

**Senator Karen Mayne** proposes the following substitute bill:

**ACCELERATED STUDENT PROGRAM AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen Mayne**

House Sponsor: Eric K. Hutchings

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**LONG TITLE**

**General Description:**

This bill amends provisions related to early college programs and a program for accelerated students.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires the State Board of Education to make rules;
- ▶ removes early college programs from the Enhancement for Accelerated Students Program;
- ▶ creates a funding formula for early college programs;
- ▶ provides for funding distribution formulas for the Enhancement for Accelerated Students Program and early college programs to prioritize increasing access to the programs for groups of students who are underrepresented in the programs;
- ▶ provides that an LEA that receives funding for concurrent enrollment may prioritize using the funding to increase access to concurrent enrollment for groups of students who are underrepresented in concurrent enrollment; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**



26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **53F-2-206**, as last amended by Laws of Utah 2019, Chapter 186

32 **53F-2-408**, as last amended by Laws of Utah 2019, Chapter 186

33 **53F-2-409**, as last amended by Laws of Utah 2019, Chapters 136 and 186

34 ENACTS:

35 **53F-2-408.5**, Utah Code Annotated 1953



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

38 Section 1. Section **53F-2-206** is amended to read:

39 **53F-2-206. Flexibility in the use of certain related to basic program funds.**

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

41 (a) the Enhancement for At-Risk Students Program created in Section **53F-2-410**;

42 (b) the Enhancement for Accelerated Students Program created in Section **53F-2-408**;

43 [and]

44 (c) the early college programs described in Section **53F-2-408.5**; and

45 [~~(c)~~] (d) the concurrent enrollment program established in Section **53E-10-302**.

46 (2) If a school district or charter school receives an allocation of state funds for a  
47 qualifying program that is less than \$10,000, the LEA governing board of the receiving school  
48 district or charter school may:

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

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

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

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

57 Section 2. Section **53F-2-408** is amended to read:

58 **53F-2-408. Enhancement for Accelerated Students Program.**

59 (1) As used in this section, [~~"eligible low-income student" means a student who: (a)~~  
60 ~~takes an Advanced Placement test; (b) has applied for an Advanced Placement test fee~~  
61 ~~reduction; and (c) qualifies for a free lunch or a lunch provided at reduced cost.~~] "local  
62 education agency" or "LEA" means:

63 (a) a school district; or

64 (b) a charter school.

65 [~~(2) The state board shall distribute money appropriated for the Enhancement for~~  
66 ~~Accelerated Students Program to school districts and charter schools according to a formula~~  
67 ~~adopted by the state board, after consultation with LEA governing boards.]~~

68 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
69 the state board shall make rules to establish a formula to distribute money appropriated for the  
70 Enhancement for Accelerated Students Program.

71 (b) The state board shall consult with LEAs before making the rules described in  
72 Subsection (2)(a).

73 (3) A distribution formula adopted under Subsection (2) [~~may~~] shall:

74 (a) include an allocation of money for[:] gifted and talented programs; and

75 [~~(a) Advanced Placement courses;~~]

76 [~~(b) Advanced Placement test fees of eligible low-income students;~~]

77 [~~(c) gifted and talented programs, including professional development for teachers of~~  
78 ~~high ability students; and]~~

79 [~~(d) International Baccalaureate programs.]~~

80 (b) prioritize funding to increase access to gifted and talented programs for groups of  
81 students who are underrepresented in gifted and talented programs.

82 [~~(4) The greater of 1.5% or \$100,000 of the appropriation for the Enhancement for~~  
83 ~~Accelerated Students Program may be allowed for International Baccalaureate programs.]~~

84 [~~(5)~~] (4) A school district or charter school shall use money distributed under this  
85 section to enhance the academic growth of students whose academic achievement is  
86 accelerated.

87 [~~(6)~~] (5) The state board shall develop performance criteria to measure the

88 effectiveness of the Enhancement for Accelerated Students Program.

89 ~~[(7)]~~ (6) If a school district or charter school receives an allocation of less than \$10,000  
90 under this section, the school district or charter school may use the allocation as described in  
91 Section [53F-2-206](#).

