

**Faculty Training/Concurrent Enrollment Courses**  
Utah System of Higher Education (USHE)  
July 2001; Last revised July 2019

This document serves as inservice training<sup>1</sup> for USHE faculty who teach concurrent enrollment (CE) courses or who supervise CE teacher adjunct instructors. It provides information on statutory constraints on teaching minor students in the Utah public education system. Public education secondary teachers are familiar with these requirements. USHE faculty awareness of these public education guides may support discussion with public education partners should a LEA have questions or concerns arise around postsecondary curriculum.

#### CONCURRENT EDUCATION BACKGROUND

During the 1987 session, the Utah State Legislature passed Senate Bill 228 which authorized concurrent enrollment as a high school acceleration program. The concurrent enrollment program makes college courses available to qualified high school students who take a college course and earn both high school credit and college credit. Grades are recorded on both a high school transcript and a college transcript. General education classes, career and technical education classes, and introductory level course work for a variety of majors may be offered.

Concurrent enrollment classes are taught either at the high school or at a college site. Teachers may be regular college faculty members or high school teachers who have been approved for adjunct faculty status at the college. In rural areas, concurrent enrollment courses are frequently technology delivered via interactive video conferencing (IVC, or EDNET) or online. College teachers may have both regular college and high school students in their classes which are delivered to remote sites, usually at local high schools.

#### **Concurrent Credit**

For a class to qualify for both high school and college credit, the scope of the curriculum must content of the post-secondary course must roughly align to that of a secondary credit course. Post-secondary courses being considered for concurrent enrollment are reviewed by Utah State Board of Education curriculum specialists to determine whether the course alignes with public education core curriculum standards.

#### *Public Education Core Curriculum*

In 1984, the State Board of Education established specific Core Curriculum standards that must be completed by all K-12 students. The Core Curriculum outlines learning outcomes for public education courses, including those courses that are required for high school graduation. The core curriculum is detailed by curriculum area at <https://schools.utah.gov/curr/main>.

#### *Higher Education General Education*

Graduation requirements in post-secondary education have a common core curriculum in general education. Regent Policy R470 states that students must satisfy certain general education core requirements in written communication, quantitative literacy, American Institutions and classes in fine art, humanities, life sciences, physical sciences, and social and behavioral sciences<sup>3</sup>. Regent Policy R165 recommends that college courses offered for concurrent enrollment should

“be introductory-level general education, career and technical education, or pre-major college courses.”

### **Rigor and Quality**

Rigor and standards of a post-secondary course should be upheld when courses are offered for concurrent enrollment. USHE institutions are directed to provide high quality college level academic and career and technical education concurrent enrollment opportunities to qualified high school students. USBE rule (Board Rule) reinforces this sentiment: “The appropriate USHE institution shall take responsibility for course content, procedures, examinations, teaching materials, and program monitoring and all procedures and materials shall be consistent with Utah law, and shall ensure quality and comparability with courses offered on a college or university campus.” (R277-713-4-10) Thus college instruction offered in the high school setting must have qualitative safeguards to preserve the rigor and standards of college requirements.

That said, concurrent enrollment situations have certain constraints found in state code that protect minor students in the public education system, that may restrict the scope of content that can be taught. While not found in higher education, these constraints must be applied in concurrent enrollment situations. These restrictions may eliminate certain postsecondary courses from concurrent enrollment alignment.

Example *Limiting Media Choices*. An introductory film or visual arts class may not present R-rated films either in whole or part if high school students are enrolled. State Board of Education policy prohibits use of R rated films as a safeguard against violating a Supreme Court ruling that protects minors, while in public school, from exposure to “vulgar” speech. You must determine whether limiting film choices to PG-13 will compromise the rigor and standards of the course. If the answer is “no,” the course may be offered for concurrent enrollment.

Example: *Scheduling*. There are logistical considerations such as conflicts between the college and high school academic calendars that may compromise the number of contact hours an institution feels are necessary to adequately cover the postsecondary curriculum.

