

R277-701 received final approval by the Utah State Board of Education on July 9, 2020. R277-701 will be published in the August 1, 2020 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of September 8, 2020.

**R277. Education, Administration.**

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

**R277-701-1. 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 [53E-3-401\(4\)](#), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;

(c) Subsection [53F-2-408.5\(2\)](#), which requires the Board to establish a distribution formula for the expenditure of funds appropriated for Early College Programs; and

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

(2) The purpose of this rule is to:

(a) specify the procedures for distributing funds appropriated under Subsections [53F-2-408.5\(2\)](#) and [53F-2-409](#) to LEAs;

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

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

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

(1) "Advanced placement" or "AP" courses means the same as the term is defined in Subsection [53F-2-408.5\(1\)\(a\)](#).

(2) "Concurrent enrollment" or "CE" means a public high school student is enrolled in a course that satisfies both high school graduation requirements and qualifies for higher education credit at a USHE institution.

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

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

(5) "International Baccalaureate" or "IB" Program means the same as the term is defined in Subsection 53F-2-408.5(1)(c).

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

(7) "Repeated" means the retaking of a CE course that the student has already successfully completed.

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

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

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

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

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

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

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

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

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

(3) The Superintendent shall publish:

(a) expectations;

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

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(c) timelines related to an LEA application.

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

(1) The Superintendent shall distribute the total allocation for Enhancement of Accelerated Students program as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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- (a) professional learning for teachers;
- (b) identification of underrepresented students;
- (c) Advanced Placement courses;
- (d) International Baccalaureate programs; or
- (e) International Baccalaureate test fees of eligible low-income students, as defined in Subsection 53F-2-408.5(1)(b).

(4) An LEA shall use at least a portion of the LEA's allocation for Advanced Placement test fees of eligible low-income students, as defined in Subsection 53F-2-408.5(1)(b).

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

- (1) CE funds shall be allocated in accordance with Section 53F-2-409.
- (2) CE funds allocated to LEAs may not be used for any other program or purpose, except as provided in Section 53F-2-206.
- (3) CE funding may not be used to fund a parent or student-initiated college-level course at an institution of higher education.
- (4) The Superintendent may not distribute CE funds to an LEA for reimbursement of a CE course:
  - (a) that is not on the master course list;
  - (b) for a student that has exceeded 30 semester hours of CE for the school year;
  - (c) for a CE course repeated by a student; or
  - (d) taken by a student:
    - (i) who has received a diploma;
    - (ii) whose class has graduated; or
    - (iii) who has participated in graduation exercises.
- (5) An LEA shall receive a pro-rated amount of the funds appropriated for CE according to the number of semester hours successfully completed by students registered through the LEA in the prior year compared to the state total of completed CE

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hours.

- (6) An LEA's use of state funds for CE is limited to the following:
  - (a) increasing access for groups of students who are underrepresented;
  - (b) aid in professional development of an eligible CE instructor in cooperation with the participating USHE institution;
  - (c) assistance with delivery costs for distance learning programs;
  - (d) participation in the costs of LEA personnel who work with the program;
  - (e) student textbooks and other instructional materials;
  - (f) fee waivers for costs or expenses related to CE for fee waiver eligible students under R277-407;
  - (g) purchases by LEAs of classroom equipment required to conduct CE courses; and
  - (h) other uses approved in writing by the Superintendent consistent with the law and purposes of this rule.
- (7) An LEA that receives program funds shall provide the Superintendent with the following:
  - (a) end-of-year expenditures reports;
  - (b) an annual report containing:
    - (i) supervisory services and professional development provided by a USHE institution; and
    - (ii) data as required by Subsection R277-701-12.
- (8) Appropriate reimbursement may be verified at any time by an audit of the LEA.

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

- (1) If an LEA fails to demonstrate progress in meeting plan goals, the Superintendent may:
  - (a) place the LEA on probation and provide targeted technical assistance; and

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(b) reduce funding to the LEA.

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

(a) A middle school or high school:

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

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

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

(i) grades or grade point average;

(ii) state standardized assessment scores; or

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

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

(i) grade level;

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

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

(iv) requirements over the summer.

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

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

(2) Student eligibility requirements for CE shall be:

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

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

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

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

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

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

(1) Credit earned through a CE course:

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

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

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

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

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

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

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

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

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

(b) The number of courses selected shall be kept small enough to ensure coordinated statewide development and professional development activities for

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participating teachers.

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

(a) English;

(b) mathematics;

(c) fine arts;

(d) humanities;

(e) science;

(f) social science;

(g) world languages; and

(h) career and technical education.

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

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

(a) course content;

(b) procedures;

(c) examinations;

(d) teaching materials; and

(e) program monitoring.

(9) CE procedures and materials shall be:

(a) consistent with Utah law; and

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

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

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

(2) An LEA and a USHE institution shall jointly align information technology

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systems with all individual student academic achievement data so that student information will be tracked through both education systems consistent with Section 53E-4-308.

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

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

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

(a) be employed by an LEA; and

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

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

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

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

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

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

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

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

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

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

(i) consumables;

(ii) lab fees;

(iii) copying;

(iv) material costs;

(v) application fees; and

(vi) textbooks required for the course.

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

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

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

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

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

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

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

(1) An LEA receiving an allocation of funds shall submit an annual evaluation report to the Superintendent.

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

(3) The report shall include the following:

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

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

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

and

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

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

**Date of Enactment or Last Substantive Amendment: September 8, 2020**

**Authorizing, and Implemented, or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(4\)](#); [53F-2-408.5](#); [53F-2-409](#).**