

1 **R277. Education, Administration.**

2 **R277-701. Early College Programs.**

3 **R277-701-1. Authority and Purpose.**

4 (1) This rule is authorized by:

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

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

9 (c) Section 53F-2-408.5, which requires the Board to establish a distribution
10 formula for the expenditure of funds appropriated for Early College Programs; and

11 (d) Section 53F-2-409, which directs the Board to provide for the distribution of
12 concurrent enrollment dollars in rule.

13 (2) The purpose of this rule is to:

14 (a) specify the procedures for distributing funds appropriated under Sections 53F-
15 2-408.5 and 53F-2-409 to LEAs;

16 (b) provide resources to LEAs for early college programs; and

17 (c) specify the standards and procedures for concurrent enrollment courses and
18 the criteria for funding appropriate concurrent enrollment expenditures.

19

20 **R277-701-2. Definitions.**

21 (1) "Advanced placement" or "AP" courses means the same as the term is defined
22 in Section 53F-2-408.5.

23 (2) "Concurrent enrollment" or "CE" means the same as the term is defined in.

24 (3) "Early college programs" means an LEA's AP courses, IB programs and CE
25 programs.

26 (4) "Enhancement of Accelerated Students Programs" means the same as the
27 term is defined in Section R277-707-2.

28 (5) "International Baccalaureate" or "IB" Program means the same as the term is
29 defined in Section 53F-2-408.5.

30 (6) "Master course list" means a list of approved CE courses, maintained by the
31 Superintendent and USHE, which may be offered and funded.

32 (7) "Successfully completed" means that a student received USHE credit for a CE
33 course.

34 (8) "Underrepresented students" means the same as the term is defined in Section
35 R277-707-2.

36 (9) "USHE" means the Utah System of Higher Education as described in Section
37 53B-1-102.

38

39 **R277-701-3. Eligibility and Application.**

40 (1) All LEAs are eligible to apply for the Early College Program funds annually.

41 (2) To receive program money, an LEA shall submit an application to the
42 Superintendent that includes an LEA's plan for:

43 (a) how the LEA intends to spend program money;

44 (b) how the LEA intends to engage all parents so that parents understand the
45 opportunities available for their children in elementary, middle school, high school and
46 beyond, including how the LEA will comply with Rule R277-462; and

47 (c) how the LEA intends to eliminate barriers and increase student enrollment, in
48 Early college programs, including underrepresented students.

49 (3) The Superintendent shall publish:

50 (a) expectations;

51 (b) targets related to gap closures for underrepresented students; and

52 (c) timelines related to an LEA application.

53

54 **R277-701-4. Distribution and Use of Funds for AP and IB Programs.**

55 (1) The Superintendent shall distribute the total allocation for Enhancement of
56 Accelerated Students program as follows after setting aside the requisite funding
57 described in Subsection 53F-2-408.5(3):

58 (a) 40% of the total allocation to AP and IB programs as described in R277-701
59 including up to \$100,000 to support IB programs; and

60 (b) 60% of the total allocation to LEAs to support Gifted and Talented programs
61 as described in R277-707.

62 (2)(a) The Superintendent shall determine funding to be awarded to an LEA's IB
63 programs by:

64 (i) dividing the number of students enrolled in an LEA's IB program by the total
65 enrollment of students in IB programs throughout the state; and

66 (ii) multiplying the result from Subsection (2)(a)(i) by the total IB allocation.

67 (b) The Superintendent shall determine 30% of the funding to be awarded for LEA
68 AP programs by:

69 (i) dividing the number of students enrolled in an LEA's AP classes by the total
70 enrollment of students in AP classes throughout the state; and

71 (ii) multiplying the result from Subsection (2)(b)(i) by 30% of the total AP allocation.

72 (c) The Superintendent shall determine 70% of the funding to be awarded for LEA
73 AP programs by:

74 (i) dividing the number of students in the LEA receiving a three or higher on an AP
75 examination by the total number of students receiving a three or higher on an AP
76 examination throughout the state; and

77 (ii) multiplying the result from Subsection (2)(c)(i) by 70% of the total AP allocation.

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78 (3) ~~After setting aside the requisite funding described in Subsection 53F-2-~~
79 ~~408.5(3), [A]~~an LEA may use the LEA's allocation of funds for:

- 80 (a) professional learning for teachers;
- 81 (b) identification of underrepresented students;
- 82 (c) Advanced Placement courses;
- 83 (d) International Baccalaureate programs; or
- 84 (e) International Baccalaureate test fees of eligible low-income students,
- 85 (4) An LEA shall use at least a portion of the LEA's allocation for Advanced
86 Placement test fees of eligible low-income students, as defined in Section 53F-2-408.5.

