

1 **R277. Education, Administration**

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

4 **R277-707-1. Authority and Purpose.**

5 (1) This rule is authorized by:

6 (a) Utah Constitution Article X, Section 3, which vests general control and  
7 supervision over public education in the Board;

8 (b) Section ~~[53A-17a-165]~~ 53F-2-408, which ~~[allows]~~ requires the Board to  
9 ~~[adopt rules]~~ establish a distribution formula for the expenditure of funds appropriated  
10 for the Enhancement for Accelerated Students Program; and

11 (c) Subsection ~~[53A-1-401]~~ 53E-3-401(4), which allows the Board to make rules  
12 to execute the Board's duties and responsibilities under the Utah Constitution and state  
13 law.

14 (2)(a) The purpose of this rule is to specify the procedures for distributing funds  
15 appropriated under Section ~~[53A-17a-165]~~ 53F-2-408 to LEAs.

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

19 **R277-707-2. Definitions.**

20 (1) "Accelerated students" means ~~[children and youth whose superior academic~~  
21 ~~performance or potential for accomplishment requires a differentiated and challenging~~  
22 ~~instructional model]~~ students participating in accelerated programs.

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

25 (a) Gifted and Talented programs;

26 (b) IB programs; or

27 (c) AP courses.

28 ([2]3) "Advanced placement" or "AP" courses means rigorous courses  
29 developed by the College Board where:

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

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

34 (i) granted credit; or

35 (ii) advanced standing at participating colleges or universities.

36 ~~(3)4(a)~~ "Gifted and talented programs" means programs to[  
37 ~~—(a) assist individual students to develop their high potential and enhance their~~

38 ~~academic growth; and~~

39 ~~—(b)] identify [students], through multiple assessment instruments, and serve~~  
40 ~~students with outstanding abilities who [are capable of] have potential for high~~  
41 ~~performance in the following 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 talent 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 ~~(4)5~~ "International Baccalaureate" or "~~{IB}~~" Program means one of the  
49 following 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 (6) "Parent" means a student's parent, legal guardian, or a responsible adult with  
54 a power of attorney meeting the requirements of Subsection 53G-6-302(4).

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

58 ~~(5)8~~ "Weighted Pupil Unit" means the basic state funding unit.

59 ~~[(6) "Utah Consolidated Application" or "UCA" means the web-based grants~~  
60 ~~management tool employed by the Board through which LEAs submit plans and~~  
61 ~~budgets for approval by the Superintendent.]~~

62 **R277-707-3. Eligibility ~~;~~ and Application ~~;~~ ~~Distribution and Use of Funds.~~**

63 (1) All LEAs are eligible to apply for the Enhancement for Accelerated Students  
64 Program funds ~~[using the UCA]~~ annually.

65 (2)~~[(a)]~~ An LEA shall have a process for identifying students whose potential  
66 could be supported by accelerated ~~[academic achievement is accelerated options]~~  
67 programs ~~[based upon multiple assessment instruments.~~

68 ~~—(b) These instruments shall not be solely dependent upon English vocabulary or~~  
69 ~~comprehension skills and shall take into consideration abilities of culturally diverse~~  
70 ~~students and students with disabilities].~~

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

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

76 (b) how the LEA intends to spend program money; and

77 (c) how the LEA intends to eliminate barriers and increase enrollment of  
78 underrepresented students in accelerated academic programs.

79 (4) The Superintendent shall publish outlines and required submission dates  
80 related to an LEA application and plan for increasing enrollment of underrepresented  
81 students in accelerated academic programs.

82 ~~[(3) The distribution formula includes an allocation of money for:~~

83 ~~—(a) Advanced Placement courses:~~

84 ~~—(i) The designated funds for the advanced placement program equal 0.38~~  
85 ~~multiplied by the difference between the funds appropriated for the Enhancement for~~  
86 ~~Accelerated Students Program less the allotment under Subsection 53A-17a-165(3).~~

87 ~~—(ii)(A) The total funds designated for the advanced placement program are~~

88 divided by the total number of Advanced Placement exams passed with a grade of 3 or  
89 higher by students.

90 ~~—— (B) This calculation results in a fixed amount per exam passed with each~~  
91 ~~participating LEA receiving that amount for each exam successfully passed by one of its~~  
92 ~~students.~~

93 ~~—— (b) Gifted and Talented programs:~~

94 ~~—— (i) The designated funds for the Gifted and Talented Program equal 0.62~~  
95 ~~multiplied by the difference between the funds appropriated for the Enhancement for~~  
96 ~~Accelerated Students Program less the allotment under Subsection 53A-17a-165(3).~~

97 ~~—— (ii) Each LEA shall receive its share of funds in the proportion that the LEA's~~  
98 ~~number of weighted pupil units for kindergarten through grade twelve bears to the state~~  
99 ~~total.~~

100 ~~—— (iii) An LEA shall expend Gifted and Talented program funds in accordance with~~  
101 ~~the UCA guidelines.~~

102 ~~—— (c) IB: LEAs shall have an IB authorized program to qualify for funds:~~

103 ~~—— (i) Fifty percent of the total funds designated for IB consistent with Subsection~~  
104 ~~53A-17a-165(3) shall be equally distributed among all authorized IB programs in the~~  
105 ~~state.~~

