

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
15 53F-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
22 defined in Section 53F-2-408.5.

23 (2) "Concurrent enrollment" or "CE" ~~means a public high school student is~~
24 ~~enrolled in a course that satisfies both high school graduation requirements and~~
25 ~~qualifies for higher education credit at a USHE institution~~ means the same as the term is
26 defined in .

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

29 (4) "Enhancement of Accelerated Students Programs" means the same as the

30 term is defined in Section R277-707-2.

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

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

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

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

39 (9) "USHE" means the Utah System of Higher Education as described in Section
40 53B-1-102.

41

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

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

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

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

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

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

52 (3) The Superintendent shall publish:

53 (a) expectations;

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

55 (c) timelines related to an LEA application.

56

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

58 (1) The Superintendent shall distribute the total allocation for Enhancement of

59 Accelerated Students program as follows:

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

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

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

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

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

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

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

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

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

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

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

82 (3) An LEA may use the LEA's allocation of funds for:

83 (a) professional learning for teachers;

84 (b) identification of underrepresented students;

85 (c) Advanced Placement courses;

86 (d) International Baccalaureate programs; or

87 (e) International Baccalaureate test fees of eligible low-income students, ~~as~~

88 ~~defined in Section 53F-2-408.5(2)(b)].~~

89 (4) An LEA shall use at least a portion of the LEA's allocation for Advanced
90 Placement test fees of eligible low-income students, as defined in Section 53F-2-408.5.

91
92 **R277-701-5. Distribution and Use of Funds for CE Programs.**

93 (1) CE funds shall be allocated in accordance with Section 53F-2-409.

94 (2) CE funds allocated to LEAs may not be used for any other program or
95 purpose, except as provided in Section 53F-2-206.

96 (3) CE funding may not be used to fund a parent or student-initiated college-level
97 course at an institution of higher education.

98 (4) The Superintendent may not distribute CE funds to an LEA for reimbursement
99 of a CE course:

100 (a) that is not on the master course list;

101 (b) for a student that has exceeded 30 semester hours of CE for the school year;

102 (c) for a CE course repeated by a student; or

103 (d) taken by a student:

104 (i) who has received a diploma;

105 (ii) whose class has graduated; or

106 (iii) who has participated in graduation exercises.

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

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

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

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

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

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

- 117 (e) student textbooks and other instructional materials;
118 (f) fee waivers for costs or expenses related to CE for fee waiver eligible
119 students under R277-407;
120 (g) purchases by LEAs of classroom equipment required to conduct CE
121 courses; and
122 (h) other uses approved in writing by the Superintendent consistent with the law
123 and purposes of this rule.
124 (7) An LEA that receives program funds shall provide the Superintendent with the
125 following:
126 (a) end-of-year expenditures reports;
127 (b) an annual report containing:
128 (i) supervisory services and professional development provided by a USHE
129 institution; and
130 (ii) data as required by Subsection R277-701-12.
131 (8) Appropriate reimbursement may be verified at any time by an audit of the
132 LEA.
133
134 **R277-701-6. Early College Programs Funding Requirements.**
135 (1) If an LEA fails to demonstrate progress in meeting plan goals, the
136 Superintendent may:
137 (a) place the LEA on probation and provide targeted technical assistance; and
138 (b) reduce funding to the LEA.
139 (2) Excepted as described in Subsection (3) and subject to the general
140 requirements of Section R277-700-7:
141 (a) A middle school or high school:
142 (i) shall provide all course registration opportunities to each student; and
143 (ii) through consultation with students, parents, educators, and administrators,
144 may consider academic readiness, but may not require prerequisites for enrolling in an
145 AP, IB, or CE course.

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

149 (i) grades or grade point average;

150 (ii) state standardized assessment scores; or

151 (iii) referral or lack of a referral from an educator;

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

154 (i) grade level;

155 (ii) participation in or passing a pre-requisite course;

156 (iii) participation in or passing an honors-level or college-preparatory course; or

157 (iv) requirements over the summer.

158

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

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

162 (2) Student eligibility requirements for CE shall be:

163 (a) established by an LEA and a USHE institution;

164 (b) sufficiently selective to predict a successful experience; and

165 (c) in accordance with Subsection R277-701-5(3)(b).

166 (3) An LEA has the primary responsibility for identifying a student who is eligible
167 to participate in a CE course.

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

170

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

172 (1) Credit earned through a CE course:

173 (a) has the same credit hour value as the CE course's counterpart on a college
174 campus;

175 (b) applies toward graduation on the same basis as a course taught at a USHE
176 institution to which the credits are submitted;

177 (c) generates higher education credit that becomes a part of a student's
178 permanent college transcript;

179 (d) generates high school credit that is consistent with the LEA policies for
180 awarding credit for graduation; and

181 (e) is transferable from one USHE institution to another.

182 (2) A USHE institution is responsible to determine the credit for a CE course,
183 consistent with State Board of Regents' policies.

184 (3) An LEA and a USHE institution shall provide the Superintendent and USHE
185 with proposed new course offerings, including syllabi and curriculum materials, by
186 November 15 of the year preceding the school year in which the courses would be
187 offered.

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

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

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

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

197 (a) English;

198 (b) mathematics;

199 (c) fine arts;

200 (d) humanities;

201 (e) science;

202 (f) social science;

203 (g) world languages; and

204 (h) career and technical education.

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

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

208 (a) course content;

209 (b) procedures;

210 (c) examinations;

211 (d) teaching materials; and

212 (e) program monitoring.

213 (9) CE procedures and materials shall be:

214 (a) consistent with Utah law; and

215 (b) ensure quality and comparability with CE courses offered on a college or
216 university campus.

217

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

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

221 (2) An LEA and a USHE institution shall jointly align information technology
222 systems with all individual student academic achievement data so that student
223 information will be tracked through both education systems consistent with Section
224 53E-4-308.

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

228

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

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

232 (a) be employed by an LEA; and

233 (b) meet the requirements of Subsections 53E-10-302(5) and (6).

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

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

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

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

249

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

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

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

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

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

258 (i) consumables;

259 (ii) lab fees;

260 (iii) copying;

261 (iv) material costs;

262 (v) application fees; and

263 (vi) textbooks required for the course.

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

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

268

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

270 (1) An LEA and a USHE institution that plan to collaborate to offer a CE course
271 shall enter into an annual contract for the upcoming school year by no later than May
272 30.

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

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

278

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

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

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

284 (3) The report shall include the following:

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

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

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

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

291

292 **KEY: early college program, Advanced Placement, International Baccalaureate;**

293 **Concurrent Enrollment**

294 **Date of Enactment or Last Substantive Amendment: 2020**

295 **Authorizing, and Implemented, or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(4\)](#);**

296 **[53F-2-408.5](#); [53F-2-409](#).**