

May 8, 2019

MEMORANDUM

TO: State Board of Regents
FROM: David L. Buhler
SUBJECT: Revision of Regent Policy R165, *Concurrent Enrollment*

Issue

Passage of legislation in the last legislative session in Utah necessitates revision of R165, Concurrent Enrollment, the Regent policy which governs the state concurrent enrollment program.

Background

The revision of R165 captures changes resulting from passage of HB146 *Concurrent Enrollment Amendments* (2019) and HB291 *Concurrent Enrollment Modifications* (2019). HB146 modifies student eligibility to participate in concurrent enrollment. HB291 establishes academic qualifications for an individual to be an eligible instructor for a concurrent enrollment course. Significant statutory changes include the following:

1. Defines an eligible student as a student who is in grade 9, 10, 11, 12. Clarifies students must be enrolled in, and counted in the average daily membership, in a public school.
2. Establishes academic qualification to teach concurrent enrollment as follows:
 - a. For a career and technical education (CTE) concurrent enrollment course, (a) a degree, certificate, or industry certification in the concurrent enrollment course's academic field; or (b) qualifying experience, as determined by the institution of higher education.
 - b. for a non-CTE concurrent enrollment course, (a) a master's degree or higher in the course's academic field; (b) a master's degree or higher in any academic field and at least 18 completed credit hours of graduate course work in an academic field that is relevant to the concurrent enrollment course; or (c) qualifying experience, as determined by the institution of higher education.
3. Establishes an appeals process where a local education agency (LEA) may contest a Utah System of Higher Education (USHE) institution determination that an LEA employee is not qualified to teach a concurrent enrollment course. The Commissioner shall appoint an appeals committee to evaluate the institution's decision against the academic qualifications established in statute. After receiving committee recommendations, the commissioner will affirm or reverse the institution's decision.

4. Reaffirm that once approved as an adjunct, concurrent enrollment instructors may continue to teach concurrent enrollment courses; directs institutions to establish a process to establish a process for determining, in consultation with LEA partners, whether an eligible instructor who previously taught a concurrent enrollment (CE) course is no longer qualified to teach the CE course.

Additional language changes were made throughout the policy.

Policy Issues

This revision was presented to the Academic and Student Affairs Committee April 22, 2019. There are no outstanding policy issues.

Commissioner's Recommendation

The Commissioner recommends the Regents approve the revision of Policy R165, *Concurrent Enrollment*, effective Fall 2019.

David L. Buhler
Commissioner of Higher Education

DLB/CG/GL

R165-1. Purpose: To establish the principles, guidelines, and processes ~~which that~~ govern Utah public higher education institutions when providing concurrent enrollment opportunities to Utah public education students.² ~~This policy does not necessarily apply when a Utah System of Higher Education (USHE) institution is contracting concurrent opportunities with public education students of other states or with private high schools located within Utah, but could be used as a general guide for establishing those types of agreements.~~

R165-2. References

- 2.1. Utah Code §53E Chapter 10, Concurrent Enrollment
- 2.2. Utah Code §53E-4-206, Career and College Readiness Mathematics Competency Standards
- 2.3. Utah Code §53B-1-103, Establishment of State Board of Regents—Powers, Duties, and Authority
- 2.4. Utah State Board of Education Rule R277-713, Concurrent Enrollment of High School Students in College Courses
- 2.5. Utah State Board of Education Rule R277-407, School Fees
- 2.6. Utah Code §53B-1-109, Coordination of Higher Education and Public Education Information Technology Systems – Use of Unique Student Identifier
- 2.7. Utah Code §53E-4-308, Unique Student Identifier -- Coordination of Higher Education and Public Education Information Technology Systems
- 2.8. Utah Code §53G-11, Part 4, Background Checks– Notice – Payment of costs – Request for Review
- 2.9. Utah Code §53B-16-206, Snow College Concurrent Education Program
- 2.10. Utah Code §53E-10-307, Concurrent Enrollment Courses for Accelerated Foreign Language Students

R165-3. Definitions

3.1. Concurrent Enrollment: ~~for state funding and for the purposes of this policy means college courses that Utah System of Higher Education (USHE) institutions offer to enrollment by public school students in one or more college course(s)~~ under a contractual agreement between the USHE institution and a Local Education Agency (LEA). Students continue to be enrolled in public schools, ~~to be~~ counted in average daily membership, ~~and to receive credit toward graduation, and concurrently, They also~~ receive college credit for courses. Concurrent enrollment is distinct from early college admission.

¹ Approved January 22, 1988; amended June 10, 2005 and July 28, 2006. Revisions approved May 29, 2009, November 18, 2011, May 16, 2014, and September 16, 2016.

² ~~This policy does not necessarily apply when a Utah System of Higher Education (USHE) institution is contracting concurrent opportunities with public education students of other states or with private high schools located within Utah, but could be used as a general guide for establishing those types of agreements.~~

3.2. Career and Technical Education Courses (CTE): for the CE program, CTE courses are higher education courses that align to Utah State Board of Education (USBE) 11-digit assignment codes beginning with "40 Skilled & Technical Sciences" and "41 Work-Based Learning."

3.3. Contractual Basis: a case where a courses and instruction offered under an annual contract between a LEA and a USHE institution negotiate a concurrent enrollment annual contract, specifying arrangements for courses and instruction. Contractual basis concurrent enrollment is eligible for state funding through the appropriation for concurrent enrollment authorized under Utah Code §53 E-10-303.

3.4. Early College: enrollment in college credit courses by high school students who are academically prepared, and meet college admissions requirements, have left high school prior to graduation, and are no longer counted in average daily membership. Concurrent enrollment policies and funding mechanisms do not apply to early college admission enrollment. Early college admission enrollments are reported as regular enrollments by USHE institutions.

3.5. Early College High School: a public high school, generally affiliated with a college or university, whose academic goal is to assist accelerated students in earning college credit up to an associate degree concurrent with a high school diploma. Students are counted in the average daily membership of the high school. College credit is earned through concurrent enrollment and early college courses. The early college high school negotiates for and pays any applicable tuition and fees for early college courses.

3.6. Instructor : a K-12 educator employed by a licensed public LEA K-12 educator and licensed by the Utah State Board of Education (USBE) who meets adjunct faculty qualifications in an qualifies and is approved to teach concurrent enrollment courses as an adjunct faculty within an institution's academic department and is approved by that department to instruct a concurrent enrollment course.

3.7. Interactive Video Conferencing (IVC): two-way, real-time transmission of audio and video signals between computer equipment at two or more locations.

3.8. Local Education Agency (LEA): a school board/public school district or public charter school.

3.9. Non-Contractual Basis: a case where the student continues to enroll full time in high school but elects at his/her own initiative to pursue college coursework. college credit courses public education students pursue on their own initiative. Such students must enter into aAn agreement is established between the student, parent(s)/guardian, high school administrator, and the USHE institution for the student to take the course; the course is considered to be offered on a non-contractual basis. The student is responsible for all enrollment expenses associated with the enrollment. USHE institutions report nNon-contractual enrollments- as regular are reported as regular enrollments by USHE institutions. Non-contractual basis concurrent enrollment is not eligible for state funding.

3.10. Qualifying Experience: an LEA employee's experience in an academic field that qualifies the LEA employee to teach a concurrent enrollment course in the academic field and may include the employee's (a) number of years teaching in the academic field; (b) holding a higher level secondary teaching credential issued by the state board; (c) research, publications, or other scholarly work in the academic field; (d) continuing professional education in the academic field; (e) a portfolio of work related to the academic field; or (f) professional work experience or certifications in the academic field.

