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

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

The Commissioner of Higher Education, David R. Woolstenhulme, has reviewed and approved this regulatory impact analysis.

Citation Information

6. 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 53B-2a-116(6)		
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the

agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	10/31/2023
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9. This rule change MAY become effective on:	11/07/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Kevin V. Olsen, Assistant Attorney General and Designee	Date:	09/11/2023
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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 Digest* ends October 31, 2023.

From the end of the 30-day waiting period through January 29, 2024, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

CHANGES IN PROPOSED RULES are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

The Changes in Proposed Rules Begin on the Following Page

NOTICE OF CHANGE IN PROPOSED RULE		
Rule or Section Number:	R307-110-17	Filing ID: 55324
Date of Previous Publication:	06/01/2023	

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Erica Pryor	385-499-3416	epryor1@utah.gov
Ryan Bares	801-536-4216	rbares@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R307-110-17. Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits
3. Reason for this change:
The materials being incorporated by reference in Section R307-110-17 underwent a 45-day public comment period. During this time, stakeholders submitted additional technical information that resulted in modifications to the proposed emission controls and some timelines. More accurate financial information was also submitted to the Division during this time.
4. Summary of this change:
The changes are: 1) Controls for Chevron Products Company Salt Lake Refinery have been removed; 2) The timeline for implementation of controls at the Tesoro Refining & Marketing Company LLC Marathon Refinery have been modified from 05/01/2026 to 10/01/2028; 3) More accurate values for the annual operating costs have been determined; and

4) Fiscal impacts have been updated to accurately reflect the fiscal year they will occur in and not the calendar year. (EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the June 1, 2023, issue of the Utah State Bulletin, on page 70. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
These changes to this rule are not expected to create additional costs or savings for the state government since these facilities are already permitted and inspected under existing rules. Inspectors will be able to confirm compliance as part of normal inspection processes.
B) Local government:
These changes to this rule are not expected to impact local governments; therefore, no costs or savings are anticipated.
C) Small businesses ("small business" means a business employing 1-49 persons):
These changes to this rule are not expected to impact small businesses; therefore, no costs or savings are anticipated.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
The Utah Division of Air Quality anticipates that the changes to this rule will impact two non-small businesses. The impacts are described below: 1) NOx limits for Tesoro Refining & Marketing Company LLC Marathon Refinery. Installation of Selective Catalytic Reduction on two cogeneration turbines with heat recovery steam generation that meet an emission concentration limitation of 5 ppmv @ 15% O2 (as required in Section IX Part H.32.j.b of the SIP). Installed Capital Costs: \$23,335,159 Annual Operating Costs: \$591,869* Cost per ton of pollutant removed: \$39,770 Implementation timeline: October 1, 2028

2) VOC limits for Tesoro Refining & Marketing Company LLC Marathon Refinery. Installation of a secondary seal on Tank 321 (as required by Section IX Part H.32.j.c of the SIP).

Installed Capital Costs: \$143,795
 Annual Costs: \$2,094*
 Cost per ton of pollutant removed: \$9,115
 Implementation Timeline: May 1, 2026

3) VOC limits for US Magnesium LLC (Cost Information from 01/31/2023 RACT Analysis). Installation of a steam stripper in series with regenerative thermal oxidizer on boron plant process wastewater ponds (as required in Section IX Part H.32.k.a of the SIP).

Installed Capital Costs: \$3,749,632
 Annual Costs: \$5,077,156*
 Cost per ton of pollutant removed: \$31,399
 Implementation timeline: October 1, 2024

* Includes costs associated with annual interest.

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

These changes to this rule are not expected to impact persons other than small businesses, non-small businesses, or state or local government entities; therefore, no cost or savings are anticipated.

F) Compliance costs for affected persons:

Impacted non-small businesses are existing permitted sources with reoccurring testing and permitting obligations. Any additional costs for determining compliance are accounted for in the annual operating costs outlined above in Section D and are included in the Regulatory Impact Summary Table in Section G below.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$3,749,632	\$5,220,951
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$3,749,632	\$5,220,951
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	(\$3,749,632)	(\$5,220,951)

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

The Executive Director of the Department of Environmental Quality, Kim D. Shelley, has reviewed and approved this regulatory impact analysis.

