

1           **CONCURRENT ENROLLMENT PARTICIPATION AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ryan D. Wilcox**

Senate Sponsor: David P. Hinkins

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3   **LONG TITLE**

4   **General Description:**

5       This bill amends provisions of the concurrent enrollment program.

6   **Highlighted Provisions:**

7       This bill:

- 8       ▸ defines terms;
- 9       ▸ requires a local education agency to, under certain circumstances, contract with an
- 10      eligible institution that offers an online concurrent enrollment course;
- 11      ▸ provides additional reporting requirements related to the right of first refusal; and
- 12      ▸ makes technical and conforming changes.

13 **Money Appropriated in this Bill:**

14       None

15 **Other Special Clauses:**

16       None

17 **Utah Code Sections Affected:**

18 AMENDS:

19       **53E-10-301**, as last amended by Laws of Utah 2021, Chapter 379

20       **53E-10-302**, as last amended by Laws of Utah 2023, Chapter 172

21       **53E-10-303**, as last amended by Laws of Utah 2023, Chapter 172

22       **53E-10-305**, as last amended by Laws of Utah 2020, Chapters 220, 365

23       **53E-10-308**, as last amended by Laws of Utah 2020, Chapter 365

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

26       Section 1. Section **53E-10-301** is amended to read:

27       **53E-10-301 . Definitions.**

28 As used in this part:

29 (1) "Career and technical education course" means a concurrent enrollment course in career  
30 and technical education, as determined by the policy established by the Utah Board of  
31 Higher Education under Section 53E-10-302.

32 (2) "Concurrent enrollment" means enrollment in a course offered through the concurrent  
33 enrollment program described in Section 53E-10-302.

34 (3) "Educator" means the same as that term is defined in Section 53E-6-102.

35 (4) "Eligible institution" means:

36 (a) a degree-granting institution of higher education or a technical college within the  
37 state system of higher education, as identified in Section 53B-1-102; or

38 (b) a degree-granting institution of higher education or a technical college within the  
39 state system of higher education, as identified in Section 53B-1-102, that offers an  
40 online concurrent enrollment course.

41 [~~(4)~~] (5) "Eligible instructor" means an instructor who meets the requirements described in [  
42 ~~Subsection 53E-10-302(6)~~] Section 53E-10-302.

43 [~~(5)~~] (6) "Eligible student" means a student who:

44 (a) (i) is enrolled in, and counted in average daily membership in, a public school  
45 within the state; or

46 (ii) is in the custody of the Division of Juvenile Justice Services and subject to the  
47 jurisdiction of the Youth Parole Authority;

48 (b) has on file a plan for college and career readiness as described in Section 53E-2-304;  
49 and

50 (c) is in grade 9, 10, 11, or 12.

51 [~~(6)~~] "Institution of higher education" means an institution described in Subsection  
52 ~~53B-1-102(1)(a).~~]

53 (7) "License" means the same as that term is defined in Section 53E-6-102.

54 (8) "Local education agency" or "LEA" means a school district or charter school.