3.11. Snow College Concurrent Education Program (Snow CE): a consistent two-year schedule of concurrent enrollment courses that Snow College deliver sed by Snow College through IVC. Snow CE courses are intended to create a pathway for secondary school students, particularly in rural high schools, to

earn college credits that apply toward earning an Associate of Science or Associate of Arts degree; or satisfy scholarship requirements ~~or and~~ other objectives that best meet ~~the students'~~ needs ~~of individual students~~. Snow CE includes advisory support to participating secondary school students and their high school counselors to ensure that students' concurrent enrollment courses align with ~~the students'~~ their academic and career goals. Regents Policy 165 governs ~~t~~The Snow CE program. Funding is appropriated is consistent with policies established by the Utah State Board of Regents (USBR) for concurrent enrollment as defined in R165 Concurrent Enrollment. Snow CE is funded through the state appropriation designated under Utah Code §53B-16-206.

3.12. ~~Student Education Opportunity Plan~~Plan for College and Career Readiness (SEOP): secondary school process for academic and career planning, facilitated by school counselors with students and their parents or guardians.

3.13. ~~Supervision of CE Instructors:~~ professional development opportunities institutions provide to public educators ~~provided by institutions to public educators who meet~~who qualify as adjunct concurrent enrollment instructors ~~qualifications~~ to prepare them to teach the CE post-secondary curriculum. ~~The nature of the opportunities, from workshops to classroom visits, to co-teaching models, varies by institution, by department, and by course.~~

3.14. ~~Technology Delivered Instruction:~~ Course instructions provided to students by instructional situations where student and teacher are separated by physical space, not necessarily by time. ~~C~~common technology ~~delivered modes of instruction include~~ such as broadcast, interactive videoconferencing, or the Internet.

3.15. ~~Technology Intensive Concurrent Enrollment (TICE):~~ hybrid concurrent enrollment courses ~~having a blend~~that blend of different learning activities, both in classrooms and on-line. TICE courses include common course assessments and, when possible, utilize open education resources. All USHE institutions may ~~choose to~~ offer TICE courses.

3.16. ~~Unique Student Identifier (SSID):~~ an alphanumeric code assigned to each public education student for identification purposes. ~~The SSID is not assigned to any former or current student and does not incorporate personal information including a birth date or social security number.~~

3.17. ~~Utah State Board of Regents (USBR):~~ the governing body for the Utah System of Higher Education.

3.18. ~~Utah System of Higher Education (USHE):~~ the system of public colleges and universities governed by the Utah State Board of Regents.

3.19. ~~USHE Institution (Institution):~~ a credit-granting community college, state college, or university within the Utah System of Higher Education.

3.20. ~~Utah State Board of Education (USBE):~~ the system of public education districts and charter schools governed by the State Board of Education.

R165-4. ~~Intent Purpose of Concurrent Enrollment:~~ To provide ~~Concurrent enrollment provides an course options for to~~ prepared high school students ~~to take courses~~ that earn ~~both~~ high school and college credit. Concurrent enrollment allows students to ~~courses facilitate completion of~~ complete a high school diploma while concurrently ~~meeting course requirements corresponding to the~~ earning credits for first or second year ~~of~~ coursework at a USHE institution, which can accelerate college completion and reduce college costs, ~~thus leading students toward completion of a post-secondary certificate or degree.~~

4.1. **High Quality Opportunities:** Concurrent enrollment should provide high quality, college-level academic and career and technical education opportunities to qualified high school students.

4.2. **Qualitative Safeguards:** ~~It is important that~~ college instruction offered in the high school setting ~~has must have~~ qualitative safeguards to preserve the rigor and standards of college requirements. ~~In harmony with Regents' policies, the responsibility for qualitative safeguards rests with~~ the USHE institution granting the college credit for a given course ~~is responsible to establish appropriate qualitative safeguards.~~ To help ensure quality, ~~the commonality of~~ consistent instruction, ~~and and the success of participants~~ student success, ~~the sponsoring institutions should~~ students should be officially enrolled ~~students~~ as concurrent enrollment students ~~as specified by the sponsoring institution.~~

4.3. **Participating Institutions:** USHE credit-granting institutions may participate in the contractual basis concurrent enrollment program, ~~as defined in this policy, provided that such participation shall be consistent with their compliance with controlling~~ law and consistent with USBE rules ~~specific to governing~~ the use of public education funds ~~and rules for public education programs.~~

4.4. **Program Evaluation:** The USBE and USBR shall work in close cooperation in developing, implementing, and evaluating the concurrent enrollment program.

R165-5. Students

5.1. **Student Status:** Students must be enrolled in, and counted in the average daily membership of, a Utah public ~~high~~ school and have high school student status before and throughout enrollment in concurrent enrollment courses. ~~Students must complete contractual basis concurrent enrollment courses prior to their high school graduation or participation in high school graduation exercises.~~ Students who have received a diploma, whose class has graduated from high school, or who have participated in graduation exercises are not eligible to participate in the concurrent enrollment program. ~~Students shall complete contractual concurrent enrollment courses prior to their high school graduation or participation in high school graduation exercises.~~

5.2. **Eligibility Requirements:** USHE institutions and LEAs shall jointly establish student eligibility requirements. To predict a successful experience, ~~institutions and LEAs may require; these requirements may include, among others:~~

5.2.1. ~~junior or senior standing, freshmen and sophomores by exception~~ students are in grade 9, 10, 11, or 12;

5.2.2. a grade point average, ACT score, or a placement score which predicts success (generally considered to be a "B" average or ACT score of 22 or higher);

5.2.3. supportive letters of recommendation;

5.2.4. approval of high school and college officials;

5.2.5. appropriate placement assessments for courses such as mathematics and English;

5.2.5.1. ~~s~~Students must complete Secondary Math I, II, and III with a "C" average or better course grade in all three classes to enroll in a CE mathematics course; and

5.2.6. completion of institutionally established prerequisites for a course.

~~5.2.6-5.2.7.~~ have on file a completed plan for college and career readiness.

5.3. **Concurrent Enrollment Participation Form/Parent Permission to Participate.** Before allowing an eligible student to participate in the concurrent enrollment program for the academic year, an institution shall ensure the student has completed the USHE concurrent enrollment participation form, signed an acknowledgement of program participation requirements, and obtained a signed parent/guardian permission form, as indicated by the signature of a student's parent or guardian on the parent permission form.

5.4. **Early College High School Eligibility:** The Early College High School Program may enroll students in grades 9 and 10 without exception in concurrent enrollment courses. Eligibility requirements such as those ~~mentioned~~ listed in section 5.2 apply to Early College students.

5.5. **Identification of Eligible Students:** LEAs have the primary responsibility for identifying students who are eligible to participate in the concurrent enrollment program.

5.6. **Advising:** USHE institutions and LEAs shall jointly coordinate advising to prospective or current high school students who participate in the concurrent enrollment program ~~established in Utah Code §53E Chapter 10.~~ Advising shall include information on general education requirements at USHE institutions and how the students can ~~efficiently~~ choose concurrent enrollment courses to avoid duplication or excess credit hours.