87

88 **R277-701-5. Distribution and Use of Funds for CE Programs.**

- 89 (1) CE funds shall be allocated in accordance with Section 53F-2-409.
- 90 (2) CE funds allocated to LEAs may not be used for any other program or purpose,
91 except as provided in Section 53F-2-206 and after [an LEA has distributed] funds
92 distribution as described in Subsection 53-2-409(5)(c).
- 93 (3) CE funding may not be used to fund a parent or student-initiated college-level
94 course at an institution of higher education.
- 95 (4) The Superintendent may not distribute CE funds to an LEA for reimbursement
96 of a CE course:
 - 97 (a) that is not on the master course list;
 - 98 (b) for a student that has exceeded 30 semester hours of CE for the school year;
 - 99 (c) for a CE course repeated by a student; or
 - 100 (d) taken by a student:
 - 101 (i) who has received a diploma;
 - 102 (ii) whose class has graduated; or
 - 103 (iii) who has participated in graduation exercises.

104 (5) An LEA shall receive a pro-rated amount of the funds appropriated for CE
105 according to the number of semester hours successfully completed by students registered
106 through the LEA in the prior year compared to the state total of completed CE hours.

107 (6) An LEA's use of state funds for CE is limited to the following:

108 (a) increasing access for groups of students who are underrepresented;

109 (b) aid in professional development of an eligible CE instructor in cooperation with
110 the participating USHE institution;

111 (c) assistance with delivery costs for distance learning programs;

112 (d) participation in the costs of LEA personnel who work with the program;

113 (e) student textbooks and other instructional materials;

114 (f) fee waivers for costs or expenses related to CE for fee waiver eligible students
115 under R277-407;

116 (g) purchases by LEAs of classroom equipment required to conduct CE courses;
117 and

118 (h) other uses approved in writing by the Superintendent consistent with the law
119 and purposes of this rule.

120 (7) An LEA that receives program funds shall provide the Superintendent with the
121 following:

122 (a) end-of-year expenditures reports;

123 (b) an annual report containing:

124 (i) supervisory services and professional development provided by a USHE
125 institution; and

126 (ii) data as required by Subsection R277-701-12.

127 (8) Appropriate reimbursement may be verified at any time by an audit of the LEA.

128

129 **R277-701-6. Early College Programs Funding Requirements.**

130 (1) If an LEA fails to demonstrate progress in meeting plan goals, the
131 Superintendent may:

- 132 (a) place the LEA on probation and provide targeted technical assistance; and
133 (b) reduce funding to the LEA.

134 (2) Excepted as described in Subsection (3) and subject to the general
135 requirements of Section R277-700-7:

136 (a) A middle school or high school:

- 137 (i) shall provide all course registration opportunities to each student; and
138 (ii) through consultation with students, parents, educators, and administrators,
139 may consider academic readiness, but may not require prerequisites for enrolling in an
140 AP, IB, or CE course.

141 (b) Except as described in USHE Policy R165, a school that offers an early college
142 program may not prohibit a student from enrolling in the course based on the student's:

- 143 (i) grades or grade point average;
144 (ii) state standardized assessment scores; or
145 (iii) referral or lack of a referral from an educator;

146 (c) In addition to the restrictions listed in Subsection (d), an Early College Program
147 may not prohibit a student from enrolling in a course based on the student's:

- 148 (i) grade level;
149 (ii) participation in or passing a pre-requisite course;
150 (iii) participation in or passing an honors-level or college-preparatory course; or
151 (iv) requirements over the summer.

152

153 **R277-701-7. Student Eligibility and Participation for CE.**

154 (1) A student participating in CE shall be an "eligible student" as described in
155 Subsection 53E-10-301(5).

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- 156 (2) Student eligibility requirements for CE shall be:
157 (a) established by an LEA and a USHE institution;
158 (b) sufficiently selective to predict a successful experience; and
159 (c) in accordance with Subsection R277-701-5(3)(b).
160 (3) An LEA has the primary responsibility for identifying a student who is eligible
161 to participate in a CE course.

- 162 (4) An LEA shall appropriately evaluate the supports the LEA employs to assist in
163 achieving the highest access rate reasonable for all students to enroll in a CE course.
164

165 **R277-701-8. CE Course Credit and Offerings -- CE Course Approval Process.**

- 166 (1) Credit earned through a CE course:
167 (a) has the same credit hour value as the CE course's counterpart on a college
168 campus;
169 (b) applies toward graduation on the same basis as a course taught at a USHE
170 institution to which the credits are submitted;
171 (c) generates higher education credit that becomes a part of a student's
172 permanent college transcript;
173 (d) generates high school credit that is consistent with the LEA policies for
174 awarding credit for graduation; and
175 (e) is transferable from one USHE institution to another.
176 (2) A USHE institution is responsible to determine the credit for a CE course,
177 consistent with State Board of Regents' policies.
178 (3) An LEA and a USHE institution shall provide the Superintendent and USHE
179 with proposed new course offerings, including syllabi and curriculum materials, by
180 November 15 of the year preceding the school year in which the courses would be offered.

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181 (4) A CE course shall be approved by the Superintendent and USHE, and
182 designated on the master course list, maintained by the Superintendent and USHE.

