

R277. Education, Administration.

R277-707. Enhancement for Accelerated Students Program.

R277-707-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Subsection 53F-2-408(2), which requires the Board to establish a distribution formula for the expenditure of funds appropriated for the Enhancement for Accelerated Students Program.

(2) The purpose of this rule is:

(a) to specify the procedures for distributing funds appropriated under Section 53F-2-408(2) to LEAs; and

(b) to establish a method for an LEA to identify a gifted and talented student to receive extended or accelerated opportunities for the student to achieve growth annually at the highest level possible.

R277-707-2. Definitions.

(1) "Gifted and talented programs" means the process an LEA uses to identify and serve a gifted and talented student.

(2) "Gifted and talented student" means a student in grades K-8 that the LEA identifies as having an ability that is significantly above the typical ability of a student within the same age group in:

(a) general intellectual ability;

(b) specific academic fields including:

(i) language arts;

(ii) mathematics; or

(iii) science; or

(c) creative thinking.

(3) "Identify" or "identifies" means the use of multiple measures to determine if a

student qualifies for gifted and talented services.

(4)(a) "Measures" means an instrument or tool used to identify if a student qualifies for gifted and talented services and shall account for:

- (i) disabilities;
- (ii) potential language barriers;
- (iii) culturally diverse perspectives; and
- (iv) multilingual learners.

(b) Measures may not be solely dependent on a student's English vocabulary or comprehension skills.

(5) "Serve" or "services" means opportunities with increased depth, complexity, or rigor provided to a gifted and talented student which may include:

- (a) accommodations in the regular classroom;
- (b) pull-out programs;
- (c) advanced classes;
- (d) varied grouping strategies;
- (e) enrichment;
- (f) acceleration;
- (g) differentiation of curriculum and instruction
- (h) dual enrollment;
- (i) magnet schools;
- (j) academic competitions; or
- (k) other services approved by the Superintendent.

(6) "Underrepresented students" means a subset of students, as determined by an LEA and approved by the Superintendent, that holds a smaller percentage in a program as compared to the overall LEA population.

R277-707-3. Eligibility and Application.

(1) All LEAs are eligible to apply for the Enhancement for Accelerated Students Program funds annually.

(2) An LEA shall have a process for identifying and serving students whose academic achievement would benefit from the support of gifted and talented services.

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

(a) how the LEA will identify a student for a gifted and talented services using approved measures as described by the Superintendent;

(b) the services the LEA shall provide to an identified student;

(c) how the LEA plans to provide professional learning opportunities for a teacher to serve an identified student;

(d) how the LEA intends to spend program money;

(e) how the LEA plans to increase identification of underrepresented students;

(f) how the LEA intends to engage all parents so that parents understand the opportunities available for their children in elementary and middle school including how the LEA will comply with Rule R277-462; and

(g) how the LEA intends to eliminate barriers for student success.

(4) The Superintendent shall publish:

(a) expectations;

(b) timelines; and

(c) targets related to enrollment gap closures for underrepresented students.

R277-707-4. Distribution and Use of Funds.

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

(a) 40% of the total allocation to Early College Programs as described in R277-701; and

(b) 60% of the total allocation to LEAs to support gifted and talented programs as described in R277-707.

(2) The Superintendent shall distribute the funds described in Subsection (1)(b) to an LEA as follows:

(a) an LEA that has submitted an approved application shall receive a distribution of funds that is proportionate to the LEA's amount of grade K-8 students to the total number of grade K-8 students of all LEAs that have applied.

(b) the LEA's grades K-8 student headcount used in Subsection (2)(a) shall be from:

(i) the LEA's October 1 student headcount of the previous school year for funding distributions made before October of the current school year; and

(ii) the LEA's October 1 student headcount of the current school year for funding distributions made after October of the current school year.

(3) If an LEA fails to demonstrate progress in meeting plan goals for placing and retaining underrepresented students in accelerated programs, the Superintendent may:

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

(b) reduce funding to the LEA.

(4) Subject to the general requirements of Section R277-700-7, a school that offers a program eligible for funding under Section 53F-2-408, may not prohibit a student from enrolling in the course based on the student's:

(a) grades or grade point average;

(b) state standardized assessment scores;

(c) referral or lack of a referral from an educator; or

(d) requirements over the summer.

(5) An LEA may use a distribution of funds described in Subsection (2) for a gifted and talented program including:

(a) professional learning for teachers;

(b) identifying and serving students including underrepresented students;

(c) salaries of teachers;

(d) employee benefits of teachers;

(e) purchased professional and tech services;

(f) travel;

(g) supplies and materials; and

(h) property including equipment.

R277-707-5. Performance Criteria and Reports.

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

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

(3) At a minimum and in a form described by the Superintendent, the report shall include the following performance criteria related to the identified students who receive gifted and talented services:

(a) number of elementary and middle school students receiving gifted and talented services;

(b) an accounting of student performance for students receiving gifted and talented services disaggregated by student group as defined in the State Accountability System;

(c) evidence of stakeholder input demonstrating the LEA engaged parents;

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

(e) evidence that the LEA is making progress toward the LEA's plan and goals including increasing student participation and retention in the LEA's gifted and talented program including underrepresented students.

KEY: accelerated learning, enhancement programs, gifted and talented

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Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53F-2-408; 53E-3-401(4)