5.7. **Tracking Student Achievement:** USHE institutions and LEAs shall jointly coordinate information technology systems to allow track individual student's academic achievement ~~to be tracked~~ through both education systems in accordance with Utah Code §53B-1-109 and §53E-4-308.

5.7.1. USBE and USHE staff shall coordinate access to the SSID of a public education student who later attends an institution within the state system of higher education.

5.7.2. USHE information technology systems shall utilize the SSID of all students who have previously been assigned a unique student identifier.

5.8. **Advising Report:** Twelve weeks after the end of each semester, ~~USHE staff shall make available to a requesting USHE institution that participates in concurrent enrollment~~ participating institutions may request from the Commissioner's Office, a report listing each public high school student admitted to a USHE institution who was enrolled in 12 or more credit hours of concurrent enrollment courses per year and completed at least six of those credit hours from that institution. The report shall include:

5.8.1 student's name and SSID;

5.8.2 the student's LEA;

5.8.3 the name of each concurrent enrollment course taken by the student;

5.8.4 the institution where the student enrolled to take each concurrent enrollment course;

5.8.5 the number of college credits the student earned in each concurrent enrollment course with a designation that indicates which credits ~~listed in Subsection (5)(a)(v)~~ the student earned at a grade "C" or higher.

R165-6. Courses

6.1. **Choice of Courses:** The courses ~~chosen to be~~ offered through concurrent enrollment should be introductory-level general education, career and technical education, or pre-major college courses. Concurrent enrollment courses must assist students in earning post-secondary certificates or degrees. Concurrent enrollment may only include college courses that correspond to high school courses ~~that are~~ typically offered in grades 11 or 12. Courses selected should reflect the strengths and resources of the respective schools and USHE institutions. Concurrent enrollment offerings ~~arshall be~~ limited to courses in English, mathematics, fine arts, humanities, science, social science, world languages, and career and technical education.

6.1.1. **Early College High School Exception:** Early college high schools may offer, for concurrent enrollment, courses typically taught in grades 9 or 10.

6.1.2. **Accelerated Foreign Language Courses:** Institutions may offer 3000 level foreign language courses to accelerated foreign language students, including dual language immersion students.

6.2. **Master List:** The Office of the Commissioner of Higher Education (OCHE) and the USBE will jointly approve courses that are added to an institution-specific Concurrent Enrollment Master List. Only courses taken from the master list for a given academic year shall be reimbursed from state concurrent enrollment funds.

6.2.1 **Changes to Concurrent Enrollment Master List:** USHE institutions, after consultation with LEAs, shall provide the USBE with proposed new course offerings, including syllabi and curriculum materials by November 15 of the year proceeding the school year in which courses shall be offered.

6.3. **Number of Courses:** In general, ~~concurrent institutions should limit the number of concurrent~~ enrollment courses ~~should be limited to a manageable number which allow a focus of energy and so they~~ can focus resources on quality instruction and ~~The number of courses will be kept small enough to~~ assure coordinated professional development activities for participating teachers and transferability of credit from institution to institution.

6.4. **Institution Responsibility:** The offering institution is responsible for course content, procedures, examinations, teaching materials, and ~~course~~ monitoring of CE courses taught at a high school. The institution shall ensure the curriculum is consistent with Utah law and of comparable rigor and quality with courses offered on the institution campus. The institution shall ensure CE curriculum standards of instruction, practices for administering and grading assessments, and the course grade rubric are the same as when the course is taught on the institution campus. When possible, department exams should be used in the CE course. For courses that transfer as equivalent credit among USHE institutions, the institution will ensure articulated learning outcomes are met.

R165-7. Credit

7.1. **Permanent College Transcript:** All concurrent enrollment course registrations and grades are recorded on permanent college transcripts. ~~Students who register in contrast to the AP program, where college credit is granted upon successful completion of a national examination and no record is kept on the student's college transcript if the exam is not passed, registration for concurrent enrollment constitutes a commitment to enter~~ commit to having the final course grade on the ~~student's~~ their permanent college

record, regardless of the results. ~~Further, credit is earned by performance and participation throughout the class, rather than by an exit examination alone.~~

7.1.1. **Credit Value:** College level courses taught in the high school carry the same credit hour value as when taught on a college or university campus and apply toward college/university graduation on the same basis as courses taught at the USHE institution where the credits are earned.

7.2. **Credit Hours Permitted:** Individual students will be permitted to earn up to 30 semester hours of college credits per year through contractual concurrent enrollment. Credits earned in excess of 30 must be on a non-contractual basis.

7.3. **Institution Credit:** USHE institutions are responsible for cCourse registration and ~~the awarding of college credit for concurrent enrollment courses~~ are the responsibility of USHE institutions.

7.4. **Transferability:** Credit earned through the concurrent enrollment program shall be transferable ~~from one~~ between USHE institutions. ~~to another.~~ Students should be encouraged to seek advice from a college academic adviser to make course choices that will meet the student's educational goals.

R165-8. Tuition, Fees, and Other Charges: Regular tuition and fees may not be charged to high school students for participation in this program.

8.1. **Admissions Fee:** Students may be assessed a one-time admissions application fee per institution, ~~which. Payment of the admissions fee to enroll in concurrent enrollment~~ satisfies the general admissions application fee requirement for a full-time or part-time student at an institution. The institution may not charge ~~so that no any~~ additional admissions application fees ~~may be charged by the institution~~ for continuous enrollment at that institution following high school graduation.

8.1.1. **Participation Fee:** The USBR may charge a one-time fee for students to participate in the concurrent enrollment program. Paying this fee does not satisfy the general admissions application fee required for full-time or part-time students at a USHE institution.

8.2. **Partial Concurrent Enrollment Tuition:** USHE institutions may charge ~~s~~Secondary students ~~may be charged~~ partial tuition ~~up to \$30 per credit hour~~ for each concurrent enrollment course for which the student receives college credit in the following amounts:

8.2.1. A USHE institution may charge a concurrent enrollment student who qualifies for free or reduced school lunch partial tuition of up to \$5 per credit hour;

8.2.2. If a concurrent enrollment course is taught by a public school educator in a public school facility, a USHE institution may charge up to \$10 per credit hour;

8.2.3. If a concurrent enrollment course is taught over interactive video conferencing (IVC), a USHE institution may charge up to \$15 per credit hour;

8.2.4. If a concurrent enrollment course is taught on a USHE campus, a USHE institution may charge up to \$30 per credit hour.

8.2.5. The USBR shall annually report to the Legislature's Higher Education Appropriations Subcommittee on regular tuition savings to CE students, any partial CE tuition charged, and justification for the distribution of money appropriated for concurrent enrollment, pursuant to Utah Code §53E-10-308.

8.3. **Fee Waivers:** Concurrent enrollment program costs attributable only to college credit or enrollment are not ~~fees and as such are not~~ subject to fee waiver under public school rule R277-407. All students' costs related to concurrent enrollment classes, which may include consumables, lab fees, copying, and material costs, as well as textbooks required for the course, are subject to fee waiver consistent with R277-407. The LEA ~~shall be~~ responsible for these waivers. The contract between the USHE institution and the ~~district~~ LEA may address the responsibility for fee waivers.

R165-9. Location and Delivery: Concurrent enrollment courses shall be offered at the most appropriate location, using the most appropriate educational technology for the course content, the faculty, and the students involved. Instruction may be delivered through live classroom instruction or ~~telecommunications~~ other accepted instruction technologies. Instruction normally occurs during the school day with students released from regular high school coursework to participate in concurrent enrollment.

