

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) Section [53E-3-401\(4\)](#), which allows the Board to make rules to execute the  
8 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 a public high school student is  
24 enrolled in a course that satisfies both high school graduation requirements and  
25 qualifies for higher education credit at a USHE institution.

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

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

30 (5) "International Baccalaureate" or "IB" Program means the same as the term  
31 is defined in Section [53F-2-408.5](#).

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

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

36 (8) "Underrepresented students" means the same as the term is defined in  
37 Section [R277-707-2](#).

38 (9) "USHE" means the Utah System of Higher Education as described in Section  
39 [53B-1-102](#).

40

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

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

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

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

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

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

51 (3) The Superintendent shall publish:

52 (a) expectations;

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

54 (c) timelines related to an LEA application.

55

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

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

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

61 (b) 60% of the total allocation to LEAs to support Gifted and Talented programs  
62 as described in [R277-707](#).

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

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

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

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

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

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

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

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

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

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

82 (a) professional learning for teachers;

83 (b) identification of underrepresented students;

84 (c) Advanced Placement courses;

85 (d) International Baccalaureate programs; or

86 (e) International Baccalaureate test fees of eligible low-income students, as  
87 defined in Section [53F-2-408.5](#).

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](#).

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

97 (4) The Superintendent may not distribute CE funds to an LEA for reimbursement  
98 of a CE course:

99 (a) that is not on the master course list;

100 (b) for a student that has exceeded 30 semester hours of CE for the school year;

101 (c) for a CE course repeated by a student; or

102 (d) taken by a student:

103 (i) who has received a diploma;

104 (ii) whose class has graduated; or

105 (iii) who has participated in graduation exercises.

106 (5) An LEA shall receive a pro-rated amount of the funds appropriated for CE  
107 according to the number of semester hours successfully completed by students  
108 registered through the LEA in the prior year compared to the state total of completed CE  
109 hours.

110 (6) An LEA's use of state funds for CE is limited to the following:

111 (a) increasing access for groups of students who are underrepresented;

112 (b) aid in professional development of an eligible CE instructor in cooperation  
113 with the participating USHE institution;

114 (c) assistance with delivery costs for distance learning programs;

115 (d) participation in the costs of LEA personnel who work with the program;

116 (e) student textbooks and other instructional materials;

117 (f) fee waivers for costs or expenses related to CE for fee waiver eligible  
118 students under [R277-407](#);

119 (g) purchases by LEAs of classroom equipment required to conduct CE  
120 courses; and

121 (h) other uses approved in writing by the Superintendent consistent with the law  
122 and purposes of this rule.

123 (7) An LEA that receives program funds shall provide the Superintendent with the  
124 following:

125 (a) end-of-year expenditures reports;

126 (b) an annual report containing:

127 (i) supervisory services and professional development provided by a USHE  
128 institution; and

129 (ii) data as required by Subsection R277-701-12.

130 (8) Appropriate reimbursement may be verified at any time by an audit of the  
131 LEA.

132

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

134 (1) If an LEA fails to demonstrate progress in meeting plan goals, the  
135 Superintendent may:

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

137 (b) reduce funding to the LEA.

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

140 (a) A middle school or high school:

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

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

145 (b) Except as described in [R165](#), a school that offers an early college program

- 146 may not prohibit a student from enrolling in the course based on the student's:  
147 (i) grades or grade point average;  
148 (ii) state standardized assessment scores; or  
149 (iii) referral or lack of a referral from an educator;  
150 (c) In addition to the restrictions listed in Subsection (d), an Early College  
151 Program may not prohibit a student from enrolling in a course based on the student's:  
152 (i) grade level;  
153 (ii) participation in or passing a pre-requisite course;  
154 (iii) participation in or passing an honors-level or college-preparatory course; or  
155 (iv) requirements over the summer.

156  
157 **R277-701-7. Student Eligibility and Participation for CE.**

- 158 (1) A student participating in CE shall be an “eligible student” as described in  
159 Subsection [53E-10-301\(5\)](#).  
160 (2) Student eligibility requirements for CE shall be:  
161 (a) established by an LEA and a USHE institution;  
162 (b) sufficiently selective to predict a successful experience; and  
163 (c) in accordance with Subsection R277-701-5(3)(b).  
164 (3) An LEA has the primary responsibility for identifying a student who is eligible  
165 to participate in a CE course.  
166 (4) An LEA shall appropriately evaluate the supports the LEA employs to assist in  
167 achieving the highest access rate reasonable for all students to enroll in a CE course.

168  
169 **R277-701-8. CE Course Credit and Offerings – CE Course Approval Process.**

- 170 (1) Credit earned through a CE course:  
171 (a) has the same credit hour value as the CE course’s counterpart on a college  
172 campus;  
173 (b) applies toward graduation on the same basis as a course taught at a USHE  
174 institution to which the credits are submitted;

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

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

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

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

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

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

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

190 \_\_\_\_\_ (b) The number of courses selected shall be kept small enough to ensure  
191 coordinated statewide development and professional development activities for  
192 participating teachers.

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

195 \_\_\_\_\_ (a) English;

196 \_\_\_\_\_ (b) mathematics;

197 \_\_\_\_\_ (c) fine arts;

198 \_\_\_\_\_ (d) humanities;

199 \_\_\_\_\_ (e) science;

200 \_\_\_\_\_ (f) social science;

201 \_\_\_\_\_ (g) world languages; and

202 \_\_\_\_\_ (h) career and technical education.

203 \_\_\_\_\_ (7) A CE course may not be approved if the course is a postsecondary course

204 below the 1000 level.

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

206 (a) course content;

207 (b) procedures;

208 (c) examinations;

209 (d) teaching materials; and

210 (e) program monitoring.

211 (9) CE procedures and materials shall be:

212 (a) consistent with Utah law; and

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

215

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

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

219 (2) An LEA and a USHE institution shall jointly align information technology  
220 systems with all individual student academic achievement data so that student  
221 information will be tracked through both education systems consistent with Section  
222 53E-4-308.

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

226

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

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

230 (a) be employed by an LEA; and

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

232 (2) An educator employed by an LEA who teaches a CE course shall be

233 approved as an adjunct faculty member at the contracting USHE institution prior to  
234 teaching the CE course.

235 (3) High school educators who hold adjunct or part time faculty status with a  
236 USHE institution for the purpose of teaching CE courses shall be included as fully as  
237 possible in the academic life of the supervising academic department at the USHE  
238 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 R277-407, and do not qualify for a fee waiver under [R277-407](#).

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

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

256 (i) consumables;

257 (ii) lab fees;

258 (iii) copying;

259 (iv) material costs;

260 (v) application fees; and

261 (vi) textbooks required for the course.

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

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

266

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

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

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

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

276

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

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

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

282 (3) The report shall include the following:

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

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

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

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

289

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

291 **Concurrent Enrollment**

292 **Date of Enactment or Last Substantive Amendment: 2020**

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

294 **[53F-2-408.5](#); [53F-2-409](#).**