

Utah Administrative Code

The Utah Administrative Code is the body of all effective administrative rules as compiled and organized by the Office of Administrative Rules (see Subsection [63G-3-102\(5\)](#); see also Sections [63G-3-701](#) and [702](#)).

NOTE: For a list of rules that have been made effective since December 1, 2017, please see the [codification segue](#) page.

NOTE TO RULEFILING AGENCIES: Use the RTF version for submitting rule changes.

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R277. Education, Administration.

Rule R277-708. Enhancement for At- Risk Students.

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R277-708-1. Authority and Purpose.

(1) This rule is authorized by:

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

(b) Section 53A-17a-166, which directs the Board to manage the Enhancement for At-Risk Students interventions by:

(i) developing a funding formula;

(ii) developing performance criteria;

(iii) administering the intervention;

(iv) distributing the appropriation; and

(v) monitoring and reporting the effectiveness of the interventions; and

(c) Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

(2)(a) The purpose of this rule is to establish criteria and procedures for distributing Enhancement for At-Risk Students funds to LEAs.

(b) The intent of the rule and the legislative appropriation is to improve academic achievement of students who are at risk of academic failure.

R277-708-2. Definitions.

(1) "At-risk of academic failure" means a k-12 public school student who meets any of the following risk factors:

(a) low performance on a Board approved assessment;

(b) poverty;

(c) limited English Proficiency; or

(d) mobility.

(2) "Available funds" means the total funds appropriated for the Enhancement for At-Risk Students interventions, less funding designated for gang prevention under Subsection 53A-17a-166(1)(b)(i).

(3) "Data Clearinghouse" means the electronic data collection system used by the Superintendent to collect information required by law from LEAs about individual students at certain points throughout the school year to support the allocation of funds and accountability reporting.

(4) "LEA share" means the percentage of k-12 students from an LEA who are at risk of academic failure compared to the total count for the state of Utah from the previous school year.

(5) "Limited English Proficiency" or "LEP" means the total number of English learner or "EL" students in an LEA from the October 1 count from the previous school year, including:

(a) the number of EL students receiving a score of 1-4 on the English language proficiency assessment; and

(b) the number of students previously classified as English Proficient based on a score of 5 or 6 on the English language proficiency assessment.

(6) "Low performance on a Board approved assessment" means the unduplicated count of k-12 students from an LEA scoring below proficient in Reading/Language, Math, and Science on one of the following exams from the previous school year:

(a) the Student Assessment of Growth and Excellence (SAGE);

(b) the Special Education adaptive testing Dynamic Learning Maps or "DLM"; or

(c) other Board approved assessment.

(7) "Mobility" means the number of k-12 students enrolled less than 160 days or its equivalent in one school within a school year, as determined by the prior year's year-end average daily membership submission.

(8) "Poverty" means the total number of k-12 students in an LEA reported as economically disadvantaged using federal child nutrition income eligibility guidelines for free or reduced-priced under the federal school lunch program from the official October 1 enrollment count from the previous school year.

R277-708-3. Fiscal Procedures.

(1) An LEA shall submit its application to the Superintendent annually by November 1 through the Board's grant management system.

(2) The Superintendent shall distribute available funds to LEAs with an approved application monthly based on a one-twelfth distribution beginning on July 1.

(3) An LEA shall spend all allocated funds annually by June 30.

(4) An LEA that accepts funds for Enhancement for At-Risk Students intervention services shall be subject to Board accounting, auditing, and budgeting rules and policies.

(5)(a) With written approval from the Superintendent, an LEA may carry over and spend ten percent or \$50,000, whichever is less, of state Enhancement for At-Risk Student funds in the next fiscal year.

(b) An LEA shall submit a request to carry over funds under Subsection (5)(a) by August 1 annually.

(c) An LEA shall detail approved carry over amounts in a revised budget submitted through the Board's grant management system.

(d) The Superintendent shall review and approve a revised budget submitted under Subsection (5)(c) no later than October 1 in the year submitted.

R277-708-4. Allocation of Enhancement for At-Risk Student Funds.

(1) The Superintendent shall award available funds to an LEA based on an equal weighting of:

(a) low performance on a Board approved assessment;

(b) poverty;

(c) mobility; and

(d) limited English proficiency.

