R165, Concurrent Enrollment[1]

R165-1 The following policy has been codified as Utah Administrative Code R765-165[2].

R165-2 References

2.1. Utah Code Title 53E, Chapter 10, Part 3, Concurrent Enrollment

2.2. Utah Code § 53E-4-206, Career and College Readiness Mathematics Competency Standards

2.3. Utah Code § 53H-1-102, Utah System of Higher Education

2.4. Utah Code § 53H-1-203, Establishment of Board – Power, Duties, and Authority

2.5. Utah Code § 53H-1-207, Coordination of Higher Education and Public Education Information Technology Systems – Use of Unique Student Identifier

2.6. Utah Code § 53E-4-308, Unique Student Identifier

2.7. Utah Code Title 53G, Chapter 11, Part 4, Background Checks

2.8. Utah Code § 53H-4-503, Snow College Concurrent Education Program

2.9. Utah Code § 53E-10-307, Concurrent Enrollment Courses for Accelerated Foreign Language Students

2.10. Utah Administrative Code R277-407, School Fees

2.11. Utah Code § 53G-10-103, Sensitive Instructional Materials

2.12. Board Policy R312, Institutional Roles and Missions

2.13. Board Policy R315, Designation of Service Regions and Approval of Out-of-Region Instructional Programs

2.14. Board Policy R404, Technical Education Program Alignment

R765. Higher Education (Utah Board of), Administration.

R765-165. Concurrent Enrollment.

R765-165-1. Purpose.

The purpose of this rule is to establish the rules and procedures that govern Utah System of Higher Education ("USHE") institutions when providing concurrent enrollment opportunities to Utah public education students. This rule does not apply when a USHE institution is contracting

[1] *Approved January 22, 1988; amended June 10, 2005, July 28, 2006, May 29, 2009, November 18, 2011, May 16, 2014, September 16, 2016, May 17, 2019, and May 15, 2020. Board Policy replaced by Utah Administrative Code on August 10, 2023; amended June 6, 2024; January 9, 2025; January 9, 2026; July 9, 2026; and October 2, 2026.*
[2] This administrative rule must also be approved by the Utah Office of Administrative Rules and minor, non-substantive edits to conform with the Utah Administrative Code style guide may be made.

concurrent opportunities with public education students in other states or with private high schools located within Utah.

R765-165-2. Authority.

This rule is authorized by Sections 53E-10-301, 53E-10-302, 53E-10-309(6), and 53G-10-103.

R765-165-3. Definitions.

(1) "Concurrent Enrollment" ("CE") means college courses that Utah System of Higher Education institutions offer to public schools 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. CE is distinct from early college admission.

(2) "Career and Technical Education Courses" and "CTE" means undergraduate courses that prepare students for employment with industry-specific skills and knowledge that meet the needs of Utah's employers for technically skilled workers.

(3) "Contractual Basis" means courses and instruction offered under an annual contract between a LEA and a USHE institution. Contractual basis CE is eligible for state funding through the appropriation for CE authorized under Section 53E-10-302.

(4) "Degree-granting Institution" means a USHE institution defined in Subsection 53H-1-102(1)(a).

(5) "Early College" means 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. CE policies and funding mechanisms do not apply to early college admission enrollment. Early college admission enrollments are reported as regular enrollments by USHE institutions.

(6) "Early College High School" means 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 CE and early college courses. The early college high school negotiates for and pays any applicable tuition and fees for early college courses.

(7) "Eligible Institution" means an institution as defined in Subsection 53E-10-301(4).

(8) "Instructor" means a licensed LEA K-12 educator who qualifies and is approved to teach CE courses as an adjunct or equivalent faculty within an institution's supervising department or program.

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

(10) "Local Education Agency" and "LEA" mean a school board, public school district or public charter school.

(11) "Non-contractual Basis" means college credit courses public education students pursue on their own initiative. Such students must enter into an agreement between the student, the student's parent or guardian, the 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 CE is not eligible for state CE funding according to Section 53E-10-302.