9.1. **Students within Commuting Distance:** Qualified students residing within commuting distance of a USHE institution may pursue their concurrent enrollment study on the institution campus with approval from their LEA.

9.2. **Designated Service Region Delivery:** Each USHE institution has the responsibility for offering concurrent enrollment courses within their designated service region per Regents' Policy R315. If the local institution chooses not to offer a concurrent enrollment course, a LEA may ask another USHE institution to provide the course.

9.3. **Right of First Refusal:** A LEA shall contact the USHE institution with responsibility for that LEA's service region to request a CE course offering. The local institution shall indicate in writing whether it will offer the requested course within 30 days of the LEA contact and request.

9.3.1. **Exception for Technology Delivered Courses:** Concurrent enrollment courses which meet the definition of "Technology Delivered Instruction" are subject to designated service region requirements. Institutions desiring to offer technology delivered CE courses outside their designated service region must receive a written endorsement from the local institution for each course they desire to offer before contracting with LEAs outside their designated service area. An annual system review of technology delivered courses shall be completed prior to November 30 of the year preceding the school year in which courses shall be offered to assure efficient and effective use of resources.

R165-10. Faculty/CE Instructor Qualifications: ~~College courses are taught for concurrent enrollment credit by~~ College or university faculty or by public school educators teach concurrent enrollment courses for ~~by~~ the offering institution ~~(instructor)~~.

10.1. **Selection of CE Instructors:** ~~LEAs and the participating USHE institution shall jointly select~~ Identification of instructors for concurrent enrollment courses ~~is the joint responsibility of the participating LEAs and the participating USHE institution~~. Selection criteria for instructors are the same as those criteria applied to other adjunct faculty appointments in specific departments within the USHE institution. Once approved as an adjunct, CE instructors who teach ~~on~~ a CE course in 2018-19 or 2019-20 may continue to teach CE courses given curricular standards and student performance outcomes in the classes meet sponsoring academic department standards. Institutions shall establish a process for determining, in

consultation with LEA partners, whether an eligible instructor who previously taught a CE course is not longer qualified to teach the CE course. CE instructors will be approved by the appropriate academic department at the institution must approve CE instructors prior to teaching the concurrent enrollment class.

10.2. ~~10.2.~~—Institutional Faculty CE Instructors: A USHE institution faculty member is an eligible CE instructor.

10.3. ~~CE Instructor Academic~~LEA Employee Instructor Qualifications:- An LEA employee is an eligible CE instructor if the LEA employee is licensed under statutory Education Professional Licensure, is supervised by an institution of higher education, and

10.3.1. is approved as an eligible instructor by the institution of higher education that provides the concurrent enrollment course taught by the LEA employee as provided in section 10.4,

10.3.2. has an upper level mathematics credential issued by the State Board of Education, or

10.3.3. teaches a concurrent enrollment course that the LEA employee taught during the 2018-19 or 2019-20 school year .

10.4. A USHE institution shall approve an LEA employee as an eligible instructor:

10.4.1. For a career and technical education concurrent enrollment course, if the LEA employee has:

10.4.1.1. a degree, certificate, or industry certification in the concurrent enrollment course's academic field; or

10.4.1.2. qualifying experience, as determined by the institution of higher education.

10.4.2. For a concurrent enrollment course other than a career and technical education course, if the LEA employee has:

10.4.2.1. a master's degree or higher in the concurrent enrollment course's academic field;

10.4.2.2. a master's degree or higher in any academic field and at least 18 completed credit hours of graduate course work in an academic field that is relevant to the concurrent enrollment course; or

10.4.2.3. qualifying experience, as determined by the institution of higher education.

The institution shall assure CE instructors possess academic qualifications relevant to the academic field in which they are teaching.

~~10.2.1. CTE CE Course Academic Qualifications. An institution shall approve an LEA employee as an eligible instructor for a career and technical education concurrent enrollment course, if the LEA employee has: (a) a degree, certificate, or industry certification in the concurrent enrollment course's academic field; or (b) qualifying experience, as determined by the institution of higher education.~~

~~10.2.2. Non-CTE CE Course Academic Qualifications. An institution shall approve an LEA employee as an eligible instructor for a non-CTE concurrent enrollment course, if the~~

~~LEA employee has: (a) a master's degree or higher in the concurrent enrollment course's academic field; (b) a master's degree or higher in any academic field and at least 18 completed credit hours of graduate course work in an academic field that is relevant to the concurrent enrollment course; or (c) qualifying experience, as determined by the institution of higher education.~~

~~10.1.12.3. Selection of Concurrent Enrollment Mathematics Instructors. Educators who hold an upper level Math endorsement, authorized by the USBE and appended to a license, that qualifies the educator to teach calculus shall be qualified to teach CE mathematics courses, in accordance with Utah Code §53E-4-206.~~

~~10.2.4.~~

~~10.5. Appeals Process for Academic Instructor Qualification Approvals. If a designated service area USHE institution determines an LEA employee is not qualified to teach a concurrent enrollment course and the LEA has exhausted all administrative remedies available at the institution, the LEA may appeal the decision in writing to the Commissioner of Higher Education within 15 calendar days of the institution's final decision. The Commissioner shall appoint an appeals committee consisting of the associate commissioner for academic affairs and two USHE chief academic officers who are uninvolved in the decision being appealed.~~

~~10.5.1. The appeals committee will review the LEA's appeal and the institution's decision.~~

~~10.5.2. The institution and LEA will provide the appeals committee with any material documents and information necessary for a complete review. The committee may request additional documentation or information as necessary.~~

~~10.5.3. The appeals committee will provide a recommendation to the Commissioner, which may include affirming or reversing the institution's decision.~~

~~10.5.4. The Commissioner shall make a final decision and issue it to the institution and the LEA in writing.~~

~~10.1.1.10.5.5. After the Commissioner has issued a decision, there will be no further appeals or reviews. An LEA shall contact the USHE institution with responsibility for that LEA's service region to request an LEA employee be approved as an eligible instructor. The local institution shall provide a decision in writing within 30 days of the LEA contact and request. If the local institution does not approve an LEA employee as an eligible instructor, the written notification shall include the sponsoring academic department's faculty qualifications, an explanation of where the LEA employee does not meet the qualifications, and an explanation of what the LEA employee must do to be approved as an eligible instructor. The LEA may appeal the local institution's decision to the Office of the Commissioner for Higher Education. OCHE staff will gather information, as needed, and present the appeal to the the Chief Academic Officers group, which has final authority to resolve an appeal. The final decision on an LEA appeal for academic qualifications shall be rendered in writing within 30 days of the LEA contact and request.~~

~~10.63. Criminal Background Checks: USHE faculty who are not public school educators and who teach concurrent enrollment courses defined under this policy in a high school shall complete a criminal background check consistent with Utah Code §53G-11, Part 4.³ The faculty's institution or adjunct faculty employer shall have responsibility for must determining the need for a criminal background checks is~~

³ See §53A-3-410 for detailed information on completing background checks.

