

1 **CONCURRENT ENROLLMENT EDUCATION AMENDMENTS**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Val L. Peterson**

5 Senate Sponsor: Ann Millner

7 **LONG TITLE**

8 **General Description:**

9 This bill repeals, amends, and enacts provisions regarding concurrent enrollment.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ amends and reenacts concurrent enrollment provisions, including:
 - 14 • state and local level administration of the program;
 - 15 • student and teacher eligibility; and
 - 16 • funding;
- 17 ▶ gives rulemaking authority; and
- 18 ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **53A-17a-105.5**, as last amended by Laws of Utah 2011, Chapter 7

26 **53B-1-109**, as last amended by Laws of Utah 2011, Chapter 301

27 ENACTS:

28 **53A-15-1701**, Utah Code Annotated 1953

29 **53A-15-1702**, Utah Code Annotated 1953

- 30 [53A-15-1703](#), Utah Code Annotated 1953
- 31 [53A-15-1704](#), Utah Code Annotated 1953
- 32 [53A-15-1705](#), Utah Code Annotated 1953
- 33 [53A-15-1706](#), Utah Code Annotated 1953
- 34 [53A-15-1707](#), Utah Code Annotated 1953
- 35 [53A-15-1708](#), Utah Code Annotated 1953
- 36 [53A-15-1709](#), Utah Code Annotated 1953

37 REPEALS:

- 38 [53A-15-101](#), as last amended by Laws of Utah 2013, Chapter 75
- 39 [53A-15-101.5](#), as last amended by Laws of Utah 2014, Chapter 63
- 40 [53A-17a-120.5](#), as last amended by Laws of Utah 2010, Chapter 3



42 *Be it enacted by the Legislature of the state of Utah:*

43 Section 1. Section **53A-15-1701** is enacted to read:

44 **Part 17. Concurrent Enrollment**

45 **53A-15-1701. Title.**

46 This part is known as "Concurrent Enrollment."

47 Section 2. Section **53A-15-1702** is enacted to read:

48 **53A-15-1702. Definitions.**

49 (1) "Concurrent enrollment" means enrollment in a course offered through the
50 concurrent enrollment program described in Section [53A-15-1703](#).

51 (2) "Educator" means the same as that term is defined in Section [53A-6-103](#).

52 (3) "Eligible instructor" means an instructor who is:

53 (a) employed as faculty by an institution of higher education; or

54 (b) (i) employed by an LEA;

55 (ii) licensed by the State Board of Education under Title 53A, Chapter 6, Educator

56 Licensing and Professional Practices Act;

57 (iii) (A) approved as adjunct faculty by an institution of higher education; or

58 (B) a mathematics educator who has an upper level mathematics endorsement; and
59 (iv) supervised by an institution of higher education.

60 (4) "Eligible student" means a student who:

61 (a) is enrolled in, and counted in average daily membership in, a high school within the
62 state;

63 (b) has a student education occupation plan, as described in Section [53A-1a-106](#), on
64 file at a high school within the state; and

65 (c) (i) is a grade 11 or grade 12 student; or

66 (ii) is a grade 9 or grade 10 student who qualifies by exception as described in Section
67 [53A-15-1703](#).

68 (5) "Endorsement" means a stipulation, authorized by the State Board of Education and
69 appended to a license, that specifies an area of practice to which the license applies.

70 (6) "Institution of higher education" means the same as that term is defined in Section
71 [53B-3-102](#).

72 (7) "License" means the same as that term is defined in Section [53A-6-103](#).

73 (8) "Local education agency" or "LEA" means a school district or charter school.

74 (9) "Participating eligible student" means an eligible student enrolled in a concurrent
75 enrollment course.

76 (10) "Upper level mathematics endorsement" means an endorsement required by the
77 State Board of Education for an educator to teach calculus.

78 (11) "Value of the weighted pupil unit" means the same as that term is defined in
79 Section [53A-1a-703](#).