(12) "Qualifying Experience" means a LEA employee's experience in an academic or technical field that qualifies the LEA employee to teach a CE 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 Utah State Board of Education ("USBE"); (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 as defined by Subsection 53E-10-301(9).

(13) "Sensitive Material" means instructional material that constitutes objective sensitive material or subjective sensitive material as defined in Subsection 53G-10-103(h)(i).

(14) "Snow College Concurrent Education Program" and "Snow CE" mean a consistent two-year schedule of CE 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' CE courses align with their academic and career goals. Rule R765-165 governs the Snow CE program. Funding is appropriated under Section 53H-4-503.

(15) "Plan for College and Career Readiness" means secondary school process for academic and career planning, facilitated by school counselors with students and their parents or guardians.

(16) "Supervision of CE Instructors" means professional development opportunities institutions provide to public educators who qualify as CE instructors to prepare them to teach the CE post-secondary curriculum.

(17) "Technical College" means a USHE institution defined under Subsection 53H-1-102(1)(b) or a degree-granting institution acting in its technical education role described in Section 53H-3-608.

(18) "Technology Delivered Instruction" means course instructions provided to students by common technology such as broadcast, interactive videoconferencing, or the Internet.

(19) "Technology Intensive CE" and "TICE" mean hybrid CE courses that blend different learning activities, both in classrooms and online. TICE courses include common course assessments and, when possible, utilize open education resources. Each USHE institution may offer TICE courses.

(20) "Unique Student Identifier" and "SSID" mean an alphanumeric code assigned to each public education student for identification purposes.

(21) "Utah Board of Higher Education" and "Board" mean the governing body for the Utah System of Higher Education.

(22) "Utah System of Higher Education" and "USHE" mean the system of public colleges and universities governed by the Utah Board of Higher Education.

(23) "USHE Institution" means a degree-granting institution or a technical college within the USHE as defined in Section 53H-1-102.

(24) "Utah State Board of Education" and "USBE" mean the system of public education districts and charter schools governed by the Utah State Board of Education.

R765-165-4. Purpose of CE Program.

The CE program provides course options to a prepared high school student who earns high school and college credit. The CE program is intended to allow a student 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. To accomplish the purpose for the CE program, the Board and the USBE shall ensure that the following is done:

(1) High Quality Opportunities - CE courses shall provide high quality, college-level academic and career and technical education opportunities to qualified high school students.

(2) Qualitative Safeguards - College instruction offered in the high school setting must maintain the rigor, quality, and outcomes of corresponding courses delivered on a USHE campus. The eligible institution granting the college credit for a given course is responsible to establish and monitor appropriate qualitative safeguards. To help ensure quality, consistent instruction, and student success, the eligible institutions should officially enroll students as CE students.

(3) Participating Institutions - USHE institutions may participate in the contractual basis CE program in compliance with controlling law and consistent with USBE rules governing the use of public education funds.

(4) Program Evaluation - The USBE and the Board shall work in close cooperation in developing, implementing, and evaluating the CE program, including monitoring participation and outcomes across both academic and career and technical education programs.

R765-165-5. Students.

(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 CE courses. Students must complete contractual basis CE 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 CE program.

(2) Eligibility Requirements - USHE institutions and LEAs shall jointly establish student eligibility requirements. To predict a successful experience, institutions and LEAs may consider:

(a) enrollment in grades 9, 10, 11, or 12;

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

(c) approval of high school and college officials;

(d) appropriate placement assessments for courses such as mathematics and English;

(e) completion of 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;

(f) completion of institutionally established prerequisites for a course; and

(g) a completed plan for college and career readiness on file.

(3) CE Participation Form and Parent Permission to Participate - Before allowing an eligible student to participate in the CE program for the academic year, an institution shall ensure the student has completed the USHE CE participation form, signed an acknowledgement of program participation requirements, and obtained a permission form signed by a parent or guardian.

(4) Identification of Eligible Students - LEAs have the primary responsibility for identifying students who are eligible to participate in the CE program.

(5) Advising - USHE institutions and LEAs shall jointly coordinate advising to prospective or current high school students who participate in the CE program. Advising shall include information on general education and career and technical education program graduation requirements at USHE institutions and on how students can choose CE courses to avoid duplication or excess credit hours. Advising shall also provide students a CE Master List of all CE courses under Subsection R165-6(4).