~~required and, if so, must complete the background check and maintain required documentation~~ consistent with the law, ~~and for satisfying this requirement and shall maintain appropriate documentation.~~

10.74. Faculty Development: Concurrent enrollment instructors should be included as fully as possible in the academic life of the supervising academic department. USHE institutions ~~jointly with~~ and LEAs shall ~~jointly~~ initiate faculty development, including appropriate workshop experiences ~~prior to offering concurrent enrollment courses~~ to adequately prepare instructors to teach concurrent enrollment students and course content ~~prior to offering concurrent enrollment courses.~~ ~~When If a USHE institution uses an~~ instructor of record ~~instruction or co-teaching instructional models are used, USHE the institution~~ faculty shall ~~fully~~ engage ~~and prepare~~ the public school educator ~~fully to successfully teach the curriculum prior to the beginning of the course in preparation and delivery of curriculum.~~ CE instructors must complete any faculty development required by the sponsoring academic department at the institution prior to teaching the concurrent enrollment class. USHE faculty ~~should be prepared with knowledge of~~ ~~are responsible to understand and comply with~~ federal and state laws ~~specific to governing~~ public school student privacy and student records.

R165-11. Funding

10.2.11.1. Source of Funds: Each year, the Utah Legislature will appropriate funds for accelerated learning programs. A portion of those accelerated learning funds shall be allocated to the concurrent enrollment program.

10.2.1.11.1.1. Eligibility to Receive Concurrent Funds: To qualify for funds, a concurrent enrollment program shall comply with the requirements described in Utah Code §53E-10-302, including rules adopted in accordance with Utah Code §53E-10-307.

10.3.11.2. Allocation of Funds: Money appropriated to the USBE for concurrent enrollment shall first be allocated between LEAs and the USBR based upon completed student credit hours taught by public school educators and taught by college or university faculty. Completed means that a student earned credit for the course. Concurrent enrollment funds may not reimburse institutions for concurrent enrollment courses repeated by students. In accordance with Utah Code §53F-2-409, funds shall be allocated as follows:

~~10.3.1.~~—for courses that are taught by public school educators (instructors) where the cost of instruction is borne by the LEA, —

~~10.3.2.~~—

~~10.3.3.~~—60 percent shall be allocated to LEAs; ~~and~~ ~~nd~~

~~10.3.4.~~—

~~10.3.5.~~ **11.2.1.** 40 percent shall be allocated to the USBR; ~~and~~

~~10.3.6.~~—for courses that are taught by college or university faculty or- where the cost of instruction is borne by the USHE institution, —

~~10.3.7.~~—

~~10.3.8.~~—40 percent shall be allocated to LEAs; and

~~10.3.9.~~—

~~10.3.10.~~ **11.2.2.** 60 percent shall be allocated to the USBR.

11.3. Distribution of Funds among USHE Institutions: The USBR shall make rules regarding the allocation of funds pertaining to USHE institutions participating in contractual basis concurrent enrollment. Each institution shall receive a pro-rated amount according to the number of semester credit hours completed.

~~10.3.11.11.2.3.~~ **Snow CE Exception:** Credit earned through the Snow CE Program, which receives a separate appropriation through Utah Code §53B-16-206 for instructional, advising, and administrative costs, will not receive the pro-rated per credit funding as long as the separate appropriation funding is in place.

11.4. **Annual Reports:** Annual reports shall be provided to legislative committees:

11.4.1 **Higher Education Appropriations:** USHE staff shall annually report to the Higher Education Appropriations Subcommittee on concurrent enrollment participation and growth, including data on what higher education tuition would have been charged for the hours of concurrent enrollment credit granted as required by Utah Code §53E-10-308.

11.4.2 **Public Education Appropriations:** USHE and USBE staff shall annually report to the Public Education Appropriations Subcommittee an accounting of the money appropriated for concurrent enrollment; and a justification of the split described in section 11.2.

R165-12. **Annual Concurrent Enrollment Contract:** Collaborating LEAs and USHE institutions will annually sign a contract ~~which sets forth their rights and that establishes the terms, conditions, and~~ duties for the institution to offer concurrent enrollment courses to the LEA's students.

12.1. **Annual Contract Content:** The contracts shall include relevant policy for student eligibility and participation, course eligibility and delivery, and faculty eligibility and professional development. USHE and USBE staff review and amend the contract annually, as needed, to reflect current statute and rule.

12.2. **Annual Contract Deadline:** Copies of all annual contracts entered into between institutions and LEAs for the upcoming school year must be submitted by institutions to the USHE system office no later than May 30 annually. USHE will convey copies of all contracts to USBE.

R165-13. **Utah ~~College of Applied Technology~~ System of Technical Colleges (UTechCAT) Agreements:** High school students may participate at a UTechCAT campus to take contractual basis concurrent enrollment courses under the following conditions:

13.1. **Concurrent Enrollment Contract:** A concurrent enrollment contract (see R165-12 above) must be in place between the LEA and the USHE institution covering the instruction to be given at the UTechCAT campus.

13.2. **UCAT Instruction and Costs:** The USHE institution enters into an agreement with the UTechCAT to provide the instruction. The agreement clearly establishes apportionment of cost and revenue that could be transferred to the UTechCAT, and the process for approval of UC~~Tech~~AT instructors as institution adjunct faculty (see R165-10).

R165-1. Purpose: To establish the principles, guidelines, and processes that govern Utah public higher education institutions when providing concurrent enrollment opportunities to Utah public education students.²

R165-2. References

- 2.1. Utah Code §53E Chapter 10, Concurrent Enrollment
- 2.2. Utah Code §53E-4-206, Career and College Readiness Mathematics Competency Standards
- 2.3. Utah Code §53B-1-103, Establishment of State Board of Regents—Powers, Duties, and Authority
- 2.4. Utah State Board of Education Rule R277-713, Concurrent Enrollment of High School Students in College Courses
- 2.5. Utah State Board of Education Rule R277-407, School Fees
- 2.6. Utah Code §53B-1-109, Coordination of Higher Education and Public Education Information Technology Systems – Use of Unique Student Identifier
- 2.7. Utah Code §53E-4-308, Unique Student Identifier -- Coordination of Higher Education and Public Education Information Technology Systems
- 2.8. Utah Code §53G-11, Part 4, Background Checks– Notice – Payment of costs – Request for Review
- 2.9. Utah Code §53B-16-206, Snow College Concurrent Education Program
- 2.10. Utah Code §53E-10-307, Concurrent Enrollment Courses for Accelerated Foreign Language Students

R165-3. Definitions

3.1. Concurrent Enrollment: college courses that Utah System of Higher Education (USHE) institutions offer to public school under a contractual agreement between the USHE institution and a Local Education Agency (LEA). Students continue to be enrolled in public schools, are counted in average daily membership, receive credit toward graduation, and concurrently receive college credit for courses. Concurrent enrollment is distinct from early college admission.

3.2. Career and Technical Education Courses (CTE): higher education courses that align to Utah State Board of Education (USBE) 11-digit assignment codes beginning with "40 *Skilled & Technical Sciences*" and "41 *Work-Based Learning*."

¹ Approved January 22, 1988; amended June 10, 2005 and July 28, 2006. Revisions approved May 29, 2009, November 18, 2011, May 16, 2014, and September 16, 2016.

² This policy does not apply when a USHE institution is contracting concurrent opportunities with public education students of other states or with private high schools located within Utah.

