

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

LONG TITLE

8 **General Description:**

9 This bill amends provisions of the concurrent enrollment program.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ defines terms;

13 ▶ ~~H→ [— provides that certain private institutions may participate in the concurrent~~
14 ~~enrollment program] requires a local education agency to, under certain circumstances, contract~~
15 ~~with an eligible institution that offers an online concurrent enrollment course ←H ;~~

16 ▶ provides additional reporting requirements related to the right of first refusal; and

17 ▶ makes technical and conforming changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

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

H.B. 493



28 **53E-10-308**, as last amended by Laws of Utah 2020, Chapter 365

29

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

31 Section 1. Section **53E-10-301** 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) ~~Ĥ→ [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 **53B-1-102**(1)(a).]

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.

59 (9) "Qualifying experience" means an LEA employee's experience in an academic field
60 that:

61 (a) qualifies the LEA employee to teach a concurrent enrollment course in the
62 academic field; and

63 (b) may include the LEA employee's:

64 (i) number of years teaching in the academic field;

65 (ii) holding a higher level secondary teaching credential issued by the state board;

66 (iii) research, publications, or other scholarly work in the academic field;

67 (iv) continuing professional education in the academic field;

68 (v) portfolio of work related to the academic field; or

69 (vi) professional work experience or certifications in the academic field.

70 (10) "Value of the weighted pupil unit" means the amount established each year in the
71 enacted public education budget that is multiplied by the number of weighted pupil units to
72 yield the funding level for the basic state-supported school program.

73 Section 2. Section **53E-10-302** is amended to read:

74 **53E-10-302. Concurrent enrollment program.**

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

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

79 (i) toward high school graduation; and

80 (ii) at an eligible institution [~~of higher education~~];

81 (b) includes only a course that:

82 (i) leads to a degree or certificate offered by an eligible institution [~~of higher~~
83 ~~education~~]; and

84 (ii) is one of the following:

85 (A) a general education course;

86 (B) a career and technical education course;

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

88 (D) a foreign language concurrent enrollment course described in Section [53E-10-307](#);

89 or

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

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

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

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

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

98 (i) credit awarded for concurrent enrollment is consistent and transferable to all eligible
99 institutions [~~of higher education~~]; and

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

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

102 (B) except for a foreign language concurrent enrollment course described in Section
103 [53E-10-307](#) or an upper division course that the Utah Board of Higher Education approves
104 under Subsection (3), an eligible institution [~~of higher education~~] lower division course
105 numbered at or above the 1000 level; and

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

107 (i) general education requirements at eligible institutions [~~of higher education~~]; and

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

110 (3) The Utah Board of Higher Education, after consulting with the state board, shall
111 annually approve a prioritized list of upper division courses for which an eligible institution [~~of~~
112 ~~higher education~~] may use concurrent enrollment money.

113 (4) After consultation with eligible institution [~~of higher education~~] concurrent
114 enrollment directors, the Utah Board of Higher Education shall:

115 (a) provide guidelines to an eligible institution [~~of higher education~~] for establishing
116 qualifying academic criteria for an eligible student to enroll in a concurrent enrollment course;
117 and

118 (b) establish a policy that:

119 (i) determines which concurrent enrollment courses are career and technical education
120 courses; and

121 (ii) creates a process for:

122 (A) an LEA to appeal an ~~[institution of higher education's]~~ eligible institution's
123 decision under Subsection (7) if the eligible institution ~~[of higher education]~~ does not approve
124 an LEA employee as an eligible instructor; and

125 (B) an LEA or eligible institution ~~[of higher education]~~ to determine whether an
126 eligible instructor who previously taught a concurrent enrollment course is no longer qualified
127 to teach the concurrent enrollment course.

128 (5) To qualify for funds under Section 53F-2-409, an LEA and an eligible institution
129 ~~[of higher education]~~ shall:

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

133 (b) ensure that an instructor who teaches a concurrent enrollment course is an eligible
134 instructor;

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

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

139 (e) coordinate advising to eligible students.

140 (6) (a) An eligible institution ~~[of higher education]~~ faculty member is an eligible
141 instructor.