Citation Information

6. 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	U.S.C. Title 42, Chapter 85, Subchapter I, Part A Section 7410 (a)(1) 2 (A)
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Incorporations by Reference Information

7. Incorporations by Reference:

A) This rule adds, updates, or removes the following title of materials incorporated by references:

Official Title of Materials Incorporated (from title page)	Utah State Implementation Plan Emission Limits and Operating Practices Section IX, Part H.31 and H.32
Publisher	Utah Department of Environmental Quality, Division of Air Quality
Issue or Version	September 12, 2023

NOTICES OF CHANGES IN PROPOSED RULES

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	No Formal Comment Period
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9. This rule change MAY become effective on:	10/31/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	09/13/2023
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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.

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:	R251-716	Filing ID: 55720
Effective Date:	09/14/2023	

Agency Information

1. Department:	Corrections	
Agency:	Administration	
Street address:	14727 Minuteman Drive	
City, state and zip:	Draper, UT 84020	
Contact persons:		
Name:	Phone:	Email:
Steve Gehrke	385-237-8040	sgehrke@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R251-716. Undercover Roles of Offenders
3. Purpose of the new rule or reason for the change:
The Department of Corrections (Department) did not file a five-year review on Rule R251-103 before the rule expired on 09/12/2023. The Department is filing this emergency rule until a permanent rule can be made effective.
4. Summary of the new rule or change:

This rule regulates the capacities in which a justice involved individual (offender) can be used in undercover roles.

It outlines who receives and authorizes requests to use offenders in undercover roles.

The text is similar to the previous Rule R251-103.
(EDITOR'S NOTE: The expiration notice for Rule R251-103 is under ID 50343 in this issue, October 1, 2023, of the Bulletin.)

5A) 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:

Rule R251-301 expired after a five-year review was not completed.

The Department needs this rule to remain in effect to prevent an imminent peril to public health, safety, or welfare. If this rule does not define who reviews and approves the undercover roles of offenders, offenders could be extorted into aiding agencies without personal protection.

Fiscal Information

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

A) State budget:

There is no anticipated cost or savings change to the state budget, as this rule provides guidelines to the individual responsible for receiving and authorizing applications for offenders to be used in undercover roles. This rule will not have a fiscal impact.

B) Local governments:

There is no anticipated cost or savings change to the local governments, as this rule does not apply to this group.

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

There is no anticipated cost or savings change to small businesses, as this rule does not apply to this group.

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**):

There is no anticipated cost or savings change to other persons, as this rule does not apply to this group.

E) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons, as this does not apply to this group and this rule has no fiscal impact regardless.

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 Executive Director of the Department of Corrections, Brian Redd, has stated there to be no fiscal impacts to businesses as a result of this rule.

Citation Information

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

Section 63G-3-201	Subsection 64-13-6(1)(h)	Section 64-13-10
Section 64-13-14		

Agency Authorization Information

Agency head or designee and title:	Brian Redd, Executive Director	Date:	07/19/2023
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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.

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R156-61	Filing ID: 55378
Effective Date:	09/07/2023	

Agency Information

1. Department:	Commerce	
Agency:	Professional Licensing	
Building:	Heber M Wells Building	
Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
Jana Johansen	801-530-6628	janajohansen@utah.gov

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

General Information

2. Rule catchline:	R156-61. Psychologist Licensing Act Rule
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:	

Title 58, Chapter 61, provides for the licensure and regulation of psychologists and certified psychology residents.

Subsection 58-1-106(1) provides that the Division of Professional Licensing (Division) may adopt and enforce rules to administer Title 58.

Subsection 58-1-202(1)(a) provides that the Psychologist Licensing Board's duties, functions and responsibilities includes recommending to the director appropriate rules.

This rule was enacted to clarify the provisions of Title 58, Chapter 61, with respect to psychologists and certified psychology residents.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

Since this rule was last reviewed in September 2018, this rule has had controversial proposed rule amendment filings relating to conversion therapy in 2019 and 2020.

The Division ultimately filed three different rule amendment filings, two in 2019 and one in 2020 regarding proposed conversion therapy amendments. Between those three proposed rule filings in 2019 and 2020, the Division received over 2,500 written comments relating to the proposed rule amendments.