If you decide to teach a concurrent class, you must navigate these unique considerations.

### **GUIDE TO TEACHING PUBLIC EDUCATION STUDENTS**

The following information covers aspects of teaching unique to public education including 1. parental consent, 2. Family Educational Rights and Privacy Act (FERPA), 3. conduct in the classroom, 4. legal requirements for teaching curriculum involving human sexuality, HIV/AIDS, character education, value education, and 5. scheduling logistics.

#### **Parental Consent**

*Parental consent is required for public education students to enroll in a concurrent class.* This consent confirms three things:

1. the student is prepared to succeed in a college-level class;
2. the student understands s/he will be creating a permanent college transcript; and

3. the parent understands the content that will be covered and gives permission for his/her child to participate fully.

USBE policy for eligibility to enroll in concurrent classes states that the local schools and colleges shall jointly establish eligibility requirements, that the local school has the primary responsibility to identify students who are eligible, and that these students must have a plan for College and Career Readiness on file at the participating high school.

USHE provides the following guidelines for qualifying students to enroll in concurrent classes and stresses the importance of counseling students on the gravity of creating a permanent college transcript when enrolling in a concurrent class:

- Students wishing to participate in concurrent enrollment must meet eligibility requirements which are sufficiently selective to predict a successful experience in a college class. These requirements may include, among others: freshman to senior standing; a grade point average and ACT composite score which predicts success (generally considered to be a B average and score of 22 or higher); supportive letters of recommendation; completion of course prerequisites or placement testing; and approval of high school officials. (See Regent Policy R165-5.2)
- Participation in concurrent enrollment begins a student's college experience and a 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. (See Regent Policy R165-7.1)

The State Board of Education is required by law to secure parental consent for human sexuality health classes, HIV classes, and classes where students, either through testing or survey, might reveal information about themselves or family members such as political or religious beliefs or affiliation, anti-social behavior, or critical self-appraisals.<sup>2</sup> If a concurrent enrollment course might touch on one of these topics, a student's parent or legal guardian must be notified in advance and have an opportunity to review the course content for which parental consent is required. The State Board must keep parental consent forms for these courses<sup>3</sup> on file and must log all objections or complaints regarding the content.

### **FERPA and Public Education Students**

*Parents or guardians of minors in the Public School system have a right to request and be given information on their student's academic progress.* Parents of public school students participate in parent-teacher conferences annually. Under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99), parents have a right to request and review a student's education records, request that the school correct records they believe are misleading or inaccurate, and request a hearing if the school does not comply. *These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level:* parents and guardians can no longer request access to education records of their children once they have left secondary school. That is why college faculty are used to communicating

academic progress only with the student. However, in concurrent enrollment situations, it may not be clear when this protection transfers from parent to child.

Generally, schools must have written permission from the parent or concurrent enrollment student in order to release any information from a student's education record. For details see the *FERPA Fact Sheet* <https://nces.ed.gov/pubs98/safetech/appendix-b.asp>. CE faculty should refer parent inquiries to the institution's CE director.

### **Academic Freedom and Public Education Students: Conduct and Content**

*In concurrent classes, academic freedom must be balanced with protection of minors.*

*Concurrent faculty must adhere to the public education scope of academic freedom.* Faculty's academic freedom in a "classroom" populated in part or full by public education students is, legally, different than the academic freedom enjoyed in a classroom of higher education students. There are two primary issues to be aware of: conduct and content.

*Conduct* – The US Supreme Court has set limits for the public education classroom that balance academic freedom and protection of minors: *Bethel v. Fraser*, 478 U.S. 675 (1986) states, "The undoubted freedom to advocate unpopular and controversial views in schools and classrooms must be balanced against the society's countervailing interest in teaching students the boundaries of socially appropriate behavior." This ruling also addresses speech: "We have also recognized an interest in protecting minors from exposure to vulgar and offensive spoken language. . . . [v]ulgar speech and lewd conduct is [sic] wholly inconsistent with the fundamental values of public education."

