

**Senator Ann Millner** proposes the following substitute bill:

**ALTERNATIVE CONCURRENT ENROLLMENT OPTIONS FOR**

**CAPACITY FLEXIBILITY**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ryan D. Wilcox**

Senate Sponsor: Ann Millner

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**LONG TITLE**

**General Description:**

This bill amends provisions related to concurrent enrollment courses.

**Highlighted Provisions:**

This bill:

- ▶ amends provisions for approving a local education agency (LEA) employee as an eligible instructor;

- ▶ provides that an LEA may contract with a nondesignated institution of higher education to provide concurrent enrollment courses under certain circumstances;

and

- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53E-10-302**, as last amended by Laws of Utah 2020, Chapters 220, 365



26 **53E-10-303**, as last amended by Laws of Utah 2020, Chapter 365



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

29 Section 1. Section **53E-10-302** is amended to read:

30 **53E-10-302. Concurrent enrollment program.**

31 (1) The state board and the Utah Board of Higher Education shall establish and  
32 maintain a concurrent enrollment program that:

33 (a) provides an eligible student the opportunity to enroll in a course that allows the  
34 eligible student to earn credit concurrently:

35 (i) toward high school graduation; and

36 (ii) at an institution of higher education;

37 (b) includes only a course that:

38 (i) leads to a degree or certificate offered by an institution of higher education; and

39 (ii) is one of the following:

40 (A) a general education course;

41 (B) a career and technical education course;

42 (C) a pre-major college level course;

43 (D) a foreign language concurrent enrollment course described in Section **53E-10-307**;

44 or

45 (E) an upper divisions course that the Utah Board of Higher Education approves under  
46 Subsection (3);

47 (c) requires that the instructor of a concurrent enrollment course is an eligible  
48 instructor; and

49 (d) is designed and implemented to take full advantage of the most current available  
50 education technology.

51 (2) The state board and the Utah Board of Higher Education shall coordinate to:

52 (a) establish a concurrent enrollment course approval process that ensures:

53 (i) credit awarded for concurrent enrollment is consistent and transferable to all  
54 institutions of higher education; and

55 (ii) learning outcomes for a concurrent enrollment course align with:

56 (A) core standards for Utah public schools adopted by the state board; and

57 (B) except for a foreign language concurrent enrollment course described in Section  
58 53E-10-307 or an upper division course that the Utah Board of Higher Education approves  
59 under Subsection (3), an institution of higher education lower division course numbered at or  
60 above the 1000 level; and

61 (b) provide advising to an eligible student, including information on:

62 (i) general education requirements at institutions of higher education; and

63 (ii) how to choose concurrent enrollment courses to avoid duplication or excess credit  
64 hours.

65 (3) The Utah Board of Higher Education, after consulting with the state board, shall  
66 annually approve a prioritized list of upper division courses for which an institution of higher  
67 education may use concurrent enrollment money.

68 (4) After consultation with institution of higher education concurrent enrollment  
69 directors, the Utah Board of Higher Education shall:

70 (a) provide guidelines to an institution of higher education for establishing qualifying  
71 academic criteria for an eligible student to enroll in a concurrent enrollment course; and

72 (b) [~~on or before July 1, 2019, establish~~] establish a policy that:

73 (i) determines which concurrent enrollment courses are career and technical education  
74 courses; and

75 (ii) creates a process for:

76 (A) an LEA to appeal an institution of higher education's decision under Subsection (7)  
77 if the institution of higher education does not approve an LEA employee as an eligible  
78 instructor; and

79 (B) an LEA or institution of higher education to determine whether an eligible  
80 instructor who previously taught a concurrent enrollment course is no longer qualified to teach  
81 the concurrent enrollment course.