106 ~~—— (ii) The remaining fifty percent of allocation shall be distributed to LEAs with~~  
107 ~~Diploma Programs where students scored a grade of 4 or higher on IB exams, resulting~~  
108 ~~in a fixed amount of dollars per exam passed.]~~

#### 109 **R277-707-4. Distribution and Use of Funds**

110 (1) The Superintendent shall distribute Enhancement of Accelerated Students  
111 program funds as follows:

112 (a) the greater of 1.5% or \$100,000 to support IB programs;

113 (b) 60% of funds to LEAs to support Gifted and Talented programs; and

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

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

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

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

120 (b) The Superintendent shall determine 50% of the funding to be awarded for an  
121 LEA~~'s~~ AP programs by:

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

124 (ii) multiplying the result from Subsection (2)(b)(i) by half of the total AP  
125 allocation.

126 (c) The Superintendent shall determine 50% of the funding to be awarded for  
127 LEA AP programs by:

128 (i) dividing the number of students in the LEA receiving a two or higher on an AP  
129 examination by the total number of students receiving a two or higher on an AP  
130 examination throughout the state; and

131 (ii) multiplying the result from Subsection (2)(c)(i) by half of the total AP  
132 allocation.

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

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

136 (b) reduce funding to the LEA.

137 (4) Subject to the general requirements of Section R277-700-7:

138 ~~[(a) An elementary school shall provide all course registration placement options~~  
139 ~~to each student;~~

140 ~~(b) A middle school:~~

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

142 ~~(ii) may not require prerequisites for enrolling in a rigorous academic course,~~  
143 ~~which is a course that would prepare a student for early college coursework.]~~

144 (a) A middle school or high school:

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

146 (ii) through consultation with students, parents, educators, and administrators,

147 may consider academic readiness, but ~~[(ii)]~~ may not require prerequisites for enrolling in  
148 an ~~early college course, which is a course that would prepare a student for~~  
149 ~~postsecondary course work~~ AP or IB course.

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

152 (i) grades or grade point average;

153 (ii) state standardized assessment scores; or

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

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

157 (i) grade level;

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

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

160 (iv) requirements over the summer.

161 (5) An LEA may use Enhancement for Accelerated Students Program funds for:

162 (a) gifted and talented programs, including professional learning for teachers ~~[of~~  
163 high-ability students];

164 (b) identification of underrepresented students;

165 (c) Advanced Placement courses;

166 (d) Advanced Placement test fees of eligible low-income students, as defined in  
167 Section 53F-2-408;

168 (e) International Baccalaureate programs; or

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

171 **R277-707-[4] 5. Performance Criteria and Reports.**

172 (1) An LEA receiving funds ~~[, as set forth in Section R277-707-3,]~~ shall ~~[be~~  
173 required to] submit an annual evaluation report to the Superintendent consistent with  
174 Section ~~[53A-17a-165]~~ 53F-2-408.

175 (2) An LEA shall present the evaluation report identified in Subsection (1) to the

176 LEA's local board in a public meeting.

177 (3) The report shall include the following performance criteria related to the  
178 identified students whose academic achievement is accelerated, which shall be  
179 disaggregated by groups as defined in the State Accountability System:

180 ~~[(a) number of identified students disaggregated by subgroups;~~

181 ~~—(b) graduation rates for identified students;]~~

182 (a) number of elementary, middle school, and high school students participating  
183 in Gifted and Talented programs;

184 ~~[(e)b) number of AP classes taken, completed, and exams passed with a score~~  
185 ~~of [3]2 or above [by identified students];~~

186 ~~[(e)c) number of IB classes taken, completed, and exams passed with a score of~~  
187 ~~4 or above [by identified students]; and~~

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

189 ~~[(e) number of Concurrent Enrollment classes taken and credit earned by~~  
190 ~~identified students;~~

191 ~~—(f) ACT or SAT data, including the number of students participating, at or above~~  
192 ~~the college readiness standards;~~

193 ~~—(g) gains in proficiency in language arts; and~~

194 ~~—(h) gains in proficiency in mathematics.]~~

195 (4) As part of the LEA's annual report under Subsection (1), an LEA shall provide  
196 assurances that the LEA is:

197 \_\_\_\_\_ (a) increasing enrollment of underrepresented students in the LEA's accelerated  
198 academic courses; or

199 \_\_\_\_\_ (b) meeting goals in the LEA's plan to increase enrollment and retention of  
200 underrepresented students in the LEA's accelerated academic courses.

201 ~~[(2) The Superintendent shall submit an annual report on program effectiveness~~  
202 ~~to the Public Education Appropriations Subcommittee of the Utah State Legislature~~  
203 ~~consistent with Subsection 53A-17a-165(6)]~~

204 **KEY: accelerated learning, enhancement programs**

205 **Date of Enactment or Last Substantive Amendment: July 11, 2016**

206 **Notice of Continuation: May 16, 2016**

207 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; ~~53A-17a-165~~ 53F-**

208 **2-408; ~~53A-17a-165(5); 53A-1-401~~ 53E-3-401(4)**