

1     **R277. Education, Administration.**

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

3     **R277-701-1. Authority, Purpose, and Oversight Category.**

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]~~ Early College  
17                 Programs; and

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

20             (3) This Rule R277-701 is categorized as Category 3 as described in Rule R277-  
21             111.

22

23     **R277-701-2. Definitions.**

24             (1) "Advanced ~~[placement]~~Placement" or "AP" courses means the same as the  
25             term is defined in Section 53F-2-408.5.

26             (2) "Concurrent enrollment" or "CE" means the same as the term is defined in  
27             Section 53E-10-301.

28             (3) "~~[early college programs]~~Early College Programs" means an LEA's AP  
29             courses, IB programs, and CE programs.

30 (4) "Eligible institution" has the same meaning as described in Section 53E-10-  
31 301.

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

34 (6) "International Baccalaureate" or "IB" Program means the same as the term is  
35 defined in Section 53F-2-408.5.

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

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

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

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

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

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

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

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

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

53 (c) how the LEA intends to eliminate barriers and increase student enrollment, in  
54 [early college programs] Early College Programs, including underrepresented students.

55 (3) The Superintendent shall publish:

56 (a) expectations;

57 (b) [targets] data related to gap closures for underrepresented students; and

58 (c) timelines related to an LEA application.

59

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

61       (1) The Superintendent shall distribute the total allocation for Enhancement of  
62 Accelerated Students program as follows after setting aside the requisite funding  
63 described in Subsection 53F-2-408.5(3):

64       (a) 40% of the total allocation to AP and IB programs as described in Rule R277-  
65 701; and

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

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

70       (i) the number of IB programs at each school; and  
71       (ii) the exam costs for students experiencing socioeconomic disadvantage.

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

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

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

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

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

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

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

86       (a) professional learning for teachers;

87       (b) identification of underrepresented students;

88 (c) Advanced Placement courses;  
89 (d) International Baccalaureate programs; or  
90 (e) International Baccalaureate test fees of eligible low-income students.  
91 (4) An LEA shall use at least a portion of the LEA's allocation for Advanced  
92 Placement test fees of eligible low-income students, as defined in Section 53F-2-408.5.

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

95 (1) CE funds shall be allocated in accordance with Section 53F-2-409.  
96 (2) CE funds allocated to LEAs may not be used for any other program or  
97 purpose, except as provided in Section 53F-2-206 and after funds distribution as  
98 described in Subsection 53F-2-409(5)(c).  
99 (3) CE funding may not be used to fund a parent or student-initiated college-  
100 level course at an institution of higher education.

101 (4) The Superintendent may not distribute CE funds to an LEA for  
102 reimbursement of a CE course:  
103 (a) that is not on the master course list;  
104 (b) for a student that has exceeded 30 semester hours of CE for the school year;  
105 (c) for a CE course repeated by a student; or  
106 (d) taken by a student:  
107 (i) who has received a diploma;  
108 (ii) whose class has graduated; or  
109 (iii) who has participated in graduation exercises.  
110 (5) An LEA shall receive a pro-rated amount of the funds appropriated for CE  
111 according to the number of semester hours successfully completed by students  
112 registered through the LEA in the prior year compared to the state total of completed CE  
113 hours.  
114 (6) An LEA's use of state funds for CE is limited to the following:  
115 (a) increasing access for groups of students who are underrepresented;

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

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

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

120 (e) student textbooks and other instructional materials;

121 (f) fee waivers for costs or expenses related to CE for fee waiver eligible  
122 students under Rule R277-407;

123 (g) purchases by LEAs of classroom equipment required to conduct CE courses;

124 and

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

## 137 R277-701-6. Early College Programs Funding Requirements.

138                   (1) If an LEA fails to demonstrate progress in meeting plan goals, the  
139                   Superintendent may:  
140                   (a) place the LEA on probation and provide targeted technical assistance; and  
141                   (b) reduce funding to the LEA.  
142                   (2) Excepted as described in Subsection (3) and subject to the general  
143                   requirements of Section R277-700-7:  
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 may not require prerequisites for enrolling in an  
148 AP, IB, or CE course.

149 (b) Except as described in USHE Policy R765-165, a school that offers an  
150 [e]Early [e]College [p]Program may not prohibit a student from enrolling in the course  
151 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) An [e]Early [e]College [p]Program may not prohibit a student from enrolling in

156 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.

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

163 (1) A student participating in CE shall be an "eligible student" as described in  
164 Subsection 53E-10-301(6).

165 (2) Student eligibility requirements for CE shall be:

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

167 (b) sufficiently selective to predict a successful experience.

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

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

172 (5) An LEA shall contract with an eligible institution to provide a CE course if  
173 required in Section 53E-10-303.

174

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

176 (1) Credit earned through a CE course:

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

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

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

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

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

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

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

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

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

196 (b) The number of courses selected shall be kept small enough to ensure  
197 coordinated statewide development and professional development activities for  
198 participating teachers.

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

201 (a) English;

202 (b) mathematics;

203 (c) fine arts;  
204 (d) humanities;  
205 (e) science;  
206 (f) social science;  
207 (g) world languages; and  
208 (h) career and technical education.

209 (7) A CE course may not be approved if the course is a postsecondary course  
210 below the 1,000 level.

211 (8) The appropriate USHE institution shall take responsibility for:  
212 (a) course content;  
213 (b) procedures;  
214 (c) examinations;  
215 (d) teaching materials; and  
216 (e) program monitoring.

217 (9) CE procedures and materials shall be:  
218 (a) consistent with Utah law; and  
219 (b) ensure quality and comparability with CE courses offered on a college or  
220 university campus.

221

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

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

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

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

231

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

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

235 (a) be employed by an LEA; and

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

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

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

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

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

251

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

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

255 (2) Postsecondary tuition and participation fees charged to a CE student are not  
256 fees, as defined in Rule R277-407, and do not qualify for a fee waiver under Rule R277-  
257 407.

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

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

- 261 (i) consumables;
- 262 (ii) lab fees;
- 263 (iii) copying;
- 264 (iv) material costs;
- 265 (v) application fees; and
- 266 (vi) textbooks required for the course.

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

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

271

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

273 (1) An LEA and a USHE institution that plan to collaborate to offer a CE course  
274 shall enter into an annual contract for the upcoming school year by no later than May  
275 30.

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

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

281

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

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

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

287 (3) The report shall include the following:

288 (a) an accounting of student performance, disaggregated by student group for  
289 each [e]Early [e]College [p]Program that the LEA participates;

290                   (b) evidence of stakeholder input demonstrating that the LEA engaged parents;  
291                   (c) an accounting of how the LEA's funds were disbursed to the teacher level;  
292                   and  
293                   (d) evidence that the LEA is making progress toward the LEA's plan goals.

294

295                   **KEY: early college program, advanced placement, international baccalaureate,**  
296                   **concurrent enrollment**

297                   **Date of Last Change: November 26, 2024**

298                   **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-  
299                   2-408.5; 53F-2-409**

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