

R277-707 received final approval by the Utah State Board of Education on July 9, 2020. R277-707 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.

R277-707. Enhancement for Accelerated Students Program.

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

~~[(e)b] Subsection [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[-]; and~~

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

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

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

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

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

R277-707-2. Definitions.

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

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

~~—— (a) Gifted and Talented programs;~~

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~~_____ (b) IB programs; or~~

~~_____ (c) AP courses.~~

~~_____ (3) "Advanced placement" or "AP" courses means rigorous courses developed by the College Board where:~~

~~_____ (a) each course is developed by a committee composed of college faculty and AP teachers, and covers the breadth of information, skills, and assignments found in the corresponding college course; and~~

~~_____ (b) students who perform well on the AP exam may be:~~

~~_____ (i) granted credit; or~~

~~_____ (ii) advanced standing at participating colleges or universities.~~

~~_____ (4(a) "Gifted and talented programs" means programs to identify, through multiple assessment instruments, and serve students with outstanding abilities in the following areas:~~

~~_____ (i) general intellectual ability;~~

~~_____ (ii) specific academic aptitude; and~~

~~_____ (iii) creative or productive thinking.~~

~~_____ (b) Instruments for identifying gifted and talented students shall not be solely dependent upon English vocabulary or comprehension skills and shall take into consideration abilities of culturally diverse students and students with disabilities.~~

~~_____ (5) "International Baccalaureate" or "IB" Program means one of the following programs established by the International Baccalaureate Organization:~~

~~_____ (a) the Diploma Program;~~

~~_____ (b) the Middle Years Program; or~~

~~_____ (c) the Primary Years Program.]~~

_____ (1) "Gifted and talented programs" means the process an LEA uses to identify and serve a gifted and talented student.

_____ (2) "Gifted and talented student" means a student in grades K-8 that the LEA identifies as having an ability that is significantly above the typical ability of a student within

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the same age group in:

_____ (a) general intellectual ability;

_____ (b) specific academic fields including:

_____ (i) language arts;

_____ (ii) mathematics; or

_____ (iii) science; or

_____ (c) creative thinking.

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

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

_____ (i) disabilities;

_____ (ii) potential language barriers;

_____ (iii) culturally diverse perspectives; and

_____ (iv) multilingual learners.

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

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

_____ (a) accommodations in the regular classroom;

_____ (b) pull-out programs;

_____ (c) advanced classes;

_____ (d) varied grouping strategies;

_____ (e) enrichment;

_____ (f) acceleration;

_____ (g) differentiation of curriculum and instruction

_____ (h) dual enrollment;

_____ (i) magnet schools;

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- _____ (j) academic competitions; or
- _____ (k) other services approved by the Superintendent.

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

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

R277-707-3. Eligibility and Application.

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

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

(3) 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 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](#);~~

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

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

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

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

_____ (e) how the LEA plans to increase identification of underrepresented students;

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

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- (g) how the LEA intends to eliminate barriers for student success.
- ~~[(b) how the LEA intends to spend program money; and~~
- ~~— (c) how the LEA intends to eliminate barriers and increase student enrollment, in accelerated academic programs, including underrepresented students.]~~
- (4) The Superintendent shall publish:
- (a) expectations[; growth percentage capacities,];
- (b) timelines; and
- (c) targets related to enrollment gap closures for underrepresented students[; funding dates, and required submission dates related to an LEA application and plan for increasing enrollment, including underrepresented students, in accelerated academic programs].

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

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

(a) 40% of the total allocation to Early College Programs as described in R277-701~~[the greater of 1.5% or \$100,000 to support IB programs]; and~~

(b) 60% of the total [EASP] allocation to LEAs to support [G]gifted and [T]talented programs as described in R277-707.~~]; and~~

~~— (c) the remaining funds to LEAs to support AP programs.~~

~~(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~~

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~~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.]~~

(2) The Superintendent shall distribute the funds described in Subsection (1)(b) to an LEA as follows:

(a) an LEA that has submitted an approved application shall receive a distribution of funds that is proportionate to the LEA's amount of grade K-8 students to the total number of grade K-8 students of all LEAs that have applied.

(b) the LEA's grades K-8 student headcount used in Subsection (2)(a) shall be from:

(i) the LEA's October 1 student headcount of the previous school year for funding distributions made before October of the current school year; and

(ii) the LEA's October 1 student headcount of the current school year for funding distributions made after October of the current school year.

(3) If an LEA fails to demonstrate progress in meeting plan goals for placing and retaining underrepresented students in accelerated programs, the Superintendent may:

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

(b) reduce funding to the LEA.

(4) Subject to the general requirements of Section [R277-700-7](#),¹:

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

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

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

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

~~(i]a) grades or grade point average;~~

~~(i]b) state standardized assessment scores; [or]~~

~~(i]c) referral or lack of a referral from an educator; or~~

~~[(c) In addition to the restrictions listed in Subsection (d), a middle school or high school 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]~~

~~(i]d) requirements over the summer.~~

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

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

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

_____ (c) salaries of teachers;

_____ (d) employee benefits of teachers;

_____ (e) purchased professional and tech services;

_____ (f) travel;

_____ (g) supplies and materials; and

_____ (h) property including equipment.

~~[(c) Advanced Placement courses;~~

~~_____ (d) Advanced Placement test fees of eligible low-income students, as defined in~~

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Section ~~53F-2-408~~;

~~_____ (e) International Baccalaureate programs; or~~

~~_____ (f) International Baccalaureate test fees of eligible low-income students, as defined in Section 53F-2-408.]~~

R277-707-5. Performance Criteria and Reports.

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

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

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

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

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

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

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

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

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

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

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

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- ~~(4) As part of the LEA's annual report under Subsection (1), an LEA shall provide:~~
- ~~(a) an accounting of how the LEA's funds were disbursed to the teacher level; and~~
 - ~~(b) evidence, disaggregated by subgroups, demonstrating that the LEA is:~~
 - ~~(i) increasing student enrollment, in the LEA's accelerated academic courses, including underrepresented students; or~~
 - ~~(ii) meeting goals in the LEA's plan to increase enrollment and retention, in the LEA's accelerated academic courses, including underrepresented students.]~~

KEY: accelerated learning, enhancement programs, gifted and talented

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

Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53F-2-408](#); [53E-3-401](#)(4)