Some of the written comments supported the proposed amendments and some of the comments opposed the proposed amendments. The Division also notes that a large number of persons attended a September 2019 rule hearing and provided comments in person.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

As a result of all of the written and verbal comments, the Division ultimately filed a third proposed rule filing (OAR File No. 52388) as was directed by Governor Herbert at the time and which filing was ultimately made effective on 01/21/2020. It is also noted that this rule was also amended on 05/01/2023 as a result of a legislative nonreauthorization filing due to legislative changes (see H.B. 127) made to the governing statute, Title 58, Chapter 61, in which provisions relating to conversion therapy were deleted from this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This is necessary as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 61.

This rule also provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements, and provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Mark B. Steinagel, Division Director	Date:	07/28/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R277-400	Filing ID:	55668
Effective Date:	09/13/2023		

Agency Information

1. Department:	Education		
Agency:	Administration		
Building:	Board of Education		
Street address:	250 E 500 S		
City, state and zip:	Salt Lake City, UT 84111		
Mailing address:	PO Box 144200		
City, state and zip:	Salt Lake City, UT 84114-4200		
Contact persons:			
Name:	Phone:	Email:	
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:
R277-400. School Facility Emergency and Safety

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

This rule is authorized pursuant to the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; and Subsection 53E-3-401(4), which allows the Board to execute rules to carry out its duties and responsibilities under the Utah Constitution and state law.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There were no public comments received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary because it establishes general criteria for emergency preparedness and emergency response plans, directing a Local Education Agency (LEA) to develop prevention, intervention, and response measures, prepare staff and students to respond promptly and appropriately to school emergencies, and protect the health and safety of all students. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	09/13/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R277-437	Filing ID:	50421
Effective Date:	09/11/2023		

Agency Information

1. Department:	Education		
Agency:	Administration		
Building:	Board of Education		
Street address:	250 E 500 S		
City, state and zip:	Salt Lake City, UT 84111		
Mailing address:	PO Box 144200		
City, state and zip:	Salt Lake City, UT 84114-4200		

Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R277-437. Open Enrollment
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized pursuant to the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Subsection 53E-3-401(4), which allows the Board to execute rules to carry out its duties and responsibilities under the Utah Constitution and state law; and Section 53G-6-405, which directs the Board to provide a formula by rule for resident students to attend school districts under Section 53G-6-401.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no public comments received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary because it establishes necessary definitions; establishes a formula for the residual per pupil expenditure for school districts to reimburse each other for full and part-time nonresident students; summarizes school, school district, and state responsibilities under Section 53G-6-401; and provides a standard statewide open enrollment form required under Subsection 53G-6-402(4)(b)(ii). Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	09/11/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R277-609	Filing ID: 55331
Effective Date:	09/13/2023	

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R277-609. Standards for LEA Discipline Plans and Emergency Safety Interventions
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized pursuant to the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Subsection 53E-3-401(4), which allows the Board to execute rules to carry out its duties and responsibilities under the Utah Constitution and state law; Subsection 53E-3-501(1)(b)(v), which requires the Board to establish rules concerning discipline and control; Section 53E-3-509, which requires the Board to adopt rules that require a local school board or governing board of a charter school to enact gang prevention and intervention policies for all schools within the board's jurisdiction; Section 53G-8-702, which requires the Board to adopt rules regarding training programs for school principals and school resource officers; Section 53G-8-202, which directs local school boards and charter school governing boards to adopt conduct and discipline policies and directs the Board to develop model policies to assist local school boards and charter school governing boards; and Section 53G-8-302, which describes the instances when a school employee may use reasonable and necessary physical restraint.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no public comments received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary because it outlines requirements for school discipline plans, restorative practices, and related policies for the use of emergency safety interventions in all schools and for all students within each Local Education Agencies (LEA's) jurisdiction. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	09/13/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R277-620	Filing ID:	53390
Effective Date:	09/11/2023		