- 3.3. **Contractual Basis:** courses and instruction offered under an annual contract between a LEA and a USHE institution. Contractual basis concurrent enrollment is eligible for state funding through the appropriation for concurrent enrollment authorized under Utah Code §53 E-10-303.
- 3.4. **Early College:** enrollment in college credit courses by high school students who are academically prepared, meet college admissions requirements, have left high school prior to graduation, and are no longer counted in average daily membership. Concurrent enrollment policies and funding mechanisms do not apply to early college admission enrollment. Early college admission enrollments are reported as regular enrollments by USHE institutions.
- 3.5. **Early College High School:** a public high school, generally affiliated with a college or university, whose academic goal is to assist accelerated students in earning college credit up to an associate degree concurrent with a high school diploma. Students are counted in the average daily membership of the high school. College credit is earned through concurrent enrollment and early college courses. The early college high school negotiates for and pays any applicable tuition and fees for early college courses.
- 3.6. **Instructor :** a licensed LEA K-12 educator who qualifies and is approved to teach concurrent enrollment courses as an adjunct faculty within an institution's academic department.
- 3.7. **Interactive Video Conferencing (IVC):** two-way, real-time transmission of audio and video signals between computer equipment at two or more locations.
- 3.8. **Local Education Agency (LEA):** a school board/public school district or public charter school.
- 3.9. **Non-contractual Basis:** college credit courses public education students pursue on their own initiative. Such students must enter into an agreement between the student, parent(s)/guardian, high school administrator, and the USHE institution for the student to take the course; the course is considered to be offered on a non-contractual basis. The student is responsible for all enrollment expenses. USHE institutions report non-contractual enrollments as regular enrollments. Non-contractual basis concurrent enrollment is not eligible for state funding.
- 3.10. **Qualifying Experience:** an LEA employee's experience in an academic field that qualifies the LEA employee to teach a concurrent enrollment course in the academic field and may include the employee's (a) number of years teaching in the academic field; (b) holding a higher level secondary teaching credential issued by the state board; (c) research, publications, or other scholarly work in the academic field; (d) continuing professional education in the academic field; (e) a portfolio of work related to the academic field; or (f) professional work experience or certifications in the academic field.
- 3.11. **Snow College Concurrent Education Program (Snow CE):** a consistent two-year schedule of concurrent enrollment courses that Snow College delivers through IVC. Snow CE courses create a pathway for secondary school students, particularly in rural high schools, to earn college credits that apply toward earning an Associate of Science or Associate of Arts degree, or satisfy scholarship requirements and other objectives that best meet students' needs. Snow CE includes advisory support to participating secondary school students and their high school counselors to ensure that students' concurrent enrollment courses align with their academic and career goals. Regents Policy 165 governs the Snow CE program. Funding is appropriated under Utah Code §53B-16-206.
- 3.12. **Plan for College and Career Readiness :** secondary school process for academic and career planning, facilitated by school counselors with students and their parents or guardians.

- 3.13. Supervision of CE Instructors:** professional development opportunities institutions provide to public educators who qualify as concurrent enrollment instructors to prepare them to teach the CE post-secondary curriculum.
- 3.14. Technology Delivered Instruction:** Course instructions provided to students by common technology such as broadcast, interactive videoconferencing, or the Internet.
- 3.15. Technology Intensive Concurrent Enrollment (TICE):** hybrid concurrent enrollment courses that blend different learning activities, both in classrooms and online. TICE courses include common course assessments and, when possible, utilize open education resources. All USHE institutions may offer TICE courses.
- 3.16. Unique Student Identifier (SSID):** an alphanumeric code assigned to each public education student for identification purposes.
- 3.17. Utah State Board of Regents (USBR):** the governing body for the Utah System of Higher Education.
- 3.18. Utah System of Higher Education (USHE):** the system of public colleges and universities governed by the Utah State Board of Regents.
- 3.19. USHE Institution (Institution):** a credit-granting community college, state college, or university within the Utah System of Higher Education.
- 3.20. Utah State Board of Education (USBE):** the system of public education districts and charter schools governed by the State Board of Education.

R165-4. Purpose of Concurrent Enrollment: Concurrent enrollment provides course options to prepared high school students that earn high school and college credit. Concurrent enrollment allows students to complete a high school diploma while concurrently earning credits for first or second year coursework at a USHE institution, which can accelerate college completion and reduce college costs.

- 4.1. High Quality Opportunities:** Concurrent enrollment should provide high quality, college-level academic and career and technical education opportunities to qualified high school students.
- 4.2. Qualitative Safeguards:** College instruction offered in the high school setting must have qualitative safeguards to preserve the rigor and standards of college requirements. The USHE institution granting the college credit for a given course is responsible to establish appropriate qualitative safeguards. To help ensure quality, consistent instruction, and student success, the sponsoring institutions should officially enroll students as concurrent enrollment students.
- 4.3. Participating Institutions:** USHE credit-granting institutions may participate in the contractual basis concurrent enrollment program in compliance with controlling law and consistent with USBE rules governing the use of public education funds.
- 4.4. Program Evaluation:** The USBE and USBR shall work in close cooperation in developing, implementing, and evaluating the concurrent enrollment program.

R165-5. Students

5.1. Student Status: Students must be enrolled in, and counted in the average daily membership of, a Utah public school and have high school student status before and throughout enrollment in concurrent enrollment courses. Students must complete contractual basis concurrent enrollment courses prior to their high school graduation or participation in high school graduation exercises. Students who have received a diploma, whose class has graduated from high school, or who have participated in graduation exercises are not eligible to participate in the concurrent enrollment program.

5.2. Eligibility Requirements: USHE institutions and LEAs shall jointly establish student eligibility requirements. To predict a successful experience, institutions and LEAs may require:

5.2.1. students are in grade 9, 10, 11, or 12;

5.2.2. a grade point average, ACT score, or a placement score which predicts success (generally considered to be a "B" average or ACT score of 22 or higher);

5.2.3. supportive letters of recommendation;

5.2.4. approval of high school and college officials;

5.2.5. appropriate placement assessments for courses such as mathematics and English;

5.2.5.1. students must complete Secondary Math I, II, and III with a "C" average or better course grade in all three classes to enroll in a CE mathematics course; and

5.2.6. completion of institutionally established prerequisites for a course.

5.2.7. have on file a completed plan for college and career readiness.

5.3. Concurrent Enrollment Participation Form/Parent Permission to Participate. Before allowing an eligible student to participate in the concurrent enrollment program for the academic year, an institution shall ensure the student has completed the USHE concurrent enrollment participation form, signed an acknowledgement of program participation requirements, and obtained a signed parent/guardian permission form.

5.4. Early College High School Eligibility: The Early College High School Program may enroll students in grades 9 and 10 without exception in concurrent enrollment courses. Eligibility requirements such as those listed in section 5.2 apply to Early College students.

5.5. Identification of Eligible Students: LEAs have the primary responsibility for identifying students who are eligible to participate in the concurrent enrollment program.

5.6. Advising: USHE institutions and LEAs shall jointly coordinate advising to prospective or current high school students who participate in the concurrent enrollment program. Advising shall include information on general education requirements at USHE institutions and how the students can choose concurrent enrollment courses to avoid duplication or excess credit hours.

5.7. Tracking Student Achievement: USHE institutions and LEAs shall jointly coordinate information technology systems to track individual students' academic achievement through both education systems in accordance with Utah Code §53B-1-109 and §53E-4-308.

5.7.1. USBE and USHE staff shall coordinate access to the SSID of a public education student who later attends an institution within the state system of higher education.

5.7.2. USHE information technology systems shall utilize the SSID of all students who have previously been assigned a unique student identifier.