*Content* – The Utah State Legislature has defined limits for teaching human sexuality and requires the State Board of Education provide HIV/AIDS education and Character Education. The code for these content areas follows:

### **Legal Requirements/Health Education**

*Faculty teaching health education classes covering human sexuality topics must be careful to teach the facts, and not advocate certain practices.* As found in R277-474-3, the following *may not* be taught in Utah public school courses through the use of instructional materials, direct instruction (F2F), or online instruction:

1. the intricacies of intercourse, sexual stimulation or erotic behavior;
2. the advocacy of premarital or extramarital sexual activity; or
3. the advocacy or encouragement of the use of contraceptive methods or devices.

The focus on teaching the facts versus advocating certain practices or points of view extends to responding to student questions. Utah State Code 53G-10-402(2)(b)(ii)(A) states, "at no time may instruction be provided, including responses to spontaneous questions raised by students, regarding any means or methods that facilitate or encourage the violation of any state or federal criminal law by a minor or an adult." Advocating or encouraging the use of contraceptives, for example, is a violation of state code.

### **HIV Education**

*Concurrent classes that cover AIDS and HIV should lead students to understand lifestyle practices that increase one's chances of contracting HIV/AIDS and also cover disease control.* These curriculum guides are found in the high school section of public education HIV core standards established by the State Board of Education in 1984. In grades 3 through 6, students develop an understanding of diseases and the immune system and how AIDS compares with other diseases. In grade 8, students analyze the impact of sexually transmitted diseases (STDs) including HIV and AIDS on self and others and determine risk-reducing behaviors in the prevention of STDs. In grades 9 through 12, when students are eligible for concurrent enrollment classes, the core standards include discussion the advantages of abstinence over other methods in preventing STDs and the importance of early detection, testing and treatment of STDs.

### **Civil and Character Education**

*Ideally, CE courses emphasize the core values that undergird the public education system.* Character education, rather than a specific curriculum, is a guiding principle for all public school education. Although many states advocate character education as a guiding principle in public education, Utah is the only state to legislate it:

Utah State Code 53G-10-204(3)

Through an integrated curriculum, students shall be taught in connection with regular school work:

- (a) honesty, integrity, morality, civility, duty, honor, service, and obedience to law;
- (b) respect for and an understanding of the Declaration of Independence and the constitutions of the United States and of the state of Utah;
- (c) Utah history, including territorial and preterritorial development to the present;
- (d) the essentials and benefits of the free enterprise system;
- (e) respect for parents, home, and family;
- (f) the dignity and necessity of honest labor; and
- (g) other skills, habits, and qualities of character which will promote an upright and desirable citizenry and better prepare students to recognize and accept responsibility for preserving and defending the blessings of liberty inherited from prior generations and secured by the constitution.

### **Scheduling and Logistics: Public Education Academic Year Considerations**

*When planning a course syllabus and meeting schedule, a concurrent enrollment instructor should take into consideration differences in schedules between the college and the high school that may lead to scheduling conflicts for high school concurrent students. USBE shall provide an academic calendar to concurrent faculty.* The public education academic calendar is not the same as the semester calendar at colleges and universities. Term start and end dates and holidays may vary. High school activities like assemblies, sports activities, and parent/teacher conferences may conflict with scheduled class time. If a high school starts 10 days before your semester, are you willing to provide instruction for your concurrent students? A college may remain open on a holiday that public schools close for: are you willing to lecture on that day?

Both college and high school students in a concurrent class are responsible to complete the requirements of the class to earn credit. All students are responsible to manage conflicts. The significant difference between high school and college students is that the conflict for a high school student may be created by his or her school versus the student's personal agenda.

