

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) Subsection [53E-3-401\(4\)](#), which allows the Board to make rules to execute
8 the 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 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
33 CE course.

34 (8) "Underrepresented students" means the same as the term is defined in
35 Section [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 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 Rule R277-
59 701 [~~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 Rule [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~~] the number of IB programs
66 at each school; and

67 (ii) [~~multiplying the result from Subsection (2)(a)(i) by the total IB allocation~~] the
68 exam costs for students experiencing social economic disadvantage.

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.

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

90

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

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

93 (2) CE funds allocated to LEAs may not be used for any other program or
94 purpose, except as provided in Section [53F-2-206](#) and after funds distribution as
95 described in Subsection 53F-2-409(5)(c).

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

98 (4) The Superintendent may not distribute CE funds to an LEA for
99 reimbursement 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 Rule [R277-407](#);
120 (g) purchases by LEAs of classroom equipment required to conduct CE courses;
121 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
125 the 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 Section 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
169 in 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 1,000 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 individual student academic achievement data so that student information
223 will be tracked through both education systems consistent with Section [53E-4-308](#).

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

227

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

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

231 (a) be employed by an LEA; and

232 (b) meet the requirements of Subsections [53E-10-302\(5\)](#) and [\(6\)](#).

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

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

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

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

247

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

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

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

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

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

257 (i) consumables;

- 258 (ii) lab fees;
- 259 (iii) copying;
- 260 (iv) material costs;
- 261 (v) application fees; and
- 262 (vi) textbooks required for the course.

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

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

267

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

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

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

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

277

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

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

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

283 (3) The report shall include the following:

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

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

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

288 and

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

290

291 **KEY: early college program, advanced placement, international baccalaureate,**

292 **concurrent enrollment**

293 **Date of Last Change: July 22, 2022**

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

295 **[2-408.5](#); [53F-2-409](#)**