5.8. **Advising Report:** Twelve weeks after the end of each semester, participating institutions may request from the Commissioner's Office a report listing each public high school student admitted to a USHE institution who was enrolled in 12 or more credit hours of concurrent enrollment courses per year and completed at least six of those credit hours from that institution. The report shall include:

5.8.1 student's name and SSID;

5.8.2 the student's LEA;

5.8.3 the name of each concurrent enrollment course taken by the student;

5.8.4 the institution where the student enrolled to take each concurrent enrollment course;

5.8.5 the number of college credits the student earned in each concurrent enrollment course with a designation that indicates which credits the student earned at a grade "C" or higher.

R165-6. Courses

6.1. **Choice of Courses:** The courses offered through concurrent enrollment should be introductory-level general education, career and technical education, or pre-major college courses. Concurrent enrollment courses must assist students in earning post-secondary certificates or degrees. Concurrent enrollment may only include college courses that correspond to high school courses typically offered in grades 11 or 12. Courses selected should reflect the strengths and resources of the respective schools and USHE institutions. Concurrent enrollment offerings are limited to courses in English, mathematics, fine arts, humanities, science, social science, world languages, and career and technical education.

6.1.1. **Early College High School Exception:** Early college high schools may offer, for concurrent enrollment, courses typically taught in grades 9 or 10.

6.1.2. **Accelerated Foreign Language Courses:** Institutions may offer 3000 level foreign language courses to accelerated foreign language students, including dual language immersion students.

6.2. **Master List:** The Office of the Commissioner of Higher Education (OCHE) and the USBE will jointly approve courses that are added to an institution-specific Concurrent Enrollment Master List. Only courses taken from the master list for a given academic year shall be reimbursed from state concurrent enrollment funds.

6.2.1 **Changes to Concurrent Enrollment Master List:** USHE institutions, after consultation with LEAs, shall provide the USBE with proposed new course offerings, including syllabi and curriculum materials by November 15 of the year proceeding the school year in which courses shall be offered.

6.3. Number of Courses: In general, institutions should limit the number of concurrent enrollment courses so they can focus on quality instruction and assure coordinated professional development activities for participating teachers and transferability of credit from institution to institution.

6.4. Institution Responsibility: The offering institution is responsible for course content, procedures, examinations, teaching materials, and monitoring of CE courses taught at a high school. The institution shall ensure the curriculum is consistent with Utah law and of comparable rigor and quality with courses offered on the institution campus. The institution shall ensure CE curriculum standards of instruction, practices for administering and grading assessments, and the course grade rubric are the same as when the course is taught on the institution campus. When possible, department exams should be used in the CE course. For courses that transfer as equivalent credit among USHE institutions, the institution will ensure articulated learning outcomes are met.

R165-7. Credit

7.1. Permanent College Transcript: All concurrent enrollment course registrations and grades are recorded on permanent college transcripts. Students who register for concurrent enrollment commit to having the final course grade on their permanent college record, regardless of the results.

7.1.1. Credit Value: College level courses taught in the high school carry the same credit hour value as when taught on a college or university campus and apply toward college/university graduation on the same basis as courses taught at the USHE institution where the credits are earned.

7.2. Credit Hours Permitted: Individual students will be permitted to earn up to 30 semester hours of college credits per year through contractual concurrent enrollment. Credits earned in excess of 30 must be on a non-contractual basis.

7.3. Institution Credit: USHE institutions are responsible for course registration and awarding college credit for concurrent enrollment courses.

7.4. Transferability: Credit earned through the concurrent enrollment program shall be transferable between USHE institutions. Students should be encouraged to seek advice from a college academic adviser to make course choices that will meet the student's educational goals.

R165-8. Tuition, Fees, and Other Charges: Regular tuition and fees may not be charged to high school students for participation in this program.

8.1. Admissions Fee: Students may be assessed a one-time admissions application fee per institution, which satisfies the general admissions application fee requirement for a full-time or part-time student at an institution. The institution may not charge any additional admissions application fees for continuous enrollment at that institution following high school graduation.

8.1.1. Participation Fee: The USBR may charge a one-time fee for students to participate in the concurrent enrollment program. Paying this fee does not satisfy the general admissions application fee required for full-time or part-time students at a USHE institution.

8.2. Partial Concurrent Enrollment Tuition: USHE institutions may charge secondary students partial tuition for each concurrent enrollment course for which the student receives college credit in the following amounts:

8.2.1. A USHE institution may charge a concurrent enrollment student who qualifies for free or reduced school lunch partial tuition of up to \$5 per credit hour;

8.2.2. If a concurrent enrollment course is taught by a public school educator in a public school facility, a USHE institution may charge up to \$10 per credit hour;

8.2.3. If a concurrent enrollment course is taught over interactive video conferencing (IVC), a USHE institution may charge up to \$15 per credit hour;

8.2.4. If a concurrent enrollment course is taught on a USHE campus, a USHE institution may charge up to \$30 per credit hour.

8.2.5. The USBR shall annually report to the Legislature's Higher Education Appropriations Subcommittee on regular tuition savings to CE students, any partial CE tuition charged, and justification for the distribution of money appropriated for concurrent enrollment, pursuant to Utah Code §53E-10-308.

8.3. **Fee Waivers:** Concurrent enrollment program costs attributable only to college credit or enrollment are not subject to fee waiver under public school rule R277-407. All students' costs related to concurrent enrollment classes, which may include consumables, lab fees, copying, and material costs, as well as textbooks required for the course, are subject to fee waiver consistent with R277-407. The LEA is responsible for these waivers. The contract between the USHE institution and the LEA may address the responsibility for fee waivers.

R165-9. Location and Delivery: Concurrent enrollment courses shall be offered at the most appropriate location, using the most appropriate educational technology for the course content, the faculty, and the students involved. Instruction may be delivered through live classroom instruction or other accepted instruction technologies. Instruction normally occurs during the school day with students released from regular high school coursework to participate in concurrent enrollment.

9.1. **Students within Commuting Distance:** Qualified students residing within commuting distance of a USHE institution may pursue their concurrent enrollment study on the institution campus with approval from their LEA.

9.2. **Designated Service Region Delivery:** Each USHE institution has the responsibility for offering concurrent enrollment courses within their designated service region per Regent Policy R315. If the local institution chooses not to offer a concurrent enrollment course, a LEA may ask another USHE institution to provide the course.

9.3. **Right of First Refusal:** A LEA shall contact the USHE institution with responsibility for that LEA's service region to request a CE course offering. The local institution shall indicate in writing whether it will offer the requested course within 30 days of the LEA contact and request.

9.3.1. **Exception for Technology Delivered Courses:** Concurrent enrollment courses which meet the definition of "Technology Delivered Instruction" are subject to designated service region requirements. Institutions desiring to offer technology delivered CE courses outside their designated service region must receive a written endorsement from the local institution for each course they desire to offer before contracting with LEAs outside their designated service area. An annual system review of technology delivered courses shall be completed prior to November 30 of the year preceding the school year in which courses shall be offered to assure efficient and effective use of resources.

R165-10. CE Instructor Qualifications: College or university faculty or public school educators teach concurrent enrollment courses for the offering institution.