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

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

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

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

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

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

- 62 (iv) continuing professional education in the academic field;
- 63 (v) portfolio of work related to the academic field; or
- 64 (vi) professional work experience or certifications in the academic field.
- 65 (10) "Value of the weighted pupil unit" means the amount established each year in the
- 66 enacted public education budget that is multiplied by the number of weighted pupil units
- 67 to yield the funding level for the basic state-supported school program.
- 68 Section 2. Section **53E-10-302** is amended to read:
- 69 **53E-10-302 . Concurrent enrollment program.**
- 70 (1) The state board and the Utah Board of Higher Education shall establish and maintain a
- 71 concurrent enrollment program that:
- 72 (a) provides an eligible student the opportunity to enroll in a course that allows the
- 73 eligible student to earn credit concurrently:
- 74 (i) toward high school graduation; and
- 75 (ii) at an eligible institution [~~of higher education~~];
- 76 (b) includes only a course that:
- 77 (i) leads to a degree or certificate offered by an eligible institution [~~of higher~~
- 78 ~~education~~]; and
- 79 (ii) is one of the following:
- 80 (A) a general education course;
- 81 (B) a career and technical education course;
- 82 (C) a pre-major college level course;
- 83 (D) a foreign language concurrent enrollment course described in Section
- 84 53E-10-307; or
- 85 (E) an upper divisions course that the Utah Board of Higher Education approves
- 86 under Subsection (3);
- 87 (c) requires that the instructor of a concurrent enrollment course is an eligible instructor;
- 88 and
- 89 (d) is designed and implemented to take full advantage of the most current available
- 90 education technology.
- 91 (2) The state board and the Utah Board of Higher Education shall coordinate to:
- 92 (a) establish a concurrent enrollment course approval process that ensures:
- 93 (i) credit awarded for concurrent enrollment is consistent and transferable to all
- 94 eligible institutions [~~of higher education~~]; and
- 95 (ii) learning outcomes for a concurrent enrollment course align with:

- 96 (A) core standards for Utah public schools adopted by the state board; and  
97 (B) except for a foreign language concurrent enrollment course described in  
98 Section 53E-10-307 or an upper division course that the Utah Board of Higher  
99 Education approves under Subsection (3), an eligible institution [~~of higher~~  
100 ~~education~~] lower division course numbered at or above the 1000 level; and
- 101 (b) provide advising to an eligible student, including information on:  
102 (i) general education requirements at eligible institutions [~~of higher education~~]; and  
103 (ii) how to choose concurrent enrollment courses to avoid duplication or excess credit  
104 hours.
- 105 (3) The Utah Board of Higher Education, after consulting with the state board, shall  
106 annually approve a prioritized list of upper division courses for which an eligible  
107 institution [~~of higher education~~] may use concurrent enrollment money.
- 108 (4) After consultation with eligible institution [~~of higher education~~] concurrent enrollment  
109 directors, the Utah Board of Higher Education shall:  
110 (a) provide guidelines to an eligible institution [~~of higher education~~] for establishing  
111 qualifying academic criteria for an eligible student to enroll in a concurrent  
112 enrollment course; and  
113 (b) establish a policy that:  
114 (i) determines which concurrent enrollment courses are career and technical  
115 education courses; and  
116 (ii) creates a process for:  
117 (A) an LEA to appeal an [~~institution of higher education's~~] eligible institution's  
118 decision under Subsection (7) if the eligible institution [~~of higher education~~]  
119 does not approve an LEA employee as an eligible instructor; and  
120 (B) an LEA or eligible institution [~~of higher education~~] to determine whether an  
121 eligible instructor who previously taught a concurrent enrollment course is no  
122 longer qualified to teach the concurrent enrollment course.
- 123 (5) To qualify for funds under Section 53F-2-409, an LEA and an eligible institution [~~of~~  
124 ~~higher education~~] shall:  
125 (a) enter into a contract, in accordance with Section 53E-10-303, to provide one or more  
126 concurrent enrollment courses that are approved under the course approval process  
127 described in Subsection (2);  
128 (b) ensure that an instructor who teaches a concurrent enrollment course is an eligible  
129 instructor;