Agency Information

1. Department:	Education		
Agency:	Administration		
Building:	Board of Education		
Street address:	250 E 500 S		
City, state and zip:	Salt Lake City, UT 84111		
Mailing address:	PO Box 144200		
City, state and zip:	Salt Lake City, UT 84114-4200		
Contact persons:			
Name:	Phone:	Email:	
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:
R277-620. Suicide Prevention Programs
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized pursuant to the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Subsection 53E-3-401(4), which allows the Board to execute rules to carry out its duties and responsibilities under the Utah Constitution and state law.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There were no public comments received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary to provide for collaboration with the Department of Health and Department of Human Services to establish, oversee, and provide model policies, programs for a local education agency (LEA) and training for parents about youth suicide prevention programs; to require an LEA to have and update youth protection policies; and to direct an LEA to send notice to parents and protect the confidentiality of the required parent notification record regarding bullying and suicide incidents. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	09/11/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R277-718	Filing ID:	50541
Effective Date:	09/11/2023		

Agency Information

1. Department:	Education		
Agency:	Administration		
Building:	Board of Education		
Street address:	250 E 500 S		
City, state and zip:	Salt Lake City, UT 84111		
Mailing address:	PO Box 144200		
City, state and zip:	Salt Lake City, UT 84114-4200		
Contact persons:			
Name:	Phone:	Email:	
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:
R277-718. Out-of-School Time Program Quality Improvement Grants

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

This rule is authorized pursuant to the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Subsection 53E-3-401(4), which allows the Board to execute rules to carry out its duties and responsibilities under the Utah Constitution and state law; and Section 53F-5-210, which creates a grant program for out-of-school time programs, and requires the Board to adopt rules to administer the grant program.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There were no public comments received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary because it outlines grant procedures, including:
 (a) an application procedure;
 (b) criteria and procedures for awarding grants; and
 (c) requirements for grant recipients.
 Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	09/11/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R414-511	Filing ID:	51005
Effective Date:	09/13/2023		

Agency Information

1. Department:	Health and Human Services
Agency:	Health Care Financing, Coverage and Reimbursement Policy
Building:	Cannon Health Building
Street address:	288 N 1460 W
City, state and zip:	Salt Lake City, UT 84116
Mailing address:	PO Box 143102
City, state and zip:	Salt Lake City, UT 84114-3102

Contact persons:

Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov

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

General Information

2. Rule catchline:

R414-511. Medicaid Accountable Care Organization Incentives to Appropriately Use Emergency Room Services

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 26B-3-108 requires the Department of Health and Human Services to implement the Medicaid program through administrative rules, and Section 26B-1-213 grants the Department the authority to adopt, amend, or rescind these rules.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The Department did not receive any written comments regarding this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

The Department will continue this rule because it provides definitions and incentives, which set forth performance measures for Medicaid accountable care organizations to appropriately use emergency room services. Therefore, this rule should be continued.

The Department will file an amendment to update citations for recodification purposes.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	09/12/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R590-160	Filing ID: 54783
Effective Date:	09/15/2023	

Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room number:	Suite 2300	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R590-160. Adjudicative Proceedings
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 31A-2-201 authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code.
Section 63G-4-102 authorizes the Department of Insurance (Department) to enact rules affecting or governing adjudicative proceedings.
Section 63G-4-203 authorizes the Department to designate one or more categories of adjudicative proceeding as informal and to prescribe procedures for these informal hearings.
Section R590-160-4 designates the categories for informal proceedings, and Sections R590-160-7 and R590-160-8 set the rules for proceedings and their review.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Department has received no written comments regarding this rule during the past five years.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is important for the activities of the Department and its regulation of the industry. This rule sets fair and equitable standards that govern administrative procedures. This helps all involved in the process to know what is expected of them and what to expect of the process. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	09/15/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R590-161	Filing ID: 54000
Effective Date:	09/15/2023	

Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room number:	Suite 2300	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R590-161. Income Replacement Insurance Policy Disclosure
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 31A-2-201 authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code. This rule requires insurers offering disability policies to clearly explain in their policies, group

certificates, or outline of coverage forms, if the policy limits will be reduced as a result of other coverage.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The Department of Insurance has received no written comments regarding this rule during the past five years.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule provides protection for consumers by requiring disclosure of which other types of income are considered for reducing a benefit under a disability income policy.

