

1 **R277. Education, Administration.**

2 **R277-707. Enhancement for Accelerated Students Program.**

3 **R277-707-1. 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 [53F-2-408](#), which requires the Board to establish a distribution
8 formula for the expenditure of funds appropriated for the Enhancement for Accelerated
9 Students Program; and]~~

10 ~~[(e)b] Subsection [53E-3-401](#)(4), which allows the Board to make rules to execute
11 the Board's duties and responsibilities under the Utah Constitution and state law[-]; and~~

12 ~~(c) Section [53F-2-408](#), which requires the Board to establish a distribution formula
13 for the expenditure of funds appropriated for the Enhancement for Accelerated Students
14 Program.~~

15 (2)~~[(a)]~~The purpose of this rule is:

16 ~~(a) to specify the procedures for distributing funds appropriated under Section
17 [53F-2-408](#) to LEAs; and[-]~~

18 ~~——(b) The intent of this appropriation is to provide resources to LEAs to enhance the
19 academic growth of students whose academic achievement is accelerated]~~

20 ~~(b) to establish a method for an LEA to identify a gifted and talented student to
21 receive extended or accelerated opportunities for the student to achieve optimal growth at
22 the highest level possible.~~

23

24 **R277-707-2. Definitions.**

25 ~~[(1) "Accelerated students" means students participating in accelerated programs.~~

26 ~~——(2) "Accelerated programs" means student services with increased depth,
27 complexity, or rigor, which may include above-grade level coursework, including[:~~

- 28 ~~——(a) Gifted and Talented programs;~~
29 ~~——(b) IB programs; or~~
30 ~~——(c) AP courses.~~
31 ~~——(3) "Advanced placement" or "AP" courses means rigorous courses developed by~~
32 ~~the College Board where:~~
33 ~~——(a) each course is developed by a committee composed of college faculty and AP~~
34 ~~teachers, and covers the breadth of information, skills, and assignments found in the~~
35 ~~corresponding college course; and~~
36 ~~——(b) students who perform well on the AP exam may be:~~
37 ~~——(i) granted credit; or~~
38 ~~——(ii) advanced standing at participating colleges or universities.~~
39 ~~——(4(a) "Gifted and talented programs" means programs to identify, through multiple~~
40 ~~assessment instruments, and serve students with outstanding abilities in the following~~
41 ~~areas:~~
42 ~~——(i) general intellectual ability;~~
43 ~~——(ii) specific academic aptitude; and~~
44 ~~——(iii) creative or productive thinking.~~
45 ~~——(b) Instruments for identifying gifted and talented students shall not be solely~~
46 ~~dependent upon English vocabulary or comprehension skills and shall take into~~
47 ~~consideration abilities of culturally diverse students and students with disabilities.~~
48 ~~(5) "International Baccalaureate" or "IB" Program means one of the following~~
49 ~~programs established by the International Baccalaureate Organization:~~
50 ~~——(a) the Diploma Program;~~
51 ~~——(b) the Middle Years Program; or~~
52 ~~——(c) the Primary Years Program.]~~
53 (1) "Gifted and talented programs" means the process an LEA uses to identify and
54 serve a gifted and talented student.

55 (2) "Gifted and talented student" means a student in grades K-8 that the LEA
56 identifies as having an ability that is significantly above the typical ability of a student within
57 the same age group in:

58 (a) general intellectual ability;

59 (b) specific academic fields including:

60 (i) language arts;

61 (ii) mathematics; or

62 (iii) science; or

63 (c) creative thinking.

64 (3) "Identify" or "identifies" means the use of multiple measures to determine if a
65 student qualifies for gifted and talented services.

66 (4)(a) "Measures" means an instrument or tool used to identify if a student qualifies
67 for gifted and talented services and shall account for:

68 (i) disabilities;

69 (ii) potential language barriers;

70 (iii) culturally diverse perspectives; and

71 (iv) multilingual learners.

72 (b) Measures may not be solely dependent on a student's English vocabulary or
73 comprehension skills.

74 (5) "Serve" or "services" means opportunities with increased depth, complexity, or
75 rigor provided to a gifted and talented student which may include:

76 (a) accommodations in the regular classroom;

77 (b) pull-out programs;

78 (c) advanced classes;

79 (d) varied grouping strategies;

80 (e) enrichment;

81 (f) acceleration;

- 82 _____ (g) differentiation of curriculum and instruction
- 83 _____ (h) dual enrollment;
- 84 _____ (i) magnet schools;
- 85 _____ (j) academic competitions; or
- 86 _____ (k) other services approved by the Superintendent.

87 (6) "Underrepresented students" means a subset of students, as determined by
88 an LEA and approved by the Superintendent, that holds a smaller percentage in a
89 program as compared to the overall LEA population.