(6) 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 Sections 53H-1-207 and 53E-4-308.

(a) USBE and USHE staff shall coordinate access to the SSID of a public education student who later attends a USHE institution.

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

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

(a) the student's name and SSID;

(b) the student's LEA;

(c) the name of each CE course taken by the student;

(d) the institution where the student enrolled to take each CE course; and

(e) the number of college credits the student earned in each CE course with a designation that indicates which credits the student earned at a grade "C" or higher.

R765-165-6. Courses.

(1) Choice of Courses - The courses offered through CE shall be introductory-level general education, career and technical education, and pre-major or pre-certificate college courses, or select upper-division courses when approved by the Utah Board of Higher Education after consulting with the USBE. CE courses must assist students in earning post-secondary certificates or degrees. CE may only include college and career and technical education courses that correspond to high school courses typically offered in grades 11 or 12. Courses selected shall reflect the strengths and resources of the respective schools and USHE institutions. CE offerings shall be limited to courses in English, mathematics, fine arts, humanities, science, social science, world languages, general financial literacy/personal finance, and career and technical education.

(2) Career and Technical Education (CTE) Courses – CTE concurrent enrollment courses are undergraduate courses that prepare students for employment with industry-specific skills and knowledge that meet the needs of Utah's employers for technically skilled workers. CTE CE courses shall correspond to a Board-approved aligned program or an approved supplemental course under Board Policy R404, *Technical Education Program Alignment*. CTE CE courses shall use the aligned program structure to ensure transferability and program consistency, including the use of common course numbers, names, descriptions, and objectives. An LEA shall ensure CTE CE courses taught at a high school site have the necessary equipment and facilities to deliver the curriculum at a college-level rigor.

(3) Accelerated Foreign Language Courses for the Utah Language Bridge Program – Degree-granting USHE institutions may offer upper-division foreign language courses to accelerated foreign language students, including dual language immersion students. Upper-division foreign language concurrent enrollment courses shall count toward a foreign language degree offered by the USHE institution.

(a) An upper-division accelerated foreign language course shall be taught or co-taught by a qualified instructor as outlined in Subsections R165-10(3) and R165-10(5)(b)-(c).

(b) If a degree-granting USHE institution cannot provide a qualified instructor for an upper-division accelerated foreign language course in the institution's service area as provided in this rule, an LEA may initiate a partnership with another degree-granting USHE institution to provide an upper-division accelerated foreign language course in alignment with the right of first refusal requirements in Subsection R165-9(3).

(4) Master List - The USBE and the Office of the Commissioner of Higher Education ("OCHE") shall jointly review the Concurrent Enrollment Master List ("CEML") each year to ensure compliance with relevant Board policies. Only CE courses that are compliant with Board policy requirements will be included on the CEML. The OCHE and the USBE will jointly approve courses that are added to an institution-specific CEML. Only courses taken from the CEML for a given academic year shall be considered CE courses and reimbursed from state CE funds. Students enrolled in technical college courses that are not on the CEML are not participating in the contractual concurrent enrollment program and are not included in the CE funding formula described in Section R165-11, even if they receive high school credit for those courses.

(5) Changes to CE Master List - USHE institutions, after consultation with LEAs, shall provide the USBE with proposed new course offerings, including syllabi and curriculum materials the date established by OCHE and USBE for the annual review of the Concurrent Enrollment Master List for the school year in which courses shall be offered.

(6) Number of Courses - In general, institutions should ensure they have sufficient capacity to maintain high quality instruction, coordinated professional development for participating faculty, and transferability of credit between USHE institutions when determining the number and types of CE courses they offer.

(7) Institution Responsibility - The offering USHE 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's campus. When possible, department exams should be used in the CE course. For courses that transfer as equivalent credit among USHE institutions, the institution shall ensure articulated learning outcomes are met.

(8) Learning Materials - Under Subsection 53G-4-402(27), CE learning materials are not subject to selection by the local school board.

