

1 **STATEWIDE ONLINE EDUCATION PROGRAM AMENDMENTS**
2 2024 GENERAL SESSION
3 STATE OF UTAH
4 **Chief Sponsor: Dan N. Johnson**
5 Senate Sponsor: Ann Millner

6
7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Statewide Online Education Program (the program).

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ requires the Utah State Board of Education to:
 - 13 • update operating systems to allow for transfer of student information with the
 - 14 program;
 - 15 • dedicate staff to offer technical support for the program;
 - 16 • create a model cooperative agreement between a primary local education agency and
 - 17 an authorized online provider;
 - 18 • provide certain itemized reports to a primary LEA;
 - 19 • create a mandatory training for certain LEA staff about the program;
 - 20 • create a communication dashboard; and
 - 21 • collaborate with the Utah System of Higher Education to offer online concurrent
 - 22 enrollment options including within the program;
- 23 ▶ allows the State Board of Education to contract with a private entity to administer the
- 24 portion of the program designated for home and private school students and amends provisions
- 25 to accommodate the potential administration by a private entity;
- 26 ▶ requires a primary LEA to coordinate accommodations of a student's individualized
- 27 education plan or ~~[section]~~ Section 504 accommodation plan;
- 28 ▶ establishes a deadline to acknowledge a course enrollment;
- 29 ▶ requires certain coordination between a primary LEA and an authorized online course
- 30 provider; and
- 31 ▶ makes technical changes.

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **53E-3-518**, as last amended by Laws of Utah 2023, Chapter 7035 **53F-4-501**, as last amended by Laws of Utah 2023, Chapters 226, 36836 **53F-4-502**, as last amended by Laws of Utah 2023, Chapter 36837 **53F-4-503**, as last amended by Laws of Utah 2023, Chapters 226, 36838 **53F-4-504**, as last amended by Laws of Utah 2023, Chapter 36839 **53F-4-505**, as last amended by Laws of Utah 2023, Chapter 36840 **53F-4-506**, as renumbered and amended by Laws of Utah 2018, Chapter 241 **53F-4-507**, as last amended by Laws of Utah 2023, Chapter 36842 **53F-4-508**, as last amended by Laws of Utah 2019, Chapter 18643 **53F-4-509**, as renumbered and amended by Laws of Utah 2018, Chapter 244 **53F-4-510**, as last amended by Laws of Utah 2019, Chapter 18645 **53F-4-511**, as last amended by Laws of Utah 2019, Chapter 18646 **53F-4-512**, as last amended by Laws of Utah 2019, Chapter 18647 **53F-4-513**, as last amended by Laws of Utah 2021, Chapter 36248 **53F-4-514**, as last amended by Laws of Utah 2023, Chapter 36849 **53F-4-516**, as last amended by Laws of Utah 2019, Chapter 18650 **53F-4-517**, as renumbered and amended by Laws of Utah 2018, Chapter 251 **53F-4-518**, as last amended by Laws of Utah 2023, Chapter 368

52

53 *Be it enacted by the Legislature of the state of Utah:*54 Section 1. Section **53E-3-518** is amended to read:55 **53E-3-518 . Utah school information management system -- Local education**
56 **agency requirements.**

57 (1) As used in this section:

58 (a) "LEA data system" or "LEA's data system" means a data system that:

59 (i) is developed, selected, or relied upon by an LEA; and

60 (ii) the LEA uses to collect data or submit data to the state board related to:

61 (A) student information;

- 62 (B) educator information;
- 63 (C) financial information; or
- 64 (D) other information requested by the state board.
- 65 (b) "LEA financial information system" or "LEA's financial information system" means
- 66 an LEA data system used for financial information.
- 67 (c) "Parent" means the same as that term is defined in Section 53G-6-201.
- 68 (d) "Utah school information management system" or "information management
- 69 system" means the state board's data collection and reporting system described in this
- 70 section.
- 71 (e) "User" means an individual who has authorized access to the information
- 72 management system.
- 73 (2) On or before July 1, 2024, the state board shall have in place an information
- 74 management system that meets the requirements described in this section.
- 75 (3) The state board shall ensure that the information management system:
- 76 (a) interfaces with an LEA's data systems that meet the requirements described in
- 77 Subsection [~~(6)~~; (7);
- 78 (b) serves as the mechanism for the state board to collect and report on all data that
- 79 LEAs submit to the state board related to:
- 80 (i) student information;
- 81 (ii) educator information;
- 82 (iii) financial information; and
- 83 (iv) other information requested by the state board;
- 84 (c) includes a web-based user interface through which a user may:
- 85 (i) enter data;
- 86 (ii) view data; and
- 87 (iii) generate customizable reports;
- 88 (d) includes a data warehouse and other hardware or software necessary to store or
- 89 process data submitted by an LEA;
- 90 (e) provides for data privacy, including by complying with [~~Title 53E, Chapter 9,~~
- 91 ~~Student Privacy and Data Protection~~] Chapter 9, Student Privacy and Data Protection;
- 92 (f) restricts user access based on each user's role; and
- 93 (g) meets requirements related to a student achievement backpack described in Section
- 94 53E-3-511.
- 95 (4) On or before January 31, 2026, the state board shall:

- 96 (a) ensure the information management system described in this section allows for the
97 transfer of a student's transcript, current IEP, or Section 504 accommodation plan,
98 including the tracking of necessary accommodations and services between:
99 (i) different LEA student information systems; and
100 (ii) an authorized online course provider and a primary LEA; and
101 (b) ensure the transfer capability described in Subsection (4)(a) is available for the same
102 use within the operating system the state board uses for the Statewide Online
103 Education Program described in Title 53F, Chapter 4, Part 5, Statewide Online
104 Education Program.
- 105 [~~4~~] (5) The state board shall establish the restrictions on user access described in
106 Subsection (3)(f).
- 107 [~~5~~] (6) (a) The state board shall make rules that establish the required capabilities for an
108 LEA financial information system.
- 109 (b) In establishing the required capabilities for an LEA financial information system, the
110 state board shall consider metrics and capabilities requested by the state treasurer or
111 state auditor.
- 112 [~~6~~] (7) (a) On or before July 1, 2024, an LEA shall ensure that:
113 (i) all of the LEA's data systems:
114 (A) meet the data standards established by the state board in accordance with
115 Section 53E-3-501;
116 (B) are fully compatible with the state board's information management system;
117 and
118 (C) meet specification standards determined by the state board; and
119 (ii) the LEA's financial information system meets the requirements described in
120 Subsection [~~5~~] (6).
- 121 (b) An LEA shall ensure that an LEA data system purchased or developed on or after
122 May 14, 2019, will be compatible with the information management system when the
123 information management system is fully operational.
- 124 [~~7~~] (8) (a) Subject to appropriations and Subsection [~~7~~](~~b~~) (8)(b), the state board may
125 use an appropriation under this section to help an LEA meet the requirements in the
126 rules described in Subsection [~~5~~] (6) by:
127 (i) providing to the LEA funding for implementation and sustainment of the LEA
128 financial information system, either through:
129 (A) awarding a grant to the LEA; or

- 130 (B) providing a reimbursement to the LEA; or
- 131 (ii) in accordance with Title 63G, Chapter 6a, Utah Procurement Code, procuring a
- 132 financial information system on behalf of an LEA for the LEA to use as the LEA's
- 133 financial information system.
- 134 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 135 state board shall make rules describing:
- 136 (i) how an LEA may apply to the state board for the assistance described in
- 137 Subsection ~~[(7)(a)]~~ (8)(a); and
- 138 (ii) criteria for the state board to provide the assistance to an LEA.
- 139 ~~[(8)]~~ (9) (a) Beginning July 1, 2024, the state board may take action against an LEA that
- 140 is out of compliance with a requirement described in Subsection ~~[(6)]~~ (7) until the
- 141 LEA complies with the requirement.
- 142 (b) An action described in Subsection ~~[(8)(a)]~~ (9)(a) may include the state board
- 143 withholding funds from the LEA.
- 144 ~~[(9)]~~ (10) (a) For purposes of this Subsection ~~[(9)]~~ (10), "education record" means the
- 145 same as that term is defined in 20 U.S.C. Sec. 1232g.
- 146 (b) The state board shall, by rule made in accordance with Title 63G, Chapter 3, Utah
- 147 Administrative Rulemaking Act, establish a procedure under which:
- 148 (i) a parent may submit information as part of the education records for the parent's
- 149 student;
- 150 (ii) the information submitted by the parent is maintained as part of the education
- 151 records for the parent's student;
- 152 (iii) information submitted by the parent and maintained as part of the education
- 153 records for the parent's student may be removed at the request of the parent; and
- 154 (iv) a parent has access only to the education records of the parent's student in
- 155 accordance with Subsection ~~[(9)(d)]~~ (10)(d).
- 156 (c) The rules made under this Subsection ~~[(9)]~~ (10) shall allow a parent to submit or
- 157 remove information submitted by the parent under this Subsection ~~[(9)]~~ (10) at least
- 158 annually, including at the time of:
- 159 (i) registering a student in a school; or
- 160 (ii) changing the school in which a student attends.
- 161 (d) Subject to the federal Family Education Rights and Privacy Act, 20 U.S.C. Sec.
- 162 1232g, and related regulations, the state board shall provide a parent access to an
- 163 education record concerning the parent's student.