90 [~~(7) "Weighted Pupil Unit" means the basic state funding unit.~~]

91

92 **R277-707-3. Eligibility and Application.**

93 (1) All LEAs are eligible to apply for the Enhancement for Accelerated Students
94 Program funds annually.

95 (2) An LEA shall have a process for identifying and serving students whose
96 academic achievement would benefit from the support of ~~[accelerated programs]~~gifted and
97 talented services.

98 (3) To receive program money, an LEA shall submit an application to the
99 Superintendent that includes an LEA's plan for:

100 [~~(a) how the LEA intends to engage all parents so that parents understand the~~
101 ~~opportunities available for their children in elementary, middle school, high school and~~
102 ~~beyond, including how the LEA will comply with Rule [R277-462](#);~~]

103 _____ (a) how the LEA will identify a student for a gifted and talented services using
104 approved measures as described by the Superintendent;

105 _____ (b) the services the LEA shall provide to an identified student;

106 _____ (c) how the LEA plans to provide professional learning opportunities for a teacher to
107 serve an identified student;

108 _____ (d) how the LEA intends to spend program money;

- 109 (e) how the LEA plans to increase identification of underrepresented students;
110 (f) how the LEA intends to engage all parents so that parents understand the
111 opportunities available for their children in elementary and middle school including how the
112 LEA will comply with Rule R277-462; and
113 (g) how the LEA intends to eliminate barriers for student success.
114 ~~[(b) how the LEA intends to spend program money; and~~
115 ~~—(c) how the LEA intends to eliminate barriers and increase student enrollment, in~~
116 ~~accelerated academic programs, including underrepresented students.]~~
117 (4) The Superintendent shall publish:
118 (a) expectations[, growth percentage capacities,];
119 (b) timelines; and
120 (c) targets related to enrollment gap closures for underrepresented students[,;
121 ~~funding dates, and required submission dates related to an LEA application and plan for~~
122 ~~increasing enrollment, including underrepresented students, in accelerated academic~~
123 ~~programs].~~

124

125 **R277-707-4. Distribution and Use of Funds.**

- 126 (1) The Superintendent shall distribute the total allocation for Enhancement of
127 Accelerated Students program~~[funds]~~ as follows:
128 (a) 40% of the total allocation to Early College Programs as described in
129 R277-701[the greater of 1.5% or \$100,000 to support IB programs]; and
130 (b) 60% of the total [EASP] allocation to LEAs to support [G]gifted and [T]talented
131 programs as described in R277-707.~~]; and~~
132 ~~—(c) the remaining funds to LEAs to support AP programs.~~
133 (2)(a) ~~The Superintendent shall determine funding to be awarded to an LEA's IB~~
134 ~~programs by:~~
135 ~~—(i) dividing the number of students enrolled in an LEA's IB program by the total~~

136 enrollment of students in IB programs throughout the state; and
137 ~~—— (ii) multiplying the result from Subsection (2)(a)(i) by the total IB allocation.~~
138 ~~—— (b) The Superintendent shall determine 30% of the funding to be awarded for LEA~~
139 ~~AP programs by:~~
140 ~~—— (i) dividing the number of students enrolled in an LEA's AP classes by the total~~
141 ~~enrollment of students in AP classes throughout the state; and~~
142 ~~—— (ii) multiplying the result from Subsection (2)(b)(i) by 30% of the total AP~~
143 ~~allocation.~~
144 ~~—— (c) The Superintendent shall determine 70% of the funding to be awarded for LEA~~
145 ~~AP programs by:~~
146 ~~—— (i) dividing the number of students in the LEA receiving a three or higher on an AP~~
147 ~~examination by the total number of students receiving a three or higher on an AP~~
148 ~~examination throughout the state; and~~
149 ~~—— (ii) multiplying the result from Subsection (2)(c)(i) by 70% of the total AP~~
150 ~~allocation.]~~
151 (2) The Superintendent shall distribute the funds described in Subsection (1)(b) to
152 an LEA as follows:
153 (a) an LEA that has submitted an approved application shall receive a distribution of
154 funds that is proportionate to the LEA's amount of grade K-8 students to the total number
155 of grade K-8 students of all LEAs that have applied.
156 (b) the LEA's grades K-8 student headcount used in Subsection (2)(a) shall be
157 from:
158 (i) the LEA's October 1 student headcount of the previous school year for funding
159 distributions made before October of the current school year; and
160 (ii) the LEA's October 1 student headcount of the current school year for funding
161 distributions made after October of the current school year.
162 (3) If an LEA fails to demonstrate progress in meeting plan goals for placing and

163 retaining underrepresented students in accelerated programs, the Superintendent may:

164 (a) place the LEA on probation and provide targeted technical assistance; and

165 (b) reduce funding to the LEA.

