

# HB0390S01 compared with HB0390

~~text~~ shows text that was in HB0390 but was deleted in HB0390S01.

text shows text that was not in HB0390 but was inserted into HB0390S01.

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Representative V. Lowry Snow proposes the following substitute bill:

## EARLY COLLEGE AND CONCURRENT ENROLLMENT

### PROGRAM AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: V. Lowry Snow**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill amends provisions related to Advanced Placement and concurrent enrollment programs.

##### Highlighted Provisions:

This bill:

- ▶ aligns references to Advanced Placement courses, exams, and credit;
- ▶ amends requirements for a State Board of Education funding distribution formula for early college programs to prioritize funding to cover the cost of each early college program test for certain students;
- ▶ addresses LEA use of certain program funds for concurrent enrollment courses for

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certain students;

- ▶ allows an LEA to charge a restricted rate for indirect costs in concurrent enrollment programs; and
- ▶ makes technical and conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

**53B-8-203**, as last amended by Laws of Utah 2020, Chapter 386

**53B-8-205**, as renumbered and amended by Laws of Utah 2017, Chapter 386

**53E-10-307**, as last amended by Laws of Utah 2020, Chapter 365

**53F-2-408.5**, as enacted by Laws of Utah 2020, Chapter 378

**53F-2-409**, as last amended by Laws of Utah 2020, Chapters 220, 365, 378, and 408

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

Section 1. Section **53B-8-203** is amended to read:

**53B-8-203. Regents' Scholarship Program -- Base Regents' scholarship --**

#### **Qualifications -- Application.**

(1) This section only applies to a student who graduates from high school on or before July 1, 2018.

(2) A student qualifies for a Base Regents' scholarship if the student:

(a) completes the high school graduation requirements of:

(i) a public school established by the State Board of Education and the student's school district or charter school; or

(ii) a private high school in the state that is accredited by a regional accrediting body approved by the board;

(b) completes high school with at least a 3.0 cumulative grade point average;

(c) has at least one reported ACT test score; and

(d) (i) completes the following high school or college credit in grades 9 through 12:

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- (A) four units of credit of English;
  - (B) four units of credit of mathematics;
  - (C) three and one-half units of credit of social science;
  - (D) three units of credit of lab-based natural science; and
  - (E) two units of credit of sequential world or classical language other than English; and
- (ii) except as provided in Subsection (5), earns a course grade on a transcript of "C" or above in each individual course listed in Subsection (2)(d)(i).

(3) The board shall establish policies to determine specific courses that meet the requirements under Subsection (2)(d)(i).

(4) To be eligible for the scholarship, a student:

(a) shall submit an application to the board with:

- (i) a copy of the student's official high school transcript and ACT scores; and
- (ii) if applicable, a college transcript showing a college course the student has

completed to meet the requirements of Subsection (2)(d);

(b) shall be a citizen of the United States or a noncitizen who is eligible to receive federal student aid; and

(c) if applicable, shall meet the application deadlines as established by the board under Subsection 53B-8-202(10).

(5) For purposes of determining if a student meets the grade requirements of Subsection (2)(d)(ii), the board shall assign additional weights to grades earned in courses described in Subsection (2)(d)(i) that are [~~advanced placement~~] Advanced Placement, concurrent enrollment, or International Baccalaureate program courses.

(6) (a) The amount of the Base Regents' scholarship is \$1,000.

(b) The board may adjust the amount of the Base Regents' scholarship by up to a percentage of the average percentage tuition increase approved by the board for institutions in the system of higher education.

(7) (a) The board shall require an applicant for a Regents' scholarship to certify under penalty of perjury that:

- (i) the applicant is a United States citizen; or
- (ii) the applicant is a noncitizen who is eligible to receive federal student aid.

(b) The certification under this Subsection (7) shall include a statement advising the

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signer that providing false information subjects the signer to penalties for perjury.

Section 2. Section **53B-8-205** is amended to read:

### **53B-8-205. Supplemental scholarship award -- Exemplary academic achievement -- Regents' diploma.**

(1) This section only applies to a student who graduates from high school on or before July 1, 2018.

(2) A student who qualifies for the Base Regents' scholarship in accordance with the provisions of Section 53B-8-203 shall qualify for an additional Exemplary Academic Achievement scholarship if the student:

(a) completes high school with a cumulative grade point average of 3.5 or higher;

(b) except as provided in Subsection (8), earns a course grade on a transcript of "B" or above in each individual course listed in Subsection 53B-8-203(2)(d)(i); and

(c) (i) scores a composite ACT score of 26 or higher; and

(ii) if determined by the board's policies, achieves additional ACT college readiness benchmark scores in English, mathematics, reading, and science.

(3) For a student who graduates from high school in the 2009-10 school year:

(a) if used at a higher education institution described in Subsection 53B-8-202(4)(a), the value of an Exemplary Academic Achievement scholarship is up to 75% of the tuition costs at the selected institution; or

(b) if used at a higher education institution described in Subsection 53B-8-202(4)(b), the value of an Exemplary Academic Achievement scholarship is up to 75% of the tuition costs at the institution, not to exceed 75% of the average tuition costs at the institutions described in Subsection 53B-8-202(4)(a).

(4) (a) For a student who graduates from high school in or after the 2010-11 school year, the total value of an Exemplary Academic Achievement scholarship is up to \$5,000, allocated over a time period described in Subsection (5), as prescribed by the board.