164 (e) The state board shall create in the information management system a record tracking
165 interoperability of education records described in this Subsection [~~(9)~~] (10) when a
166 student is transitioning between schools or between LEAs.

167 Section 2. Section **53F-4-501** is amended to read:

168 **53F-4-501 . Definitions.**

169 As used in this part:

170 (1) "Authorized online course provider" means the entities listed in Subsection 53F-4-504

171 (1).

172 (2) (a) "Certified online course provider" means a provider that the state board approves
173 to offer courses through the Statewide Online Education Program.

174 (b) "Certified online course provider" does not include an entity described in
175 Subsections 53F-4-504(1)(a) through (c).

176 (3) "Credit" means credit for a high school course, or the equivalent for a middle school
177 course, as determined by the state board.

178 (4) "Eligible student" means a student:

179 (a) who intends to take a course for middle school or high school credit; and

180 (b) (i) who is enrolled in an LEA in Utah; or

181 (ii) (A) who attends a private school or home school; and

182 (B) whose custodial parent is a resident of Utah.

183 (5) "High school" means grade 9, 10, 11, or 12.

184 (6) "Middle school" means, only for purposes of student eligibility to participate in the
185 Statewide Online Education Program, grade 6, 7, or 8.

186 (7) "Online course" means a course of instruction offered by the Statewide Online
187 Education Program through the use of digital technology, regardless of whether the
188 student participates in the course at home, at school, at another location, or any
189 combination of these.

190 (8) "Plan for college and career readiness" means the same as that term is defined in Section
191 53E-2-304.

192 (9) "Primary LEA of enrollment" or "primary LEA" means the LEA in which an eligible
193 student is enrolled for courses other than online courses offered through the Statewide
194 Online Education Program.

195 (10) "Released-time" means a period of time during the regular school day a student is
196 excused from school at the request of the student's parent pursuant to rules of the state
197 board.

198 (11) "State board's contractor" means the private entity described in Section 53F-4-503 with
 199 which the state board contracts to administer the portion of the Statewide Online
 200 Education Program designated for a student who attends private school or home school.

201 Section 3. Section **53F-4-502** is amended to read:

202 **53F-4-502 . Statewide Online Education Program created -- Designated as**
 203 **program of the public education system -- Purposes.**

204 (1) The Statewide Online Education Program is created to enable an eligible student to,
 205 through the completion of publicly funded online courses:

206 (a) earn college credit by July 1, 2025;

207 [~~(a)~~] (b) earn high school graduation credit; or

208 [~~(b)~~] (c) earn middle school credit.

209 (2) Pursuant to Utah Constitution, Article X, Section 2, the Statewide Online Education
 210 Program is designated as a program of the public education system.

211 (3) The purposes of the Statewide Online Education Program are to:

212 (a) provide a student with access to online learning options regardless of where the
 213 student attends school, whether a public, private, or home school;

214 (b) provide digital learning options for a student regardless of language, residence,
 215 family income, or special needs;

216 (c) provide online learning options to allow a student to acquire the knowledge and
 217 technology skills necessary in a digital world;

218 (d) utilize the power and scalability of technology to customize education so that a
 219 student may learn in the student's own style preference and at the student's own pace;

220 (e) utilize technology to remove the constraints of traditional classroom learning,
 221 allowing a student to access learning virtually at any time and in any place and giving
 222 the student the flexibility to take advantage of the student's peak learning time;

223 (f) provide personalized learning, where a student can spend as little or as much time as
 224 the student needs to master the material;

225 (g) provide greater access to self-paced programs enabling a high achieving student to
 226 accelerate academically, while a struggling student may have additional time and
 227 help to gain competency;