10.1. Selection of CE Instructors LEAs and the participating USHE institution shall jointly select instructors for concurrent enrollment courses. Selection criteria for instructors are the same as those criteria applied to other adjunct faculty appointments in specific departments within the USHE institution. Once approved as an adjunct, CE instructors who teach a CE course in 2018-19 or 2019-20 may continue to teach CE courses given curricular standards and student performance outcomes in the classes meet sponsoring academic department standards. Institutions shall establish a process for determining, in consultation with LEA partners, whether an eligible instructor who previously taught a CE course is no longer qualified to teach the CE course. The appropriate academic department at the institution must approve CE instructors prior to teaching the concurrent enrollment class.

10.2. Institutional Faculty CE Instructors: A USHE institution faculty member is an eligible CE instructor.

10.3. LEA Employee Instructor Qualifications: An LEA employee is an eligible CE instructor if the LEA employee is licensed under statutory Education Professional Licensure, is supervised by an institution of higher education, and

10.3.1. is approved as an eligible instructor by the institution of higher education that provides the concurrent enrollment course taught by the LEA employee as provided in section 10.4,

10.3.2. has an upper level mathematics credential issued by the State Board of Education, or

10.3.3. teaches a concurrent enrollment course that the LEA employee taught during the 2018-19 or 2019-20 school year .

10.4. A USHE institution shall approve an LEA employee as an eligible instructor:

10.4.1. For a career and technical education concurrent enrollment course, if the LEA employee has:

10.4.1.1. a degree, certificate, or industry certification in the concurrent enrollment course's academic field; or

10.4.1.2. qualifying experience, as determined by the institution of higher education.

10.4.2. For a concurrent enrollment course other than a career and technical education course, if the LEA employee has:

10.4.2.1. a master's degree or higher in the concurrent enrollment course's academic field;

10.4.2.2. a master's degree or higher in any academic field and at least 18 completed credit hours of graduate course work in an academic field that is relevant to the concurrent enrollment course; or

10.4.2.3. qualifying experience, as determined by the institution of higher education.

10.5. Appeals Process for Instructor Qualification Approvals. If a designated service area USHE institution determines an LEA employee is not qualified to teach a concurrent enrollment course and the LEA has exhausted all administrative remedies available at the institution, the LEA may appeal the decision in writing to the Commissioner of Higher Education within 15 calendar days of the institution's final decision. The Commissioner shall appoint an appeals committee consisting of the associate commissioner for academic affairs and two USHE chief academic officers who are uninvolved in the decision being appealed.

10.5.1. The appeals committee will review the LEA's appeal and the institution's decision.

10.5.2. The institution and LEA will provide the appeals committee with any material documents and information necessary for a complete review. The committee may request additional documentation or information as necessary.

10.5.3. The appeals committee will provide a recommendation to the Commissioner, which may include affirming or reversing the institution's decision.

10.5.4. The Commissioner shall make a final decision and issue it to the institution and the LEA in writing.

10.5.5. After the Commissioner has issued a decision, there will be no further appeals or reviews.

10.6. Criminal Background Checks: USHE faculty who are not public school educators and who teach concurrent enrollment courses defined under this policy in a high school shall complete a criminal background check consistent with Utah Code §53G-11, Part 4.³ The faculty's institution must determine if a criminal background check is required and, if so, must complete the background check and maintain required documentation consistent with the law.

10.7. Faculty Development: Concurrent enrollment instructors should be included as fully as possible in the academic life of the supervising academic department. USHE institutions and LEAs shall jointly initiate faculty development, including appropriate workshop experiences to adequately prepare instructors to teach concurrent enrollment students and course content prior to offering concurrent enrollment courses. If a USHE institution uses an instructor of record or co-teaching instructional model, the institution faculty shall fully engage and prepare the public school educator to successfully teach the curriculum prior to the beginning of the course. CE instructors must complete any faculty development required by the sponsoring academic department at the institution prior to teaching the concurrent enrollment class. USHE faculty are responsible to understand and comply with federal and state laws governing public school student privacy and student records.

R165-11. Funding

11.1. Source of Funds: Each year, the Utah Legislature will appropriate funds for accelerated learning programs. A portion of those accelerated learning funds shall be allocated to the concurrent enrollment program.

11.1.1. Eligibility to Receive Concurrent Funds: To qualify for funds, a concurrent enrollment program shall comply with the requirements described in Utah Code §53E-10-302, including rules adopted in accordance with Utah Code §53E-10-307.

³ See §53A-3-410 for detailed information on completing background checks.

11.2. Allocation of Funds: Money appropriated to the USBE for concurrent enrollment shall first be allocated between LEAs and the USBR based upon completed student credit hours taught by public school educators and taught by college or university faculty. Completed means that a student earned credit for the course. Concurrent enrollment funds may not reimburse institutions for concurrent enrollment courses repeated by students. In accordance with Utah Code §53F-2-409, funds shall be allocated as follows:

11.2.1. for courses that are taught by public school educators (instructors) where the cost of instruction is borne by the LEA, 60 percent shall be allocated to LEAs and 40 percent shall be allocated to the USBR;

11.2.2. for courses that are taught by college or university faculty or where the cost of instruction is borne by the USHE institution, 40 percent shall be allocated to LEAs; and 60 percent shall be allocated to the USBR.

11.3. Distribution of Funds among USHE Institutions: The USBR shall make rules regarding the allocation of funds pertaining to USHE institutions participating in contractual basis concurrent enrollment. Each institution shall receive a pro-rated amount according to the number of semester credit hours completed.

11.2.3. Snow CE Exception: Credit earned through the Snow CE Program, which receives a separate appropriation through Utah Code §53B-16-206 for instructional, advising, and administrative costs will not receive the pro-rated per credit funding as long as the separate appropriation funding is in place.

11.4. Annual Reports: Annual reports shall be provided to legislative committees:

11.4.1 Higher Education Appropriations: USHE staff shall annually report to the Higher Education Appropriations Subcommittee on concurrent enrollment participation and growth, including data on what higher education tuition would have been charged for the hours of concurrent enrollment credit granted as required by Utah Code §53E-10-308.

11.4.2 Public Education Appropriations: USHE and USBE staff shall annually report to the Public Education Appropriations Subcommittee an accounting of the money appropriated for concurrent enrollment; and a justification of the split described in section 11.2.

R165-12. Annual Concurrent Enrollment Contract: Collaborating LEAs and USHE institutions will annually sign a contract that establishes the terms, conditions, and duties for the institution to offer concurrent enrollment courses to the LEA's students.

12.1. Annual Contract Content: The contracts shall include relevant policy for student eligibility and participation, course eligibility and delivery, and faculty eligibility and professional development. USHE and USBE staff review and amend the contract annually, as needed, to reflect current statute and rule.

12.2. Annual Contract Deadline: Copies of all annual contracts entered into between institutions and LEAs for the upcoming school year must be submitted by institutions to the USHE system office no later than May 30 annually. USHE will convey copies of all contracts to USBE.

R165-13. Utah System of Technical Colleges (UTech) Agreements: High school students may participate at a UTech campus to take contractual basis concurrent enrollment courses under the following conditions:

13.1. Concurrent Enrollment Contract: A concurrent enrollment contract (see R165-12 above) must be in place between the LEA and the USHE institution covering the instruction to be given at the UTech campus.

13.2. UCAT Instruction and Costs: The USHE institution enters into an agreement with the UTech to provide the instruction. The agreement clearly establishes apportionment of cost and revenue that could be transferred to the UTech, and the process for approval of UTech instructors as institution adjunct faculty (see R165-10).