

1 **CONCURRENT ENROLLMENT EDUCATION AMENDMENTS**

2 2016 GENERAL SESSION

3 STATE OF UTAH

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

5 Senate Sponsor: Ann Millner

6

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 application -- Student acknowledgment and**
155 **parental permission.**

156 (1) The State Board of Regents shall create a higher education concurrent enrollment
157 application that includes an acknowledgment form and a parental permission form.

158 (2) An institution of higher education shall use the application described in Subsection
159 (1) for eligible students to participate in concurrent enrollment.

160 (3) Before allowing an eligible student to participate in concurrent enrollment, an LEA
161 and an institution of higher education shall ensure that the eligible student has, for the current
162 school year:

163 (a) submitted the application described in Subsection (1);

164 (b) signed an acknowledgment of program participation requirements; and

165 (c) obtained parental permission as indicated by the signature of a student's parent or
166 legal guardian on the parental permission form.

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

168 **53A-15-1706. Tuition and fees.**

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

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

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

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

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

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

182 (ii) \$10 per credit hour for a concurrent enrollment course that is taught at an LEA by

183 an eligible instructor described in Subsection 53A-15-1702(3)(b); or

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

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

187 **53A-15-1707. Funding.**

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

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

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

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

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

196 (i) 60% of the money to LEAs; and

197 (ii) 40% of the money to the State Board of Regents.

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

200 (i) 40% of the money to LEAs; and

201 (ii) 60% of the money to the State Board of Regents.

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

205 (e) The State Board of Regents shall make rules, in accordance with Title 63G, Chapter
206 3, Utah Administrative Rulemaking Act, providing for the distribution of the money allocated
207 to institutions of higher education under Subsections (2)(b)(ii) and (2)(c)(ii).

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

211 (a) kindergarten through grade 12 student enrollment; and

212 (b) the value of the weighted pupil unit.

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

214 **53A-15-1708.** **Concurrent enrollment courses for accelerated foreign language**
215 **students.**

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

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

220 **53A-15-1709.** **Reporting.**

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

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

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

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

229 (4) a justification of the distribution method described in Subsections [53A-15-1707](#)(d)

230 and (e).

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

232 **53A-17a-105.5. Flexibility in the use of program funds.**

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

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

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

236 [53A-17a-165](#); and

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

238 [53A-15-1703](#).

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

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

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

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

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

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

250 **53B-1-109. Coordination of higher education and public education information**
251 **technology systems -- Use of unique student identifier.**

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

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

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

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

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

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

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

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

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

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

276 ~~[(iii) the course name of each concurrent enrollment course taken by the student;]~~
277 ~~[(iv) the higher education institution where the student enrolled to take each concurrent~~
278 ~~enrollment course; and]~~
279 ~~[(v) (A) all the credits the student earned in each concurrent enrollment course; and]~~
280 ~~[(B) a designation that indicates which credits listed in Subsection (5)(a)(v) the student~~
281 ~~earned at a grade "C" or higher.]~~
282 ~~[(b) The board shall report the information described in Subsection (5)(a) for every~~
283 ~~concurrent enrollment course taken by a student in any year.]~~

284 Section 12. **Repealer.**

285 This bill repeals:

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

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

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

Legislative Review Note
Office of Legislative Research and General Counsel