(9) Sensitive Material - Under Subsection 53G-10-103(h)(ii) does not include an instructional material for a CE course that contains sensitive material and for which a parent receives notice from the course provider of the material before enrollment of the parent's child and gives the

parent's consent by enrolling the parent's child. A USHE institution shall provide parental notice for any courses that contain sensitive material prior to the student's enrollment in the CE course.

R765-165-7. Credit.

(1) Permanent College Transcript - The registrations and grades of each CE course shall be recorded on permanent college transcripts. A student who registers for a CE course shall commit to having the final course grade recorded on that student's permanent college record, regardless of the results.

(2) Credit Value - College level courses taught in the high school shall carry the same credit hour value as when taught on a USHE institution campus and shall apply toward graduation from a USHE institution on the same basis as courses taught at the USHE institution where the credits are earned.

(3) Credit Hours Permitted - Individual students shall be permitted to earn up to 30 semester hours of college credits per year through contractual CE. Credits earned in excess of 30 must be on a non-contractual basis.

(4) Institution Credit - USHE institutions shall be responsible for course registration and awarding students college credit for CE courses.

(5) Transferability - Credit earned through the CE 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.

R765-165-8. Tuition, Fees, and Other Charges.

Regular tuition and fees may not be charged to high school students for participation in this program.

(1) Participation Fee - An eligible institution may charge course fees for students to participate in the CE program.

(2) Partial CE Tuition – Except as otherwise excepted under state law for technical colleges, an eligible institution may charge a secondary student partial tuition for each CE course for which the student receives college credit in the following amounts:

(a) a USHE institution may charge a CE student who qualifies for free or reduced school lunch partial tuition of up to $5 per credit hour;

(b) if a CE course is taught by a public school educator in a public school facility, a USHE institution may charge up to $10 per credit hour;

(c) if a CE course is taught over interactive video conferencing (IVC), a USHE institution may charge up to $15 per credit hour; and

(d) if a CE course is taught on a USHE campus, a USHE institution may charge up to $30 per credit hour.

(3) The Board 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 CE, pursuant to Section 53E-10-308.

(4) Fee Waivers - CE program costs attributable only to college credit or enrollment are not subject to fee waiver under Rule R277-407. A student's costs related to CE 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 Rule R277-407. The LEA shall be responsible for these waivers. The contract between the USHE institution and the LEA may address the responsibility for fee waivers.

R765-165-9. Location and Delivery.

CE 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 instructional technologies. Instruction normally occurs during the school day with students released from regular high school coursework to participate in CE.

(1) Students within Commuting Distance - Qualified students residing within commuting distance of a USHE institution may pursue their CE study on the institution's campus with approval from their LEA.

(2) (a) Designated Service Region Delivery - Each USHE institution has the responsibility for offering CE courses within its designated service region under Board Policy R315, *Designation of Service Regions and Approval of Out-of-Region Instructional Programs, Branch Campuses, Instructional Service Centers, and Extension Centers*.

(b) If the local institution chooses not to offer a CE course within its designated service region, an LEA may request the course from another USHE institution under Subsection R165-9(5).

(3) Alignment with Institutional Mission and Role – Each USHE institution shall only offer CE courses within its mission and role as defined under Board Policy R312, *Institutional Roles and Missions and Approval of Out-of-Role Instructional Programs*.

(4) For CTE CE courses:

(a) If a technical college offers a CTE CE course or course content that aligns at least 80% with the CE course, the LEA shall first work with the technical college serving the designated service region, or with a degree-granting institution approved to provide technical education in that region.

(i) If a CTE CE course is part of both a CTE certificate program approved under Board Policy R404, *Technical Education Program Alignment* and a CTE

degree program, the LEA shall first work with the technical college serving the designated service region.

(b) If the technical college does not offer the course or course content at the required 80% alignment, the LEA may work with the degree-granting institution serving the designated service region that is approved to provide such instruction.

(5) Right of First Refusal

(a) An LEA shall contact the USHE institution with responsibility for that LEA's designated 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 request.