(2) The Superintendent shall base an LEA's allocation on the certified data from the Data Clearinghouse using the most recent school year for which data is complete and available.

(3) The Superintendent shall use the following funding formula to determine an LEA base to distribute to LEAs:

(a) the Superintendent shall annually calculate 4% of the state appropriation of the Enhancement for At-Risk Students funding available for LEA grants to provide a base amount to LEAs.

(b) The Superintendent shall divide the base amount described in Subsection (3)(a) equally among all eligible LEAs.

(4) The Superintendent shall annually calculate 20% of the state appropriation of the Enhancement for At-Risk Students on a per school basis to provide a targeted amount to LEAs with traditional elementary schools, secondary schools, and alternative high schools with at least 75% poverty.

(5) Of the funds remaining after the distributions described in Subsections (3) and (4), the Superintendent shall determine an LEA's share based on the LEA's percentage of students with at-risk factors for the state.

(6) The Superintendent shall use data from the Board's Data Warehouse for each LEA from the previous school year to determine the students who qualify under the following definitions:

(a) low performance on a Board approved assessment;

(b) poverty;

(c) mobility; and

(d) limited English Proficiency.

(7) The Superintendent shall allocate funds appropriated for at-risk factors to each LEA based on the LEA's proportion of at-risk factors in comparison to the statewide total.

(8) The Superintendent shall notify an LEA that qualifies for funding of the LEA's level of funding annually by May 1.

(9) An LEA may use funds for activities that support academic achievement of students who are at risk of academic failure.

(10) An LEA shall provide the following information as part of the application process:

(a) specific goals related to increased academic achievement of students at-risk of academic failure;

(b) proposed activities that are directly tied to the LEA's plan to increase student achievement;

(c) an annual report of the use of funds through the annual financial reporting process; and

(d) an annual report of intervention effectiveness based on performance criteria defined by the Superintendent.

R277-708-5. Oversight: Monitoring, Evaluation and Reports.

(1) The Superintendent may recommend that the Board designate no more than one percent of the total appropriation from the Enhancement for At-Risk Students to be used specifically by the Superintendent for oversight, monitoring and evaluation of:

(a) LEA implementation of the intervention; and

(b) compliance with state law and this rule.

(2)(a) An LEA that receives funding shall submit an annual evaluation report to the Superintendent consistent with Section 53A-17a-166.

(b) The report shall include the following performance criteria for students at-risk of academic failure:

(i) student attendance information, as defined by the Superintendent;

(ii) graduation rates;

(iii) gains in language proficiency as measured by the English language proficiency assessment;

(iv) gains in reading/language arts proficiency as measured by a Board approved assessment; and

(v) gains in mathematics and science proficiency as measured by a Board approved assessment.

(3)(a) The Superintendent shall conduct tri-annual intervention reviews of each LEA receiving Enhancement for At-Risk Students funding to ensure intervention compliance.

(b) In the Superintendent's discretion or for good cause, the Superintendent may conduct additional formal or informal:

(i) monitoring;

(ii) reviews; or

(iii) site visits.

(4) If the Superintendent identifies violations as a result of a review described in Subsection (3)(a), an LEA shall prepare and submit to the Superintendent a written corrective action plan for each finding made by the Superintendent.

(5) If an LEA fails to resolve findings identified by the Superintendent under Subsection (5), the Superintendent may withhold funds as provided in R277-114.

R277-708-6. Gang Prevention and Intervention Funds.

(1) Consistent with Subsection 53A-17a-166(1)(b), the Superintendent shall distribute funding to LEAs for gang prevention and intervention.

(2) An LEA desiring to receive gang prevention and intervention funds shall submit a proposal consistent with Rule R277-436.

KEY

students at risk

Date of Enactment or Last Substantive Amendment

November 7, 2016

Notice of Continuation

September 15, 2016

Authorizing, Implemented, or Interpreted Law

Art X Sec 3; 53A-17a-166; 53A-1-401

Additional Information

Contact

For questions regarding the *content* or *application* of rules under Title R277, please contact the promulgating agency (Education, Administration). A list of agencies with links to their homepages is available at <https://www.utah.gov/government/agencylist.html>.