1	CONCURRENT ENROLLMENT PARTICIPATION
2	AMENDMENTS
3	2024 GENERAL SESSION
4	STATE OF UTAH
5	Chief Sponsor: Ryan D. Wilcox
6	Senate Sponsor: David P. Hinkins
7 8	LONG TITLE
9	General Description:
10	This bill amends provisions of the concurrent enrollment program.
11	Highlighted Provisions:
12	This bill:
13	<ul><li>defines terms;</li></ul>
14	► Ĥ→ [ provides that certain private institutions may participate in the concurrent
15	enrollment program] requires a local education agency to, under certain circumstances, contract
15a	with an eligible institution that offers an online concurrent enrollment course $\leftarrow \hat{H}$ ;
16	<ul> <li>provides additional reporting requirements related to the right of first refusal; and</li> </ul>
17	<ul><li>makes technical and conforming changes.</li></ul>
18	Money Appropriated in this Bill:
19	None
20	Other Special Clauses:
21	None
22	<b>Utah Code Sections Affected:</b>
23	AMENDS:
24	53E-10-301, as last amended by Laws of Utah 2021, Chapter 379
25	53E-10-302, as last amended by Laws of Utah 2023, Chapter 172
26	53E-10-303, as last amended by Laws of Utah 2023, Chapter 172
27	53E-10-305, as last amended by Laws of Utah 2020, Chapters 220, 365



28	53E-10-308, as last amended by Laws of Utah 2020, Chapter 365
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30	Be it enacted by the Legislature of the state of Utah:
31	Section 1. Section <b>53E-10-301</b> is amended to read:
32	53E-10-301. Definitions.
33	As used in this part:
34	(1) "Career and technical education course" means a concurrent enrollment course in
35	career and technical education, as determined by the policy established by the Utah Board of
36	Higher Education under Section 53E-10-302.
37	(2) "Concurrent enrollment" means enrollment in a course offered through the
38	concurrent enrollment program described in Section 53E-10-302.
39	(3) "Educator" means the same as that term is defined in Section 53E-6-102.
40	(4) "Eligible institution" means:
41	(a) a degree-granting institution of higher education or a technical college within the
42	state system of higher education, as identified in Section 53B-1-102; or
43	(b) <b>Ĥ→</b> [a private, nonprofit college or university in the state that is accredited by the
44	Northwest Commission on Colleges and Universities.] a degree-granting institution of higher
44a	education or a technical college within the state system of higher education, as identified in
44b	Section 53B-1-102, that offers an online concurrent enrollment course. ←Ĥ
45	[(4)] (5) "Eligible instructor" means an instructor who meets the requirements
46	described in [Subsection 53E-10-302(6)] Section 53E-10-302.
47	[(5)] (6) "Eligible student" means a student who:
48	(a) (i) is enrolled in, and counted in average daily membership in, a public school
49	within the state; or
50	(ii) is in the custody of the Division of Juvenile Justice Services and subject to the
51	jurisdiction of the Youth Parole Authority;
52	(b) has on file a plan for college and career readiness as described in Section
53	53E-2-304; and
54	(c) is in grade 9, 10, 11, or 12.
55	[(6) "Institution of higher education" means an institution described in Subsection
56	<del>53B-1-102(1)(a).</del> ]
57	(7) "License" means the same as that term is defined in Section 53E-6-102.
58	(8) "Local education agency" or "LEA" means a school district or charter school.

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

- (3) Except as provided in Subsection (4)  $\hat{\mathbf{H}} \rightarrow \underline{\mathbf{or}(5)} \leftarrow \hat{\mathbf{H}}$ , if the LEA's designated institution of higher education chooses to offer the concurrent enrollment course, the LEA shall contract with the LEA's designated institution of higher education to provide the concurrent enrollment course.
- (4) An LEA [may] shall contract with an eligible institution [of higher education] that is not the LEA's designated institution of higher education to provide a concurrent enrollment course if the LEA's designated institution of higher education:
  - (a) chooses not to offer the concurrent enrollment course proposed by the LEA;
- (b) fails to respond to the LEA's request under Subsection (2) within 30 days after the day on which the LEA contacts the designated institution of higher education;
- (c) uses instructional materials in a course that are sensitive materials, as defined in Section 53G-10-103, or that are materials otherwise prohibited by state law or state board rule for use in kindergarten through grade 12; or
- (d) (i) reaches the [institution of higher education's] eligible institution's enrolled student capacity for the concurrent enrollment course; and
- (ii) prohibits an LEA with an eligible instructor, as described in Section 53E-10-302, from expanding the concurrent enrollment course to eligible students. Ĥ→ (5) For a student who wants to enroll in an existing concurrent enrollment course that is not offered online by an LEA's designated instution of higher education, the LEA shall contract with any eligible institution that offers the online concurrent enrollment course. ←Ĥ
  - Section 4. Section **53E-10-305** is amended to read:

## 53E-10-305. Tuition and fees.

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- (1) Except as provided in this section, the Utah Board of Higher Education or an institution of higher education may not charge tuition or fees for a concurrent enrollment course.
- (2) (a) The Utah Board of Higher Education may charge a one-time fee for a student to participate in the concurrent enrollment program.
- (b) A student who pays a fee described in Subsection (2)(a) does not satisfy a general admission application fee requirement for a full-time or part-time student at an institution of higher education.
- (3) (a) An institution of higher education may charge a one-time admission application fee for concurrent enrollment course credit offered by the institution of higher education.

214	(b) Payment of the fee described in Subsection (3)(a) satisfies the general admission
215	application fee requirement for a full-time or part-time student at an institution of higher
216	education.
217	(4) (a) Except as provided in Subsection (4)(b), an institution of higher education may
218	charge partial tuition of no more than \$30 per credit hour for a concurrent enrollment course
219	for which a student earns college credit.
220	(b) An institution of higher education may not charge more than:
221	(i) \$5 per credit hour for an eligible student who qualifies for free or reduced price
222	school lunch;
223	(ii) \$10 per credit hour for a concurrent enrollment course that is taught at an LEA by
224	an eligible instructor described in [Subsection 53E-10-302(6)(b)] Section 53E-10-302; or
225	(iii) \$15 per credit hour for a concurrent enrollment course that is taught through video
226	conferencing.
227	(5) In accordance with Section 53G-7-603, an LEA may charge a fee for a textbook, as
228	defined in Section 53G-7-601, that is required for a concurrent enrollment course.
229	Section 5. Section 53E-10-308 is amended to read:
230	53E-10-308. Reporting.
231	$\hat{\mathbf{H}} \rightarrow [\underline{(1)}] \leftarrow \hat{\mathbf{H}}$ The state board and the Utah Board of Higher Education shall submit an
231a	annual
232	written report to the Higher Education Appropriations Subcommittee and in accordance with
233	Section 53E-1-203 on student participation in the concurrent enrollment program, including:
234	$\hat{\mathbf{H}} \rightarrow [\underline{\{(1)\}}] (\underline{\mathbf{a}}) (\underline{1}) \leftarrow \hat{\mathbf{H}}$ data on the [higher] education tuition not charged due to the hours of
234a	[ <del>higher</del> ]
235	education credit granted through concurrent enrollment;
236	$\hat{\mathbf{H}} \rightarrow [\underline{\mathbf{f(2)}}] (\underline{\mathbf{b}}) (\underline{2}) \leftarrow \hat{\mathbf{H}}$ tuition or fees charged under Section 53E-10-305;
237	$\hat{\mathbf{H}} \rightarrow [\underline{\{(3)\}}] (\underline{\mathbf{c}}) (\underline{\mathbf{d}}) \leftarrow \hat{\mathbf{H}}$ an accounting of the money appropriated for concurrent enrollment;
237a	and
238	$\hat{\mathbf{H}} \rightarrow [\underline{\{(4)\}},\underline{\{(d)\}},\underline{\{(4)\}}$
239	53F-2-409(3)(d) and (e)] Section 53F-2-409.
240	$\hat{H} \rightarrow [\underline{(2)}]$ In addition to the report required under Subsection (1), on or before November 1 of
241	each year, the state board and Utah Board of Higher Education shall report to the Education
242	Interim Committee on designated institution of higher education and eligible institution
243	participation in the concurrent enrollment program under Section 53E-10-303, including:
244	(a) (i) each designated institution of higher education that contracts with an LEA to

245	provide a concurrent enrollment course;
246	(ii) the concurrent enrollment class offered; and
247	(iii) the number of credits granted through concurrent enrollment; and
248	(b) each eligible institution that is not a designated institution of higher education that
249	contracts with an LEA to provide a concurrent enrollment course, including:
250	(i) the concurrent enrollment class offered;
251	(ii) the number of credits granted through concurrent enrollment; and
252	(iii) if the eligible institution refuses to contract with an LEA to provide a concurrent
253	enrollment course, a justification for the eligible institution's refusal to contract with the LEA.] ←Ĥ
254	Section 6. Effective date.
255	This bill takes effect on May 1, 2024.