80 Section 3. Section **53A-15-1703** is enacted to read:

81 **53A-15-1703. Concurrent enrollment program.**

82 (1) The State Board of Education and the State Board of Regents shall establish and
83 maintain a concurrent enrollment program that:

84 (a) provides an eligible student the opportunity to enroll in a course that allows the
85 eligible student to earn credit concurrently;

- 86 (i) toward high school graduation; and
87 (ii) at an institution of higher education;
88 (b) includes only courses that:
89 (i) lead to a degree or certificate offered by an institution of higher education; and
90 (ii) are one of the following:
91 (A) general education courses;
92 (B) career and technical education courses; or
93 (C) pre-major college level courses; and
94 (c) is designed and implemented to take full advantage of the most current available
95 education technology.
96 (2) The State Board of Education and the State Board of Regents shall coordinate:
97 (a) to establish a concurrent enrollment course approval process that ensures:
98 (i) credit awarded for concurrent enrollment is consistent and transferable to all
99 institutions of higher education; and
100 (ii) learning outcomes for concurrent enrollment courses align with:
101 (A) core standards for Utah public schools adopted by the State Board of Education;
102 and
103 (B) institution of higher education lower division courses numbered at or above the
104 1000 level; and
105 (b) advising to eligible students, including:
106 (i) providing information on general education requirements at institutions of higher
107 education; and
108 (ii) choosing concurrent enrollment courses to avoid duplication or excess credit hours.
109 (3) The State Board of Regents shall provide guidelines to an institution of higher
110 education for establishing qualifying academic criteria for an eligible student to enroll in a
111 concurrent enrollment course.
112 (4) To qualify for funds under Section [53A-15-1707](#), an LEA and an institution of
113 higher education shall:

114 (a) enter into a contract, in accordance with Section 53A-15-1704, to provide one or
115 more concurrent enrollment courses that are approved under the course approval process
116 described in Subsection (2);

117 (b) ensure that an instructor who teaches a concurrent enrollment course is an eligible
118 instructor;

119 (c) establish qualifying academic criteria for an eligible student to enroll in a
120 concurrent enrollment course, in accordance with the guidelines described in Subsection (3);

121 (d) ensure that a student who enrolls in a concurrent enrollment course is an eligible
122 student; and

123 (e) coordinate advising to eligible students.

124 (5) An LEA and an institution of higher education may qualify a grade 9 or grade 10
125 student to enroll in a concurrent enrollment course by exception.

126 (6) An institution of higher education shall accept credits earned by a student who
127 completes a concurrent enrollment course on the same basis as credits earned by a full-time or
128 part-time student enrolled at the institution of higher education.

129 (7) An institution of higher education shall require an eligible instructor to submit to a
130 background check and ongoing monitoring, as described in Section 53A-15-1503, in the same
131 manner as a non-licensed employee of an LEA, if the eligible instructor:

132 (a) teaches a concurrent enrollment course in a high school; and

133 (b) is not licensed by the State Board of Education under Title 53A, Chapter 6,
134 Educator Licensing and Professional Practices Act.

135 Section 4. Section 53A-15-1704 is enacted to read:

136 **53A-15-1704. Designated institution of higher education -- Concurrent enrollment**
137 **course right of first refusal.**

138 (1) As used in this section, "designated institution of higher education" means an
139 institution of higher education that is designated by the State Board of Regents to provide a
140 course or program of study within a specific geographic region.

141 (2) To offer a concurrent enrollment course, an LEA shall contact the LEA's designated

142 institution of higher education to request that the designated institution of higher education
143 contract with the LEA to provide the concurrent enrollment course.

144 (3) If the LEA's designated institution of higher education chooses to offer the
145 concurrent enrollment course, the LEA shall contract with the LEA's designated institution of
146 higher education to provide the concurrent enrollment course.

147 (4) An LEA may contract with an institution of higher education that is not the LEA's
148 designated institution of higher education to provide a concurrent enrollment course if the
149 LEA's designated institution of higher education:

150 (a) chooses not to offer the concurrent enrollment course proposed by the LEA; or
151 (b) fails to respond to the LEA's request under Subsection (2) within 30 days after the
152 day on which the LEA contacts the designated institution of higher education.

153 Section 5. Section **53A-15-1705** is enacted to read:

154 **53A-15-1705. Concurrent enrollment participation form -- Parental permission.**

155 (1) The State Board of Regents shall create a higher education concurrent enrollment
156 participation form that includes a parental permission form.