Without this rule, consumers may not realize that their policy benefits will be reduced if they are receiving benefits from other policies, social security, or workers' compensation. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	09/15/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R590-162	Filing ID:	54693
Effective Date:	09/15/2023		

Agency Information

1. Department:	Insurance		
Agency:	Administration		
Room number:	Suite 2300		
Building:	Taylorsville State Office Building		
Street address:	4315 S 2700 W		
City, state and zip:	Taylorsville, UT 84129		
Mailing address:	PO Box 146901		
City, state and zip:	Salt Lake City, UT 84114-6901		
Contact persons:			
Name:	Phone:	Email:	
Steve Gooch	801-957-9322	sgooch@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:
R590-162. Actuarial Opinion and Memorandum Rule
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 31A-2-201 authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code. Section 31A-17-503 requires the Department of Insurance (Department) to set standards and wording to be used in an actuarial opinion and memorandum. The opinion and memorandum are filed by all life and fraternal insurance companies along with their annual statements.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Department has received no written comments regarding this rule during the past five years.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary because it is an important requirement that allows financial regulators to gain a comfort level for insurance company reserves, asset adequacy, and liability matching. This rule is also required by the National Association of Insurance Commissioners for Utah to keep its national accreditation. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	09/15/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R590-245	Filing ID:	54584
Effective Date:	09/15/2023		

Agency Information

1. Department:	Insurance		
Agency:	Administration		
Room number:	Suite 2300		
Building:	Taylorsville State Office Building		
Street address:	4315 S 2700 W		
City, state and zip:	Taylorsville, UT 84129		

Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R590-245. Self-Service Storage Insurance
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 31A-2-201 authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code. Section 31A-23a-106 classifies self-service storage insurance as a limited line license. Sections 31A-23a-104 and 31A-23a-110 authorize the insurance commissioner to prescribe the form in which licenses covered under Chapter 23a are to be issued or renewed. Section 31A-23a-111 authorizes the Insurance Commissioner to prescribe, by rule, license renewal and reinstatement procedures.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Department of Insurance has received no written comments regarding this rule during the past five years.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule establishes the guidelines and standards for obtaining and maintaining a license to sell self-service storage insurance coverage in Utah. This coverage benefits those without personal property or tenant liability coverage through some other insurance policy, such as a homeowners insurance policy. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	09/15/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R708-52	Filing ID:	51895
Effective Date:	09/13/2023		

Agency Information

1. Department:	Public Safety		
Agency:	Driver License		
Room number:	Suite 2600		
Street address:	4315 S 2700 W		
City, state and zip:	Taylorsville, UT 84129		
Mailing address:	PO Box 144501		
City, state and zip:	Salt Lake City, UT 84114-4501		
Contact persons:			
Name:	Phone:	Email:	
Kim Gibb	801-556-8198	kgibb@utah.gov	
Tara Zamora	801-964-4483	tarazamora@utah.gov	
Britani Flores	801-884-8313	bflores@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:
R708-52. Air Pollution Mitigation Education Program
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by Subsection 53-3-104(1)(g) which requires the Driver License Division to make rules to provide educational information regarding air pollution mitigation to each applicant for a license. The authorizing statute in the current rule text is Subsection 53-3-104(1)(f) and will be corrected in a subsequent filing.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There have been no comments since the last five-year review of this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is required by Subsection 53-3-104(1)(g) and is necessary to disseminate educational information regarding air pollution including ways to mitigate it, and the harmful effects of vehicle emissions. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Christopher Caras, Division Director	Date:	09/13/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R918-4	Filing ID:	52114
Effective Date:	09/15/2023		

Agency Information

1. Department:	Transportation		
Agency:	Operations, Maintenance		
Room no.:	Administrative Suite, 1st Floor		
Building:	Calvin Rampton Building		
Street address:	4501 S 2700 W		
City, state and zip:	Taylorsville, UT 84129		
Mailing address:	PO Box 148455		
City, state and zip:	Salt Lake City, UT 84114-8455		
Contact person(s):			
Name:	Phone:	Name:	
Leif Elder	801-580-8296	lelder@utah.gov	
Becky Lewis	801-965-4026	blewis@utah.gov	
James Palmer	801-965-4197	jimpalmer@agutah.gov	
Lori Edwards	801-965-4048	loriedwards@agutah.gov	