183 (5)(a) CE course offerings shall reflect the strengths and resources of the
184 respective schools and USHE institutions and be based upon student needs.

185 (b) The number of courses selected shall be kept small enough to ensure
186 coordinated statewide development and professional development activities for
187 participating teachers.

188 (6) To provide for the focus of energy and resources on quality instruction in the
189 CE program, CE courses shall be limited to courses in:

190 (a) English;

191 (b) mathematics;

192 (c) fine arts;

193 (d) humanities;

194 (e) science;

195 (f) social science;

196 (g) world languages; and

197 (h) career and technical education.

198 (7) A CE course may not be approved if the course is a postsecondary course
199 below the 1000 level.

200 (8) The appropriate USHE institution shall take responsibility for:

201 (a) course content;

202 (b) procedures;

203 (c) examinations;

204 (d) teaching materials; and

205 (e) program monitoring.

206 (9) CE procedures and materials shall be:

- 207 (a) consistent with Utah law; and
208 (b) ensure quality and comparability with CE courses offered on a college or
209 university campus.

210

211 **R277-701-9. CE Program Management and Delivery.**

212 (1) An LEA shall use a Superintendent-designated 11-digit course code for a CE
213 course.

214 (2) An LEA and a USHE institution shall jointly align information technology
215 systems with all individual student academic achievement data so that student
216 information will be tracked through both education systems consistent with Section 53E-
217 4-308.

218 (3) An LEA shall only receive funds for the LEA's CE program if the LEA's course
219 enrollment matches the USHE institution enrollment in the technology systems as
220 described in Subsection (2).

221

222 **R277-701-10. Faculty and Educator Requirements.**

223 (1) An educator who is not employed by a USHE institution and teaches a CE
224 course shall:

- 225 (a) be employed by an LEA; and
226 (b) meet the requirements of Subsections 53E-10-302(5) and (6).

227 (2) An educator employed by an LEA who teaches a CE course shall be approved
228 as an adjunct faculty member at the contracting USHE institution prior to teaching the CE
229 course.

230 (3) High school educators who hold adjunct or part time faculty status with a USHE
231 institution for the purpose of teaching CE courses shall be included as fully as possible in
232 the academic life of the supervising academic department at the USHE institution.

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233 (4) An LEA and a USHE institution shall share expertise and professional
234 development, as necessary, to adequately prepare a teacher to teach in the CE program,
235 including federal and state laws specific to student privacy and student records.

236 (5) A USHE institution that employs a faculty member who teaches in a high school
237 has responsibility for ensuring and maintaining documentation that the faculty member
238 has successfully completed a criminal background check, consistent with Section 53G-
239 11-402.

240

241 **R277-701-11. Student Tuition and Fees.**

242 (1) A CE program student may be charged partial tuition and program-related fees,
243 in accordance with Section 53E-10-305.

244 (2) Postsecondary tuition and participation fees charged to a CE student are not
245 fees, as defined in R277-407, and do not qualify for a fee waiver under R277-407.

246 (3)(a) All costs related to CE courses that are not tuition and participation fees are
247 subject to a fee waiver consistent with R277-407.

248 (b) CE costs subject to fee waiver may include:

249 (i) consumables;

250 (ii) lab fees;

251 (iii) copying;

252 (iv) material costs;

253 (v) application fees; and

254 (vi) textbooks required for the course.

255 (4)(a) Except as provided in Subsection (4)(b), an LEA shall be responsible for fee
256 waivers.

257 (b) An agreement between a USHE institution and an LEA may address the
258 responsibility for fee waivers.

259

260 **R277-701-12. Annual Contracts and Other Student Instruction Issues.**

261 (1) An LEA and a USHE institution that plan to collaborate to offer a CE course
262 shall enter into an annual contract for the upcoming school year by no later than May 30.

263 (2) An LEA shall provide the USHE with a copy of each annual contract entered
264 into between the LEA and a USHE institution for the upcoming school year by no later
265 than May 30.

266 (3) An LEA and a USHE institution shall use the standard contract language
267 developed by the Superintendent and USHE.

268

269 **R277-701-13. Performance Criteria and Reports.**

270 (1) An LEA receiving an allocation of funds shall submit an annual evaluation
271 report to the Superintendent consistent with Section 53F-2-408.5.

272 (2) An LEA shall present the evaluation report identified in Subsection (1) to the
273 LEA's local board in a public meeting.

274 (3) The report shall include the following:

275 (a) an accounting of student performance, disaggregated by student group for
276 each early college program that the LEA participates;

277 (b) evidence of stakeholder input demonstrating that the LEA engaged parents;

278 (c) an accounting of how the LEA's funds were disbursed to the teacher level; and

279 (d) evidence that the LEA is making progress toward the LEA's plan goals.

280

281 **KEY: early college program, advanced placement, international baccalaureate,**
282 **concurrent enrollment**

283 **Date of Enactment or Last Substantive Amendment: [~~September 24, 2020~~]2022**

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284 **Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-**
285 **2-408.5; 53F-2-409**