157 (2) Before allowing an eligible student to participate in concurrent enrollment, an LEA
158 and an institution of higher education shall ensure that the eligible student has, for the current
159 school year:

160 (a) submitted the participation form described in Subsection (1);
161 (b) signed an acknowledgment of program participation requirements; and
162 (c) obtained parental permission as indicated by the signature of a student's parent or
163 legal guardian on the parental permission form.

164 Section 6. Section **53A-15-1706** is enacted to read:

165 **53A-15-1706. Tuition and fees.**

166 (1) Except as provided in this section, the State Board of Regents or an institution of
167 higher education may not charge tuition or fees for a concurrent enrollment course.

168 (2) (a) The State Board of Regents may charge a one-time fee for a student to
169 participate in the concurrent enrollment program.

170 (b) A student who pays a fee described in Subsection (2)(a) does not satisfy a general
171 admission application fee requirement for a full-time or part-time student at an institution of
172 higher education.

173 (3) (a) An institution of higher education may charge a one-time admission application
174 fee for concurrent enrollment course credit offered by the institution of higher education.

175 (b) Payment of the fee described in Subsection (3)(a) satisfies the general admission
176 application fee requirement for a full-time or part-time student at an institution of higher
177 education.

178 (4) (a) Except as provided in Subsection (4)(b), an institution of higher education may
179 charge partial tuition of no more than \$30 per credit hour for a concurrent enrollment course
180 for which a student earns college credit.

181 (b) A higher education institution may not charge more than:

182 (i) \$5 per credit hour for an eligible student who qualifies for free or reduced price
183 school lunch;

184 (ii) \$10 per credit hour for a concurrent enrollment course that is taught at an LEA by
185 an eligible instructor described in Subsection [53A-15-1702\(3\)\(b\)](#); or

186 (iii) \$15 per credit hour for a concurrent enrollment course that is taught through video
187 conferencing.

188 Section 7. Section **53A-15-1707** is enacted to read:

189 **53A-15-1707. Funding.**

190 (1) The State Board of Education shall allocate money appropriated for concurrent
191 enrollment in accordance with this section.

192 (2) (a) The State Board of Education shall allocate money appropriated for concurrent
193 enrollment in proportion to the number of credit hours earned for courses taken where:

194 (i) an LEA primarily bears the cost of instruction; and

195 (ii) an institution of higher education primarily bears the cost of instruction.

196 (b) From the money allocated under Subsection (2)(a)(i), the State Board of Education
197 shall distribute:

198 (i) 60% of the money to LEAs; and
199 (ii) 40% of the money to the State Board of Regents.

200 (c) From the money allocated under Subsection (2)(a)(ii), the State Board of Education
201 shall distribute:

202 (i) 40% of the money to LEAs; and
203 (ii) 60% of the money to the State Board of Regents.

204 (d) The State Board of Education shall make rules, in accordance with Title 63G,
205 Chapter 3, Utah Administrative Rulemaking Act, providing for the distribution of the money to
206 LEAs under Subsections (2)(b)(i) and (2)(c)(i).

207 (e) The State Board of Regents shall make rules, in accordance with Title 63G, Chapter
208 3, Utah Administrative Rulemaking Act, providing for the distribution of the money allocated
209 to institutions of higher education under Subsections (2)(b)(ii) and (2)(c)(ii).

210 (3) Subject to budget constraints, the Legislature shall annually increase the money
211 appropriated for concurrent enrollment in proportion to the percentage increase over the
212 previous school year in:

213 (a) kindergarten through grade 12 student enrollment; and
214 (b) the value of the weighted pupil unit.

215 Section 8. Section **53A-15-1708** is enacted to read:

216 **53A-15-1708. Concurrent enrollment courses for accelerated foreign language**
217 **students.**

218 The State Board of Education and the State Board of Regents may develop and
219 implement a concurrent enrollment course of study for accelerated foreign language students,
220 including dual language immersion students.

221 Section 9. Section **53A-15-1709** is enacted to read:

222 **53A-15-1709. Reporting.**

223 The State Board of Education and the State Board of Regents shall submit an annual
224 written report to the Higher Education Appropriations Subcommittee and the Public Education
225 Appropriations Subcommittee on student participation in the concurrent enrollment program,

226 including:

227 (1) data on the higher education tuition not charged due to the hours of higher
228 education credit granted through concurrent enrollment;

229 (2) tuition or fees charged under Section 53A-15-1706;

230 (3) an accounting of the money appropriated for concurrent enrollment; and

231 (4) a justification of the distribution method described in Subsections

232 53A-15-1707(2)(d) and (e).