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

General Information

2. Rule catchline:

R918-4. Using Volunteer Groups and Third-Party Contractors for the Adopt-a-Highway and Sponsor-a-Highway Litter Pickup Programs

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

This rule is enacted under the Department of Transportation's (Department) general rulemaking authority in Section 72-1-201.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The Department has not received any written comments during and since the last five-year review of this rule from interested persons supporting or opposing this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule satisfies a need to maintain state highway right of way free from litter and debris while minimizing the cost to the taxpayers. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Executive Director	Date:	09/08/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R926-16	Filing ID:	54808
Effective Date:	09/05/2023		

Agency Information

1. Department:	Transportation		
Agency:	Program Development		
Room no.:	Administrative Suite, 1st Floor		
Building:	Calvin Rampton Building		
Street address:	4501 S 2700 W		
City, state and zip:	Taylorsville, UT 84129		
Mailing address:	PO Box 148455		
City, state and zip:	Salt Lake City, UT 84114-8455		

Contact person(s):		
Name:	Phone:	Name:
Leif Elder	801-580-8296	lelder@utah.gov
Becky Lewis	801-965-4026	blewis@utah.gov
James Palmer	801-965-4197	jimpalmer@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov

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

General Information

2. Rule catchline: R926-16. Unsolicited Proposals for Transportation Infrastructure Public-Private Partnerships
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule: This rule is authorized by Subsection 72-1-201(1)(h) and Section 63G-6a-712.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule: The Department of Transportation (Department) has not received any written comments during and since the last five-year review of this rule from interested persons supporting or opposing this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any: This rule satisfies the requirement of Subsection 72-1-201(1)(h) to make rules for the Department's administration, state transportation systems, and programs. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Executive Director	Date:	09/02/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R940-3	Filing ID: 54160
Effective Date:	09/05/2023	

Agency Information

1. Department:	Transportation Commission
Agency:	Administration
Room no.:	Administrative Suite, 1st Floor
Building:	Calvin Rampton Building
Street address:	4501 S 2700 W
City, state and zip:	Taylorsville, UT 84129
Mailing address:	PO Box 148455
City, state and zip:	Salt Lake City, UT 84114-8455

Contact person(s):		
Name:	Phone:	Name:
Leif Elder	801-580-8296	lelder@utah.gov
Becky Lewis	801-965-4026	blewis@utah.gov
James Palmer	801-965-4197	jimpalmer@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov

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

General Information

2. Rule catchline: R940-3. State Infrastructure Bank Fund, Prioritization Process, Procedures, and Standards for Making Loans or Providing Infrastructure Assistance
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule: The authority to make this rule is by Sections 72-2-202 and 72-2-203.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule: The Transportation Commission (Commission) has not received any written comments during and since the last five-year review of this rule from interested persons supporting or opposing this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule satisfies the requirement in Section 72-2-203 that the Commission shall make rules providing procedures and standards for making infrastructure loans and providing infrastructure assistance and a process for prioritization of requests for loans and assistance. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Carlos M. Bracerias, PE, Executive Director	Date:	09/02/2023
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR REVIEW EXTENSION (EXTENSION)** with the Office of Administrative Rules. The **EXTENSION** permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed **EXTENSIONS** for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date.

EXTENSIONS are governed by Subsection 63G-3-305(6).

NOTICE OF FIVE-YEAR REVIEW EXTENSION		
Rule Number:	R398-3	Filing ID: 54201
New Deadline Date:	01/12/2024	

Agency Information

1. Department:	Health and Human Services	
Agency:	Family Health, Children with Special Health Care Needs	
Room number:	3032	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144610	
City, state and zip:	Salt Lake City, UT 84114-4610	
Contact persons:		
Name:	Phone:	Email:
Alexis Weight	801-273-2956	abweight@utah.gov

Stephanie McVicar	801-273-6600	smcvicar@utah.gov
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Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule catchline:
R398-3. Children's Hearing Aid Program
3. Reason for requesting the extension:
The Department of Health and Human Services (Department) is requesting a five-year review extension to give the Department enough time to repeal this rule in accordance with S.B. 272 from the 2023 General Session, which repealed the authorizing statute.