(b) The LEA may contact another USHE institution to request sponsorship of the course(s) under Subsection R165-9(5)(a) if the institution with responsibility in the designated service region:

(i) Chooses not to offer the CE course(s) proposed by the LEA. The following shall be considered a decision by the local institution not to offer the CE course:

(A) If the local institution does not have a qualified instructor within 30 days of the LEA's request or has not identified a qualified instructor annually by the date agreed upon by the LEA and USHE institution;

(B) Cannot provide the course within the LEA's academic schedule (e.g., semester versus trimester);

(C) Is unable to offer the requested CE course in the academic semester immediately following the LEA's request;

(D) Fails to respond to the LEA's request under Subsection R165-9(5)(a);

(E) Reaches the eligible institution's enrolled student capacity for the CE course and prohibits an LEA with an eligible instructor from expanding the CE course to eligible students;

(F) For an upper-division foreign language course, an institution cannot provide a qualified instructor to an LEA before April 1 of each year; or

(G) If the LEA determines the institution's course includes instructional materials that are either sensitive materials as defined by Section 53G-10-103, or are otherwise prohibited by state law or USBE rule.

(c) Exception for Technology Delivered Courses - CE 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.

(d) For a student who wants to enroll in an existing CE course that is not offered online by an LEA's designated service region, the LEA shall contract with any eligible institution that offers the online concurrent enrollment course.

R765-165-10. CE Instructor Qualifications.

(1) USHE institution faculty or public-school educators teach CE courses for the offering institution.

(2) Selection of CE instructors LEAs and the participating USHE institution shall jointly select instructors for CE courses annually by the date agreed upon by the LEA and USHE institution. Selection criteria for instructors are the same as those criteria applied to other adjunct or equivalent instructional classifications within the institution's supervising departments or programs. Once approved as an adjunct, a CE instructor who teaches a CE course in 2018-19 or 2019-20 may continue to teach CE courses given curricular standards and student performance outcomes in the CE instructor's 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 or program at the institution must approve each CE instructor prior to teaching a CE class.

(3) Institutional Faculty CE Instructors - A USHE institution faculty member is an eligible CE instructor. Upper-division foreign language faculty members shall:

(a) hold a master's degree or higher or have at least 18 completed credit hours of graduate course work in an academic field related to the foreign language course;

(b) demonstrate language proficiency of advanced-high or higher on a verbal or written exam using nationally recognized assessment that assesses an instructor's language proficiency or hold a bachelor's degree from a relevant country of origin in the target language; and

(c) be hired by an institution according to the standards of the institution.

(4) LEA Employee Instructor Qualifications - A LEA employee is an eligible CE instructor, except for upper-division foreign language instructors, if the LEA employee is licensed under statutory Education Professional Licensure, is supervised by an institution of higher education, and meets the following requirements:

(a) is approved as an eligible instructor by the institution of higher education that provides the CE course taught by the LEA employee as provided under Subsection R165-10(4);

(b) has an upper-level mathematics credential issued by the State Board of Education, or

(c) teaches a CE course that the LEA employee taught during the 2018-19 or 2019-20 school year.

(5) A USHE institution shall approve a LEA employee as an eligible instructor:

(a) for a career and technical education CE course, if the LEA employee has:

(i) a degree, certificate, or industry certification in the CE course's academic field; or

(ii) qualifying experience, as determined by the USHE institution.

(b) for an upper-division foreign language course, the LEA employee teaching the course individually shall have:

(i) a master's degree or higher or has at least 18 completed credit hours of graduate work in an academic field related to the upper-division foreign language course, or acquires exception for approval without a master's degree from the partnering institution and LEA; and

(ii) demonstrates language proficiency of advanced-high or higher on a verbal and written exam using a nationally recognized assessment that measures an instructor's language proficiency or holds a bachelor's degree from a relevant country of origin in the target language.

(c) for an upper-division foreign language course, the LEA employee co-teaching with a USHE institution faculty member shall have:

(i) a bachelor's degree from a relevant country of origin in the target language; or

(ii) qualifying experience including demonstrated language proficiency of advanced-mid or higher on a verbal and written exam using nationally recognized standards to assess an instructor's language proficiency. Qualifying experience does not include an instructor with qualifications based on years of experience alone.