233 Section 10. Section **53A-17a-105.5** is amended to read:

234 **53A-17a-105.5. Flexibility in the use of program funds.**

235 (1) As used in this section, "qualifying program" means:

236 (a) the Enhancement for At-Risk Students Program created in Section [53A-17a-166](#);

237 (b) the Enhancement for Accelerated Students Program created in Section

238 [53A-17a-165](#); and

239 (c) the concurrent enrollment program [~~created~~] established in Section [~~53A-15-101~~]

240 [53A-15-1703](#).

241 (2) If a school district or charter school receives an allocation of state funds for a
242 qualifying program that is less than \$10,000, the school district or charter school may:

243 (a) (i) combine the funds with one or more qualifying program fund allocations each of
244 which is less than \$10,000; and

245 (ii) use the combined funds in accordance with the program requirements for any of the
246 qualifying programs that are combined; or

247 (b) (i) transfer the funds to a qualifying program for which the school district or charter
248 school received an allocation of funds that is greater than or equal to \$10,000; and

249 (ii) use the combined funds in accordance with the program requirements for the
250 qualifying program to which the funds are transferred.

251 Section 11. Section **53B-1-109** is amended to read:

252 **53B-1-109. Coordination of higher education and public education information**
253 **technology systems -- Use of unique student identifier.**

254 (1) As used in this section, "unique student identifier" ~~[has the same meaning as~~
255 ~~provided]~~ means the same as that term is defined in Section [53A-1-603.5](#).

256 (2) The State Board of Regents and State Board of Education shall coordinate public
257 education and higher education information technology systems to allow individual student
258 academic achievement to be tracked through both education systems in accordance with this
259 section and Section [53A-1-603.5](#).

260 (3) Information technology systems utilized at an institution within the state system of
261 higher education shall utilize the unique student identifier of all students who have previously
262 been assigned a unique student identifier.

263 ~~[(4) (a) The State Board of Regents and the State Board of Education shall coordinate~~
264 ~~advising to a prospective or current high school student who participates in the concurrent~~
265 ~~enrollment program established in [53A-15-101](#).]~~

266 ~~[(b) Advising shall include information on general education requirements at higher~~
267 ~~education institutions and how the student can efficiently choose concurrent enrollment courses~~
268 ~~to avoid duplication or excess credit hours.]~~

269 ~~[(5) (a) Eight weeks after the end of each semester, the State Board of Regents shall~~
270 ~~make available, to a requesting higher education institution in the state system of higher~~
271 ~~education that participates in concurrent enrollment, a report listing each public high school~~
272 ~~student who was enrolled in a concurrent enrollment course and admitted to the requesting~~
273 ~~higher education institution, including:]~~

274 ~~[(i) the student's name and unique student identifier;]~~

275 ~~[(ii) the student's:]~~

276 ~~[(A) school district and school; or]~~

277 ~~[(B) charter school;]~~

278 ~~[(iii) the course name of each concurrent enrollment course taken by the student;]~~

279 ~~[(iv) the higher education institution where the student enrolled to take each concurrent~~
280 ~~enrollment course; and]~~

281 ~~[(v) (A) all the credits the student earned in each concurrent enrollment course; and]~~

282 ~~[(B) a designation that indicates which credits listed in Subsection (5)(a)(v) the student~~
283 ~~earned at a grade "C" or higher.]~~

284 ~~[(b) The board shall report the information described in Subsection (5)(a) for every~~
285 ~~concurrent enrollment course taken by a student in any year.]~~

286 Section 12. **Repealer.**

287 This bill repeals:

288 Section **53A-15-101**, **Higher education courses in the public schools -- Cooperation**
289 **between public and higher education -- Partial tuition -- Reporting.**

290 Section **53A-15-101.5**, **Concurrent enrollment instruction in Mandarin Chinese.**

291 Section **53A-17a-120.5**, **Appropriation for concurrent enrollment.**