(b) The board may adjust the amount of the Exemplary Academic Achievement scholarship by up to a percentage of the average percentage tuition increase approved by the board for institutions in the state system of higher education.

(5) An Exemplary Academic Achievement scholarship is valid for the shortest of the following time periods:

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- (a) two years of full-time equivalent enrollment;
  - (b) 65 credit hours; or
  - (c) until the student meets the requirements for a baccalaureate degree.
- (6) The board may cancel an Exemplary Academic Achievement scholarship at any time if the student fails to:
- (a) register for at least 15 credit hours per semester;
  - (b) maintain a 3.3 grade point average for two consecutive semesters; or
  - (c) make reasonable progress toward the completion of a baccalaureate degree.
- (7) A student who qualifies for the Exemplary Academic Achievement scholarship under this section may also receive a Regents' diploma endorsement to be issued by the board.
- (8) For purposes of determining if a student meets the grade requirements of Subsection (2)(b), the board shall assign additional weights to grades earned in courses described in Subsection 53B-8-203(2)(d)(i) that are [~~advanced placement~~] Advanced Placement, concurrent enrollment, or International Baccalaureate program courses.

Section 3. Section **53E-10-307** is amended to read:

**53E-10-307. Concurrent enrollment courses for accelerated foreign language students.**

- (1) As used in this section:
  - (a) "Accelerated foreign language student" means an eligible student who has passed a world language [~~advanced placement~~] Advanced Placement exam.
  - (b) "Blended learning delivery model" means an education delivery model in which a student learns, at least in part:
    - (i) through online learning with an element of student control over time, place, path, and pace; and
    - (ii) in the physical presence of an instructor.
  - (c) "State university" means an institution of higher education that offers courses leading to a bachelor's degree.
- (2) The University of Utah shall partner with all state universities to develop, as part of the concurrent enrollment program described in this part, concurrent enrollment courses that:
  - (a) are age-appropriate foreign language courses for accelerated foreign language students;

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(b) count toward a foreign language degree offered by an institution of higher education; and

(c) are delivered:

(i) using a blended learning delivery model; and

(ii) by an eligible instructor described in Subsection 53E-10-302(6)(a).

Section 4. Section **53F-2-408.5** is amended to read:

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

(1) As used in this section:

(a) "[~~Advanced placement~~] Advanced Placement course" means a rigorous course developed by the College Board that:

(i) is developed by a committee composed of college faculty and [~~advanced placement~~] Advanced Placement teachers and covers the breadth of information, skills, and assignments found in the corresponding college course; and

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

(A) granted college credit; or

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

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

(i) takes an [~~advanced placement~~] Advanced Placement course test;

(ii) has applied for an [~~advanced placement~~] Advanced Placement course test fee reduction; and

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

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

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

(i) a school district; or

(ii) a charter school.

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

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

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

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~~[(A) advanced placement courses;]~~

~~[(B) advanced placement course test fees for eligible low income students; and]~~

(A) Advanced Placement courses; and

~~[(C)]~~ (B) International Baccalaureate programs; and

(ii) prioritize funding to:

(A) increase access to early college programs for groups of students who are underrepresented in early college programs[-]; and

(B) cover the cost of each early college program test taken by a student experiencing ~~economic~~ socioeconomic disadvantage.

(c) The state board may not allocate more than \$100,000 of an appropriation under this section for International Baccalaureate programs.

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

(3) (a) An LEA shall use money distributed under this section for the purposes described in Subsection (2)(b), ~~prioritizing the cost of tests described in Subsection (2)(b)(ii)(B) before using the remainder of the money for other allowable uses.~~

(b) An LEA may charge the restricted rate for indirect costs in Advanced Placement and International Baccalaureate programs.

(4) The state board shall develop performance criteria to measure the effectiveness of the early college programs described in this section.

(5) If an LEA receives an allocation of less than \$10,000 for the early college programs described in this section, the LEA may use the allocation as described in Section 53F-2-206.

Section 5. Section **53F-2-409** is amended to read:

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

(1) The terms defined in Section 53E-10-301 apply to this section.

(2) The state board shall allocate money appropriated for concurrent enrollment in accordance with this section.

(3) (a) The state board shall allocate money appropriated for concurrent enrollment in proportion to the number of credit hours earned for courses taken for which:

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

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

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(b) From the money allocated under Subsection (3)(a)(i), the state board shall distribute:

- (i) 60% of the money to LEAs; and
- (ii) 40% of the money to the Utah Board of Higher Education.

(c) From the money allocated under Subsection (3)(a), the state board shall distribute:

- (i) 40% of the money to LEAs; and
- (ii) 60% of the money to the Utah Board of Higher Education.

(d) The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, providing for the distribution of the money to LEAs under Subsections (3)(b)(i) and (3)(c)(i).

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

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

- (a) concurrent enrollment; and
- (b) the value of the weighted pupil unit.

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

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

(c) An LEA shall:

- (i) use program funds to increase access to concurrent enrollment courses for students experiencing socioeconomic disadvantage, including by paying student fees related to the student's participation in a concurrent enrollment course, ~~except fees for textbooks~~; and
- (ii) allocate funding equal to the cost of fees described in Subsection (5)(c)(i), ~~excluding fees for textbooks~~, from the LEA's total allocation of concurrent enrollment funding before ~~allocating the remainder of~~ program funds ~~are used as~~ for a use described in Subsections (5)(a) and (5)(b).



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(6) An LEA may charge a restricted rate for indirect costs in concurrent enrollment programs.