82 (5) To qualify for funds under Section 53F-2-409, an LEA and an institution of higher  
83 education shall:

84 (a) enter into a contract, in accordance with Section 53E-10-303, to provide one or  
85 more concurrent enrollment courses that are approved under the course approval process  
86 described in Subsection (2);

87 (b) ensure that an instructor who teaches a concurrent enrollment course is an eligible

88 instructor;

89 (c) establish qualifying academic criteria for an eligible student to enroll in a  
90 concurrent enrollment course, in accordance with the guidelines described in Subsection (4)(a);

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

93 (e) coordinate advising to eligible students.

94 (6) (a) An institution of higher education faculty member is an eligible instructor.

95 (b) An LEA employee is an eligible instructor if the LEA employee:

96 (i) is licensed under Chapter 6, Education Professional Licensure;

97 (ii) is supervised by an institution of higher education; and

98 (iii) (A) as described in Subsection (7), is approved as an eligible instructor by the  
99 institution of higher education that provides the concurrent enrollment course taught by the  
100 LEA employee;

101 (B) has an upper level mathematics credential issued by the state board;

102 (C) is approved as adjunct faculty by the institution of higher education that provides  
103 the concurrent enrollment course taught by the LEA employee; or

104 (D) teaches a concurrent enrollment course that the LEA employee taught during the  
105 2018[=~~19~~] -2019 or 2019[=~~20~~] -2020 school year.

106 (7) An institution of higher education shall approve an LEA employee as an eligible  
107 instructor:

108 (a) for a career and technical education concurrent enrollment course, if the LEA  
109 employee has:

110 (i) a degree, certificate, or industry certification in the concurrent enrollment course's  
111 academic field; or

112 (ii) qualifying experience, as determined by the institution of higher education; or

113 (b) for a concurrent enrollment course other than a career and technical education  
114 course, if the LEA employee has:

115 (i) a master's degree or higher in the concurrent enrollment course's academic field;

116 (ii) (A) a master's degree or higher in any academic field; and

117 (B) at least 18 completed credit hours of graduate course work in an academic field  
118 that is relevant to the concurrent enrollment course; or

119 (iii) qualifying experience[~~, as determined by the institution of higher education.~~] as  
 120 defined in Section [53E-10-301](#), including:

121 (A) the number of years of teaching experience;

122 (B) student performance on qualifying test scores or AP exams on courses that the  
 123 LEA employee teaches;

124 (C) continuing education in a master's degree or higher in any academic field; or

125 (D) other criteria established by the institution of higher education.

126 (8) 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 Section 2. Section **53E-10-303** is amended to read:

130 **53E-10-303. Designated institution of higher education -- Concurrent enrollment**  
 131 **course right of first refusal.**

132 (1) As used in this section, "designated institution of higher education" means an  
 133 institution of higher education that is designated by the Utah Board of Higher Education to  
 134 provide a course or program of study within a specific geographic region.

135 (2) To offer a concurrent enrollment course, an LEA shall contact the LEA's designated  
 136 institution of higher education to request that the designated institution of higher education  
 137 contract with the LEA to provide the concurrent enrollment course.

138 (3) [~~H~~] Except as provided in Subsection (4), if the LEA's designated institution of  
 139 higher education chooses to offer the concurrent enrollment course, the LEA shall contract with  
 140 the LEA's designated institution of higher education to provide the concurrent enrollment  
 141 course.

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

145 (a) chooses not to offer the concurrent enrollment course proposed by the LEA; [~~or~~]

146 (b) fails to respond to the LEA's request under Subsection (2) within 30 days after the  
 147 day on which the LEA contacts the designated institution of higher education[~~;~~];

148 (c) uses instructional materials in a course that are sensitive materials, as defined in  
 149 Section [53G-10-103](#), or that are materials otherwise prohibited by state law or state board rule

150 for use in kindergarten through grade 12;

151 (d) reaches the institution of higher education's enrolled student capacity for the  
152 concurrent enrollment course; or

153 (e) prohibits an LEA with an eligible instructor, as described in Section [53E-10-302](#),  
154 from expanding the concurrent enrollment course to eligible students.