166 (4) Subject to the general requirements of Section [R277-700-7](#),⁴:

167 ~~—— (a) A middle school or high school:~~

168 ~~—— (i) shall provide all course registration opportunities to each student; and~~

169 ~~—— (ii) through consultation with students, parents, educators, and administrators,~~
170 ~~may consider academic readiness, but may not require prerequisites for enrolling in an AP~~
171 ~~or IB course.~~

172 ~~—— (b) A] a~~ school that offers a program eligible for funding under Section [53F-2-408](#),
173 may not prohibit a student from enrolling in the course based on the student's:

174 ([i]a) grades or grade point average;

175 ([ii]b) state standardized assessment scores; [or]

176 ([iii]c) referral or lack of a referral from an educator; or

177 [(c) ~~In addition to the restrictions listed in Subsection (d), a middle school or high~~
178 ~~school may not prohibit a student from enrolling in a course based on the student's:~~

179 ~~—— (i) grade level;~~

180 ~~—— (ii) participation in or passing a pre-requisite course;~~

181 ~~—— (iii) participation in or passing an honors level or college preparatory course; or]~~

182 ([iv]d) requirements over the summer.

183 (5) An LEA may use ~~[Enhancement for Accelerated Students Program]~~a
184 distribution of funds described in Subsection (2) for a gifted and talented program
185 including:

186 (a) ~~[gifted and talented programs, including]~~professional learning for teachers;

187 (b) identifying[~~ation~~] and serving students including[~~—of~~] underrepresented
188 students;

189 —— (c) salaries of teachers;

- 190 _____ (d) employee benefits of teachers;
191 _____ (e) purchased professional and tech services;
192 _____ (f) travel;
193 _____ (g) supplies and materials; and
194 _____ (h) property including equipment.
195 ~~_____ (e) Advanced Placement courses;~~
196 ~~_____ (d) Advanced Placement test fees of eligible low income students, as defined in~~
197 ~~Section [53F-2-408](#);~~
198 ~~_____ (e) International Baccalaureate programs; or~~
199 ~~_____ (f) International Baccalaureate test fees of eligible low income students, as~~
200 ~~defined in Section [53F-2-408](#).]~~

201

202 **R277-707-5. Performance Criteria and Reports.**

203 (1) An LEA receiving funds shall submit an annual evaluation report to the
204 Superintendent consistent with Section [53F-2-408](#).

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

207 (3) At a minimum and in a form described by the Superintendent, the report shall
208 include the following performance criteria related to the identified students who[se
209 ~~academic achievement is accelerated~~]receive gifted and talented services[- which shall be
210 ~~disaggregated by groups as defined in the State Accountability System~~]:

211 (a) number of elementary[;]and middle school[; ~~and high school~~] students
212 ~~[participating in G]~~receiving gifted and [T]talented [p]rograms]services;

213 _____ (b) an accounting of student performance for students receiving gifted and talented
214 services disaggregated by student group as defined in the State Accountability System;

215 _____ (c) evidence of stakeholder input demonstrating the LEA engaged parents;

216 _____ (d) an accounting of how the LEA's funds were disbursed to the teacher level; and

217 ~~_____ (e) evidence that the LEA is making progress toward the LEA's plan and goals~~
218 ~~including increasing student participation and retention in the LEA's gifted and talented~~
219 ~~program including underrepresented students.~~

220 ~~_____ [(b) number of AP classes taken, completed, and exams passed with a score of 2~~
221 ~~or above;~~

222 ~~_____ (c) number of IB classes taken, completed, and exams passed with a score of 4 or~~
223 ~~above; and~~

224 ~~_____ (d) evidence of stakeholder input demonstrating that the LEA engaged parents;~~

225 ~~_____ (4) As part of the LEA's annual report under Subsection (1), an LEA shall provide:~~

226 ~~_____ (a) an accounting of how the LEA's funds were disbursed to the teacher level; and~~

227 ~~_____ (b) evidence, disaggregated by subgroups, demonstrating that the LEA is:~~

228 ~~_____ (i) increasing student enrollment, in the LEA's accelerated academic courses,~~
229 ~~including underrepresented students; or~~

230 ~~_____ (ii) meeting goals in the LEA's plan to increase enrollment and retention, in the~~
231 ~~LEA's accelerated academic courses, including underrepresented students.]~~

232

233 **KEY: accelerated learning, enhancement programs, gifted and talented**

234 **Date of Enactment or Last Substantive Amendment: ~~[August 19, 2019]~~2020**

235 **Notice of Continuation: ~~[May 16, 2016]~~2020**

236 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53F-2-408;**

237 **53E-3-401(4)**