92 Section 3. Section **53F-2-408.5** is enacted to read:

93 **53F-2-408.5. Early college programs.**

94 (1) As used in this section:

95 (a) "Advanced placement course" means a rigorous course developed by the College  
96 Board that:

97 (i) is developed by a committee composed of college faculty and advanced placement  
98 teachers and covers the breadth of information, skills, and assignments found in the  
99 corresponding college course; and

100 (ii) for which a student who performs well on an exam for the course may be:

101 (A) granted college credit; or

102 (B) given advanced standing at a college or university.

103 (b) "Eligible low income student" means a student who:

104 (i) takes an advanced placement course test;

105 (ii) has applied for an advanced placement course test fee reduction; and

106 (iii) qualifies for a free lunch or a lunch provided at a reduced cost.

107 (c) "International Baccalaureate program" means a program established by the  
108 International Baccalaureate Organization.

109 (d) "Local education agency" or "LEA" means:

110 (i) a school district; or

111 (ii) a charter school.

112 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
113 the state board shall make rules to establish a formula to distribute money appropriated for the  
114 early college programs described in Subsection (2)(b).

115 (b) Subject to Subsection (2)(c), the formula described in Subsection (2)(a) shall:

116 (i) include an allocation of money for the following early college programs:

117 (A) advanced placement courses;

118 (B) advanced placement course test fees for eligible low income students; and

- 119           (C) International Baccalaureate programs; and  
120           (ii) prioritize funding to increase access to early college programs for groups of  
121 students who are underrepresented in early college programs.  
122           (c) The state board may not allocate more that \$100,000 of an appropriation under this  
123 section for International Baccalaureate programs.  
124           (d) The state board shall consult with LEAs before making the rules described in  
125 Subsection (2)(a).  
126           (3) An LEA shall use money distributed under this section for the purposes described  
127 in Subsection (2)(b).  
128           (4) The state board shall develop performance criteria to measure the effectiveness of  
129 the early college programs described in this section.  
130           (5) If an LEA receives an allocation of less than \$10,000 for the early college programs  
131 described in this section, the LEA may use the allocation as described in Section [53F-2-206](#).

132           Section 4. Section **53F-2-409** is amended to read:

133           **53F-2-409. Concurrent enrollment funding.**

- 134           (1) The terms defined in Section [53E-10-301](#) apply to this section.  
135           (2) The state board shall allocate money appropriated for concurrent enrollment in  
136 accordance with this section.  
137           (3) (a) The state board shall allocate money appropriated for concurrent enrollment in  
138 proportion to the number of credit hours earned for courses taken [~~where~~] for which:  
139           (i) an LEA primarily bears the cost of instruction; and  
140           (ii) an institution of higher education primarily bears the cost of instruction.  
141           (b) From the money allocated under Subsection (3)(a)(i), the state board shall  
142 distribute:  
143           (i) 60% of the money to LEAs; and  
144           (ii) 40% of the money to the State Board of Regents.  
145           (c) From the money allocated under Subsection (3)(a)(ii), the state board shall  
146 distribute:  
147           (i) 40% of the money to LEAs; and  
148           (ii) 60% of the money to the State Board of Regents.  
149           (d) The state board shall make rules providing for the distribution of the money to

150 LEAs under Subsections (3)(b)(i) and (3)(c)(i).

151 (e) The State Board of Regents shall make rules providing for the distribution of the  
152 money allocated to institutions of higher education under Subsections (3)(b)(ii) and (3)(c)(ii).

153 (4) Subject to budget constraints, the Legislature shall annually increase the money  
154 appropriated for concurrent enrollment in proportion to the percentage increase over the  
155 previous school year in:

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

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

158 (5) (a) An LEA that receives money under this section may prioritize using the money  
159 to increase access to concurrent enrollment for groups of students who are underrepresented in  
160 concurrent enrollment.

161 (b) If an LEA receives an allocation of less than \$10,000 under this section, the LEA  
162 may use the allocation as described in Section [53F-2-206](#).