

POLICY 2033

Procurement: Education Contractor Oversight

A. Definitions

1. In this policy:

- a. “Educational good or service” means a good or service that is required or regulated under Utah Code Titles [53E](#), [53F](#), or [53G](#) or Utah State Board of Education rule.
- b. “Education service provider” means a third-party provider that provides academic instruction to students that yields grades or credit.

[Utah Code § 53E-3-401\(1\)\(b\) \(2020\)](#)
[Utah Admin. Rules R277-115-2\(1\), \(2\) \(July 8, 2024\)](#)

B. Oversight of Educational Good or Service Contractors

1. The District shall maintain oversight of each contractor who provides an educational good or service on behalf of the District as follows:
 - a. The District shall develop a written monitoring plan to supervise the educational good or service being provided which includes ensuring that the contractor is complying with federal and state law and Utah State Board of Education rules.
 - b. The District shall monitor and supervise the contractor’s activities relating to the educational good or service being provided and shall maintain documentation of the District’s supervisory activities.
 - c. At least once per year, the District shall review the monitoring plan and documentation of the monitoring activities with the District’s audit committee.
2. The District shall maintain records documenting educational services provided by contractors and payments made for educational goods and services.

[Utah Admin. Rules R277-115-4\(1\)\(b\) through \(f\), \(3\) \(July 8, 2024\)](#)

C. Oversight of Education Service Providers

1. In addition to the oversight as an educational good or service contractor, the District shall maintain oversight of an education service provider as follows:

- a. The District shall ensure that each staff member of the education service provider receives a background check and ongoing monitoring as required by [Policy 3035 Employee Criminal Background checks and Arrest Disclosure Requirements](#) and holds appropriate license, license areas of concentration, and endorsements as required by [Policy 3022 Employment: BESD-Local Education Agency Specific Teacher License/Endorsement](#). (The District may not record provider staff as teachers with an assignment in CACTUS or USIMS.)
- b. The District shall ensure that a student identified as having a disability under IDEA or Section 504 receives a free and appropriate public education.
- c. The District shall require the education service provider to inform the District of any student that the provider suspects of having a disability so that the District can fulfill its IDEA child find responsibilities.
- d. The District (not the provider) shall register all students receiving services from the provider and shall verify the accuracy and validity of the student's enrollment verification data before enrolling the student. The District shall also provide notice to the student and the student's parent that the student has been enrolled in a school or program within the District.

[Utah Admin. Rules R277-115-3\(1\) to \(4\) \(July 8, 2024\)](#)

[Utah Admin. Rules R277-115-4\(2\) \(July 8, 2024\)](#)

D. Responsibility for Education Goods and Services

1. In the event the District cancels a contract with an educational good or service provider, the District shall continue to provide the educational goods or services to enrolled students for the rest of the school year and shall notify parents of
 - a. the planned elimination of the specific educational good or service provided by the contractor,
 - b. the status of the student's enrollment, and
 - c. any steps required of a student to transfer or unenroll.

[Utah Admin. Rules R277-115-4\(4\) \(July 8, 2024\)](#)