Agency Authorization Information

Agency head or designee and title:	David Litvack, Deputy Director	Date:	09/08/2023
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End of the Notices of Five-Year Review Extensions Section

NOTICES OF FIVE-YEAR EXPIRATIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). The Office of Administrative Rules (Office) is required to notify agencies of rules due for review at least 180 days prior to the anniversary date. If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR EXTENSION (EXTENSION)** with the Office. However, if the agency fails to file either the **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION** or the **EXTENSION** by the date provide by the Office, the rule expires.

Upon expiration of the rule, the Office files a **NOTICE OF FIVE-YEAR EXPIRATION (EXPIRATION)** to document the action. The Office is required to remove the rule from the *Utah Administrative Code*. The agency may no longer enforce the rule and it must follow regular rulemaking procedures to replace the rule if it is still needed.

The Office has filed **EXPIRATIONS** for each of the rules listed below which were not reviewed in accordance with Section 63G-3-305. These rules have expired and have been removed from the *Utah Administrative Code*.

The expiration of administrative rules for failure to comply with the five-year review requirement is governed by Subsection 63G-3-305(8).

NOTICE OF EXPIRED RULE		
Rule Number:	R251-103	Filing ID: 50343
Effective Date:	09/13/2023	

Agency Information

1. Department:	Corrections	
Agency:	Administration	
Street address:	14727 Minuteman Drive	
City, state, and zip:	Draper, UT 84020	
Contact person(s):		
Name:	Phone:	Email:
Nancy L. Lancaster	801-957-7102	rulesonline@utah.gov

General Information

2. Title of rule (catchline):
R251-103. Undercover Roles of Offenders
3. Summary:
The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and was removed from the Utah Administrative Code.

End of the Notices of Notices of Five-Year Expirations Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

Corrections

Administration

No. 55548 (Amendment) R251-703: Vehicle Direction Station
Published: 08/15/2023
Effective: 09/26/2023

Health Care Financing, Coverage and Reimbursement Policy
No. 55528 (Amendment) R414-1-31: Withholding of Payments
Published: 08/01/2023
Effective: 09/14/2023

Environmental Quality

Air Quality

No. 55323 (Amendment) R307-110-13: Section IX, Control Measures for Area and Point Sources, Part D, Ozone
Published: 06/01/2023
Effective: 09/13/2023

Natural Resources

Public Lands Policy Coordinating Office

No. 55457 (New Rule) R654-1: Archaeological Permits
Published: 07/15/2023
Effective: 09/05/2023

Waste Management and Radiation Control, Radiation

No. 55531 (Amendment) R313-12-3: Definitions
Published: 08/01/2023
Effective: 09/18/2023

Public Lands Policy Coordination Office

Administration

No. 55443 (Repeal) R694-1: Archeological Permits
Published: 07/15/2023
Effective: 09/05/2023

No. 55532 (Amendment) R313-32-2: Clarifications or Exceptions

Published: 08/01/2023
Effective: 09/18/2023

Public Safety

Emergency Management

No. 55542 (New Rule) R704-4: Response, Recovery, and Post-disaster Mitigation Grant Funding
Published: 08/15/2023
Effective: 09/21/2023

Health and Human Services

Disease Control and Prevention, Health Promotion

No. 55390 (Amendment) R384-415: Requirements to Sell Electronic Cigarette Products
Published: 05/15/2023
Effective: 09/12/2023

Driver License

No. 55526 (Repeal) R708-49: Temporary Identification Card
Published: 08/01/2023
Effective: 09/11/2023

No. 55390 (Change in Proposed Rule) R384-415: Requirements to Sell Electronic Cigarette Products
Published: 06/15/2023
Effective: 09/12/2023

Highway Patrol

No. 55552 (Amendment) R714-560: Technology and Equipment for Officer-Involved Critical Incident Investigation
Published: 08/15/2023
Effective: 09/21/2023

NOTICES OF RULE EFFECTIVE DATES

No. 55587 (New Rule) R714-562: Early Intervention
System Grant Program
Published: 08/15/2023
Effective: 09/21/2023

End of the Notices of Rule Effective Dates Section