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

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

144 (ii) is supervised by an eligible institution ~~[of higher education]~~; and

145 (iii) (A) as described in Subsection (7), is approved as an eligible instructor by the
146 eligible institution ~~[of higher education]~~ that provides the concurrent enrollment course taught
147 by the LEA employee;

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

149 (C) is approved as adjunct faculty by the eligible institution ~~[of higher education]~~ that
150 provides the concurrent enrollment course taught by the LEA employee; or

151 (D) teaches a concurrent enrollment course that the LEA employee taught during the

152 2018 -2019 or 2019 -2020 school year.

153 (7) An eligible institution [~~of higher education~~] shall approve an LEA employee as an
154 eligible instructor:

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

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

159 (ii) qualifying experience, as determined by the eligible institution [~~of higher
160 education~~]; or

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

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

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

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

167 (iii) qualifying experience as defined in Section 53E-10-301, including:

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

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

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

172 (D) other criteria established by the eligible institution [~~of higher education~~].

173 (8) An eligible institution [~~of higher education~~] shall accept credits earned by a student
174 who completes a concurrent enrollment course on the same basis as credits earned by a
175 full-time or part-time student enrolled at the eligible institution [~~of higher education~~].

176 Section 3. Section 53E-10-303 is amended to read:

177 **53E-10-303. Designated institution of higher education -- Concurrent enrollment**
178 **course right of first refusal.**

179 (1) As used in this section, "designated institution of higher education" means an
180 eligible institution [~~of higher education~~], as that term is defined in Section 53E-10-301, that is
181 designated by the Utah Board of Higher Education to provide a course or program of study
182 within a specific geographic region.

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

186 (3) Except as provided in Subsection (4) ~~H→~~ (5) ~~←H~~, if the LEA's designated
 186a institution of higher
 187 education chooses to offer the concurrent enrollment course, the LEA shall contract with the
 188 LEA's designated institution of higher education to provide the concurrent enrollment course.

189 (4) An LEA ~~[may]~~ shall contract with an eligible institution ~~[of higher education]~~ that
 190 is not the LEA's designated institution of higher education to provide a concurrent enrollment
 191 course if the LEA's designated institution of higher education:

192 (a) chooses not to offer the concurrent enrollment course proposed by the LEA;

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

195 (c) uses instructional materials in a course that are sensitive materials, as defined in
 196 Section 53G-10-103, or that are materials otherwise prohibited by state law or state board rule
 197 for use in kindergarten through grade 12; or

198 (d) (i) reaches the ~~[institution of higher education's]~~ eligible institution's enrolled
 199 student capacity for the concurrent enrollment course; and

200 (ii) prohibits an LEA with an eligible instructor, as described in Section 53E-10-302,
 201 from expanding the concurrent enrollment course to eligible students. ~~H→~~ **(5) For a student who**
 201a **wants to enroll in an existing concurrent enrollment course that is not offered online by an**
 201b **LEA's designated instution of higher education, the LEA shall contract with any eligible**
 201c **institution that offers the online concurrent enrollment course.** ~~←H~~

202 Section 4. Section 53E-10-305 is amended to read:

203 **53E-10-305. Tuition and fees.**

204 (1) Except as provided in this section, the Utah Board of Higher Education or an
 205 institution of higher education may not charge tuition or fees for a concurrent enrollment
 206 course.

207 (2) (a) The Utah Board of Higher Education may charge a one-time fee for a student to
 208 participate in the concurrent enrollment program.

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

212 (3) (a) An institution of higher education may charge a one-time admission application
 213 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 ~~H~~→ ~~[(1)]~~ ←~~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 ~~H~~→ ~~[(1)-(a)]~~ (1) ←~~H~~ data on the [~~higher~~] education tuition not charged due to the hours of
 234a [~~higher~~]
 235 education credit granted through concurrent enrollment;

236 ~~H~~→ ~~[(2)-(b)]~~ (2) ←~~H~~ tuition or fees charged under Section 53E-10-305;

237 ~~H~~→ ~~[(3)-(c)]~~ (3) ←~~H~~ an accounting of the money appropriated for concurrent enrollment;
 237a and

238 ~~H~~→ ~~[(4)-(d)]~~ (4) ←~~H~~ a justification of the distribution method described in [~~Subsections~~
 239 53F-2-409(3)(d) and (e)] Section 53F-2-409.

240 ~~H~~→ [(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.] ←H~~

254 Section 6. Effective date.

255 This bill takes effect on May 1, 2024.