(d) for a CE course other than a career and technical education course or accelerated foreign language course, if the LEA employee has:

(i) a master's degree or higher in the CE course's academic field; or

(ii) 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 CE course; or

(iii) qualifying experience including:

(A) the number of years of teaching experience;

(B) student performance on qualifying test scores or AP exams in courses that the LEA employee teaches;

(C) continuing education in a master's degree or higher in any academic field; or

(D) other criteria established by the institution of higher education.

(6) Appeals Process for Instructor Qualification Approvals - If a designated service area USHE institution determines a LEA employee is not qualified to teach a CE 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 ("Commissioner") within 15 calendar days of the institution's final decision. The Commissioner may appoint a designee to administer the appeals process in Subsection R165-10(6).

(a) The Commissioner will review the LEA's appeal and the institution's decision.

(i) The Commissioner may request additional documentation or information as necessary.

(b) The Commissioner shall issue the final written decision to the institution and the LEA.

(c) The Commissioner's decision is final.

(7) Criminal Background Checks - USHE faculty who are not public school educators and who teach CE courses defined under this policy in a high school shall complete a criminal background check consistent with Title 53G, Chapter 11, Part 4, Background Checks. 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.

(8) Faculty Development - CE instructors shall be included as fully as possible in the professional development of the supervising department or program. USHE institutions and LEAs shall jointly initiate faculty development, including appropriate workshop experiences to adequately prepare instructors to teach CE students and course content prior to offering CE 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. Each CE instructor must complete any faculty development required by the sponsoring department or program at the institution prior to teaching the CE class. USHE institution faculty shall be responsible for understanding and complying with federal and state laws governing public school student privacy and student records.

R765-165-11. Funding.

(1) Source of Funds - Each year that the Legislature appropriates funds for accelerated learning programs, a portion of those accelerated learning funds shall be allocated to the CE program.

(2) Eligibility to Receive Concurrent Funds - To qualify for funds, a CE program shall comply with the requirements described in Section 53E-10-302, including rules adopted in accordance with Section 53E-10-307.

(3) Allocation of Funds - Money appropriated to the USBE for CE shall first be allocated between LEAs and the Board based upon completed student credit hours taught by public

school educators and taught by USHE institution faculty. "Completed" means that a student earned credit for the course. Completed credit hours for general education, CTE, pre-major college level, foreign language, or upper division courses approved by the Board are included in this allocation. CE funds may not reimburse institutions for CE courses repeated by students. In accordance with Section 53F-2-409, funds shall be allocated as follows:

(a) for courses that are taught by public school educators 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 Board; and

(b) for courses that are taught by USHE institution 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 Board.

(4) Distribution of Funds among USHE Institutions - The Board shall make rules regarding the allocation of funds pertaining to USHE institutions participating in contractual basis CE. Each institution, except Snow CE, shall receive a pro-rated amount according to the number of semester credit hours completed. The Snow CE Program, which receives a separate appropriation through Section 53H-4-503 for instructional, advising, and administrative costs, shall not receive the pro-rated per credit funding as long as the separate appropriation funding is in place.

(5) Annual Reports - Annual reports shall be provided to legislative committees as follows:

(a) Higher Education Appropriations - USHE staff shall annually report to the Higher Education Appropriations Subcommittee on CE participation and growth, including data on what higher education tuition would have been charged for the hours of CE credit granted as required by Section 53E-10-308.

(b) Public Education Appropriations - USHE and USBE staff shall annually report to the Public Education Appropriations Subcommittee an accounting of the money appropriated for CE; and a justification of the split described in Subsection R165-11(2).

R765-165-12. Annual CE Contract.

Collaborating LEAs and USHE institutions shall annually sign a contract that establishes the terms, conditions, and duties for the institution to offer CE courses to the LEA's students.

(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 shall review and amend the contract annually, as needed, to reflect current statute and rule.

(2) Annual Contract Deadline - Copies of each annual contract entered into between institutions and LEAs for the upcoming school year must be submitted by each institution

to the USHE system office no later than May 30 annually. USHE shall convey copies of all contracts to USBE.