### **Instructional Materials Commission**

*In addition to reviewing a syllabus to articulate credits, concurrent course materials including textbooks and other media may be requested for review. Board Rule R277-469 charges public education's Instructional Materials Commission with reviewing all textbooks and other course materials such as videos to ensure the content meets certain standards.*

(1) The Instructional Materials Commission and the Board, in reviewing whether to recommend instructional materials, may consider whether the instructional materials:

- (a) are consistent with Core requirements;
- (b) are mapped and aligned to the Core and state adopted assessments if planned for use as primary materials;
- (c) are high quality, research-based, and proven to be effective in supporting student learning;
- (d) provide an objective and balanced viewpoint on issues;
- (e) include enrichment and extension possibilities;
- (f) are appropriate to varying levels of learning;
- (g) are accurate and factual;
- (h) are arranged chronologically or systematically, or both;
- (i) reflect the pluralistic character and culture of the American people and provide accurate representation of diverse ethnic groups;
- (j) are free from sexual, ethnic, age, gender or disability bias and stereotyping; and
- (k) are of acceptable technical quality.

A school or school district that uses any funding source to purchase materials that have not been recommended or selected consistent with state law, may have funds withheld to the extent of the actual costs of those materials pursuant to Subsection 53E-3-401(8)(a)(ii). (R277-469-3)

Thank you for reviewing this information about concurrent enrollment instruction. Questions can be directed to your institutions CE Director or to Cynthia Grua, 801-755-4463, [cgrua@ushe.edu](mailto:cgrua@ushe.edu).

-----  
**Code Cited**

<sup>1</sup> Utah State Code 53G-10-402(7)(b) requires inservice training for public education “teachers, counselors, and school administrators to enable them to understand, protect, and properly instruct students in the values and character traits” referenced in state code. When higher education faculty teach public education students in a concurrent enrollment class, this requirement of inservice training extends to them. Board Rule R277-474-4 outlines the nature of inservice training as follows:

Utah State Board of Education Responsibilities:

- A. develop and provide professional development and assistance with training for educators on law and rules specific to human sexuality instruction and related issues.
- B. develop and provide a parental notification form and timelines for use by LEAs.
- C. establish a review process for human sexuality instructional materials and programs using the instructional materials commission and requiring final Board approval of the instructional materials commission's recommendations.
- D. approve only medically accurate human sexuality instruction programs.
- E. receive and track parent and community complaints and comments received from LEAs related to human sexuality instructional materials and programs.

Faculty development extended also to public education educators adjuncted to teach concurrent classes:

**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. (Regent Policy 165 10.7)

<sup>2</sup> Utah State Code 53E-9-203. Activities prohibited without prior written consent -- Validity of consent -  
- Qualifications -- Training on implementation.

- (1) Except as provided in Subsection (7), Section [53G-9-604](#), and Section [53G-9-702](#), policies adopted by a school district or charter school under Section [53E-9-202](#) shall include prohibitions on the administration to a student of any psychological or psychiatric examination, test, or treatment, or any survey, analysis, or evaluation without the prior written consent of the student's parent or legal guardian, in which the purpose or evident intended effect is to cause the student to reveal information, whether the information is personally identifiable or not, concerning the student's or any family member's:
  - (a) political affiliations or, except as provided under Section [53G-10-202](#) or rules of the State Board of Education, political philosophies;
  - (b) mental or psychological problems;
  - (c) sexual behavior, orientation, or attitudes;
  - (d) illegal, anti-social, self-incriminating, or demeaning behavior;