- 130 (c) establish qualifying academic criteria for an eligible student to enroll in a concurrent  
131 enrollment course, in accordance with the guidelines described in Subsection (4)(a);
- 132 (d) ensure that a student who enrolls in a concurrent enrollment course is an eligible  
133 student; and
- 134 (e) coordinate advising to eligible students.
- 135 (6) (a) An eligible institution [~~of higher education~~] faculty member is an eligible  
136 instructor.
- 137 (b) An LEA employee is an eligible instructor if the LEA employee:
- 138 (i) is licensed under Chapter 6, Education Professional Licensure;
- 139 (ii) is supervised by an eligible institution [~~of higher education~~]; and
- 140 (iii) (A) as described in Subsection (7), is approved as an eligible instructor by the  
141 eligible institution [~~of higher education~~] that provides the concurrent  
142 enrollment course taught by the LEA employee;
- 143 (B) has an upper level mathematics credential issued by the state board;
- 144 (C) is approved as adjunct faculty by the eligible institution [~~of higher education~~]  
145 that provides the concurrent enrollment course taught by the LEA employee; or
- 146 (D) teaches a concurrent enrollment course that the LEA employee taught during  
147 the 2018 -2019 or 2019 -2020 school year.
- 148 (7) An eligible institution [~~of higher education~~] shall approve an LEA employee as an  
149 eligible instructor:
- 150 (a) for a career and technical education concurrent enrollment course, if the LEA  
151 employee has:
- 152 (i) a degree, certificate, or industry certification in the concurrent enrollment course's  
153 academic field; or
- 154 (ii) qualifying experience, as determined by the eligible institution [~~of higher  
155 education~~]; or
- 156 (b) for a concurrent enrollment course other than a career and technical education  
157 course, if the LEA employee has:
- 158 (i) a master's degree or higher in the concurrent enrollment course's academic field;
- 159 (ii) (A) a master's degree or higher in any academic field; and  
160 (B) at least 18 completed credit hours of graduate course work in an academic  
161 field that is relevant to the concurrent enrollment course; or
- 162 (iii) qualifying experience as defined in Section 53E-10-301, including:  
163 (A) the number of years of teaching experience;

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

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

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

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

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

172 **53E-10-303 . Designated institution of higher education -- Concurrent enrollment**  
173 **course right of first refusal.**

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

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

181 (3) Except as provided in Subsection (4) or (5), if the LEA's designated institution of higher  
182 education chooses to offer the concurrent enrollment course, the LEA shall contract with  
183 the LEA's designated institution of higher education to provide the concurrent  
184 enrollment course.

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

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

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

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

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

196 (ii) prohibits an LEA with an eligible instructor, as described in Section 53E-10-302,  
197 from expanding the concurrent enrollment course to eligible students.

198 (5) For a student who wants to enroll in an existing concurrent enrollment course that is not  
199 offered online by an LEA's designated institution of higher education, the LEA shall  
200 contract with any eligible institution that offers the online concurrent enrollment course.

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

202 **53E-10-305 . Tuition and fees.**

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

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

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

210 (3) (a) An institution of higher education may charge a one-time admission application  
211 fee for concurrent enrollment course credit offered by the institution of higher  
212 education.

213 (b) Payment of the fee described in Subsection (3)(a) satisfies the general admission  
214 application fee requirement for a full-time or part-time student at an institution of  
215 higher education.

216 (4) (a) Except as provided in Subsection (4)(b), an institution of higher education may  
217 charge partial tuition of no more than \$30 per credit hour for a concurrent enrollment  
218 course for which a student earns college credit.

219 (b) An institution of higher education may not charge more than:

220 (i) \$5 per credit hour for an eligible student who qualifies for free or reduced price  
221 school lunch;

222 (ii) \$10 per credit hour for a concurrent enrollment course that is taught at an LEA by  
223 an eligible instructor described in [~~Subsection 53E-10-302(6)(b)~~] Section  
224 53E-10-302; or

225 (iii) \$15 per credit hour for a concurrent enrollment course that is taught through  
226 video 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 The state board and the Utah Board of Higher Education shall submit an annual

232 written report to the Higher Education Appropriations Subcommittee and in accordance  
233 with Section 53E-1-203 on student participation in the concurrent enrollment program,  
234 including:

- 235 (1) data on the ~~[higher-]~~education tuition not charged due to the hours of ~~[higher-]~~education  
236 credit granted through concurrent enrollment;
- 237 (2) tuition or fees charged under Section 53E-10-305;
- 238 (3) an accounting of the money appropriated for concurrent enrollment; and
- 239 (4) a justification of the distribution method described in ~~[Subsections 53F-2-409(3)(d) and~~  
240 ~~(e)]~~ Section 53F-2-409.

241 Section 6. **Effective date.**  
242 This bill takes effect on May 1, 2024.