- (e) critical appraisals of individuals with whom the student or family member has close family relationships;
  - (f) religious affiliations or beliefs;
  - (g) legally recognized privileged and analogous relationships, such as those with lawyers, medical personnel, or ministers; and
  - (h) income, except as required by law.
- (2) Prior written consent under Subsection [\(1\)](#) is required in all grades, kindergarten through grade 12.
- (3) Except as provided in Subsection [\(7\)](#), Section [53G-9-604](#), and Section [53G-9-702](#), the prohibitions under Subsection [\(1\)](#) shall also apply within the curriculum and other school activities unless prior written consent of the student's parent or legal guardian has been obtained.
- (4) (a) Written parental consent is valid only if a parent or legal guardian has been first given written notice, including notice that a copy of the educational or student survey questions to be asked of the student in obtaining the desired information is made available at the school, and a reasonable opportunity to obtain written information concerning:
- (i) records or information, including information about relationships, that may be examined or requested;
  - (ii) the means by which the records or information shall be examined or reviewed;
  - (iii) the means by which the information is to be obtained;
  - (iv) the purposes for which the records or information are needed;
  - (v) the entities or persons, regardless of affiliation, who will have access to the personally identifiable information; and
  - (vi) a method by which a parent of a student can grant permission to access or examine the personally identifiable information.
- (b) For a survey described in Subsection [\(1\)](#), written notice described in Subsection [\(4\)\(a\)](#) shall include an Internet address where a parent or legal guardian can view the exact survey to be administered to the parent or legal guardian's student.
- (5) (a) Except in response to a situation which a school employee reasonably believes to be an emergency, or as authorized under [Title 62A, Chapter 4a, Part 4, Child Abuse or Neglect Reporting Requirements](#), or by order of a court, disclosure to a parent or legal guardian must be given at least two weeks before information protected under this section is sought.
- (b) Following disclosure, a parent or guardian may waive the two week minimum notification period.
- (c) Unless otherwise agreed to by a student's parent or legal guardian and the person requesting written consent, the authorization is valid only for the activity for which it was granted.
- (d) A written withdrawal of authorization submitted to the school principal by the authorizing parent or guardian terminates the authorization.
- (e) A general consent used to approve admission to school or involvement in special education, remedial education, or a school activity does not constitute written consent under this section.
- (6) (a) This section does not limit the ability of a student under Section [53G-10-203](#) to spontaneously express sentiments or opinions otherwise protected against disclosure under this section.

- (b) (i) If a school employee or agent believes that a situation exists which presents a serious threat to the well-being of a student, that employee or agent shall notify the student's parent or guardian without delay.
  - (ii) If, however, the matter has been reported to the Division of Child and Family Services within the Department of Human Services, it is the responsibility of the division to notify the student's parent or guardian of any possible investigation, prior to the student's return home from school.
  - (iii) The division may be exempted from the notification requirements described in this Subsection [\(6\)\(b\)\(ii\)](#) only if it determines that the student would be endangered by notification of his parent or guardian, or if that notification is otherwise prohibited by state or federal law.
- (7) (a) If a school employee, agent, or school resource officer believes a student is at-risk of attempting suicide, physical self-harm, or harming others, the school employee, agent, or school resource officer may intervene and ask a student questions regarding the student's suicidal thoughts, physically self-harming behavior, or thoughts of harming others for the purposes of:
- (i) referring the student to appropriate prevention services; and
  - (ii) informing the student's parent or legal guardian.
- (b) On or before September 1, 2014, a school district or charter school shall develop and adopt a policy regarding intervention measures consistent with Subsection [\(7\)\(a\)](#) while requiring the minimum degree of intervention to accomplish the goals of this section.
- (8) Local school boards and charter school governing boards shall provide inservice for teachers and administrators on the implementation of this section.
- (9) The board shall provide procedures for disciplinary action for violations of this section.

<sup>3</sup> Board Rule R227-474-5 requires the USBE the parental notification form shall:

- (a) explain a parent's right to review proposed curriculum materials in a timely manner;
- (b) request the parent's permission to instruct the parent's student in identified course material related to human sexuality or maturation education;
- (c) allow the parent to exempt the parent's student from attendance for a class period where identified course material related to human sexuality instruction or maturation education is presented and discussed;
- (d) be specific enough to give parents fair notice of topics to be covered;
- (e) include a brief explanation of the topics and materials to be presented and provide a time, place and contact person for review of the identified curricular materials;
- (f) be retained on file with affirmative parental consent for each student prior to the student's participation in discussion of issues protected under Section 53A-13-101; and
- (g) be maintained at the student's school for a reasonable period of time.