228 (h) allow a student to customize the student's schedule to better meet the student's
 229 academic goals;

230 (i) provide quality learning options to better prepare a student for post-secondary
 231 education~~[and]~~, vocational training, or career opportunities; and

- 232 (j) allow a student to have an individualized educational experience.
- 233 (4) The program name, "Statewide Online Education Program," shall be used in the
234 dissemination of information on the program.
- 235 Section 4. Section **53F-4-503** is amended to read:
- 236 **53F-4-503 . Option to enroll in online courses offered through the Statewide**
237 **Online Education Program.**
- 238 (1) Subject to Subsections [~~(2) and (8);~~] (2), (9), and (12) and, for a public education
239 student, with the advice of a school counselor at a student's primary LEA, an eligible
240 student may enroll in an online course offered through the Statewide Online Education
241 Program if:
- 242 (a) the student meets the course prerequisites;
- 243 (b) the course is open for enrollment; and
- 244 (c) the online course is aligned with the student's plan for college and career readiness[;] .
245 [~~(d) the online course is consistent with the student's IEP, if the student has an IEP; and~~]
246 [~~(e) the online course is consistent with the student's international baccalaureate~~
247 ~~program, if the student is participating in an international baccalaureate program.]~~
- 248 (2) An eligible student may enroll in online courses [~~for no more than~~] totaling up to six
249 credits per school year.
- 250 (3) Notwithstanding Subsection (2):
- 251 (a) a student's primary LEA of enrollment may allow an eligible student to enroll in
252 online courses for more than the number of credits specified in Subsection (2); or
- 253 (b) upon the request of an eligible student, the state board or, in relation to a student who
254 attends a private school or home school, the state board's contractor, may allow the
255 student to enroll in online courses for more than the number of credits specified in
256 Subsection (2), if the online courses better meet the academic goals of the student.
- 257 (4) An eligible student's primary LEA of enrollment:
- 258 (a) in conjunction with the student and the student's parent, is responsible for preparing
259 and implementing a plan for college and career readiness for the eligible student, as
260 provided in Section 53E-2-304; and
- 261 (b) shall assist an eligible student in scheduling courses in accordance with the student's
262 plan for college and career readiness, graduation requirements, and the student's
263 post-secondary plans.
- 264 (5) An eligible student's primary LEA of enrollment may not:
- 265 (a) impose restrictions on a student's selection of an online course that fulfills graduation

- 266 requirements and is consistent with the student's plan for college and career readiness
267 or post-secondary plans; or
- 268 (b) give preference to an online course or authorized online course provider.
- 269 (6) The state board, or, in relation to a student who attends a private school or home school,
270 the state board's contractor, including an employee of the state board or the state board's
271 contractor, may not give preference to an online course or authorized online course
272 provider.
- 273 (7) (a) Except as provided in Subsection (7)(b), a person may not provide an inducement
274 or incentive to a public school student to participate in the Statewide Online
275 Education Program.
- 276 (b) For purposes of Subsection (7)(a):
- 277 (i) "Inducement or incentive" does not mean:
- 278 (A) instructional materials or software necessary to take an online course; or
279 (B) access to a computer or digital learning device for the purpose of taking an
280 online course.
- 281 (ii) "Person" does not include a relative of the public school student.
- 282 (8) The state board shall coordinate with the Utah System of Higher Education to study
283 funding structures and access barriers related to concurrent enrollment for the Statewide
284 Online Education Program and provide recommendations to the Education Interim
285 Committee no later than the November 2024 meeting.
- 286 (9) Subject to legislative appropriations and for an eligible student who is enrolled at a
287 public school, the state board shall provide Statewide Online Education Program
288 academic counseling that:
- 289 (a) may advise an eligible student or an eligible student's parent regarding an online
290 course enrollment including how an online course relates to graduation requirements
291 described in Section 53E-4-204 and administrative rule;
- 292 (b) provides the training described in Section 53F-4-514;
- 293 (c) provides technical support to an LEA, school-based counselor, eligible student, or
294 eligible student's parent;
- 295 (d) assists in gathering information, reports, and data an LEA requests; and
- 296 (e) directs an eligible student or an eligible student's parent to a school-specific
297 counselor for advice regarding an online course enrollment in relation to an LEA, or
298 school-specific graduation requirement and all other counseling services.
- 299 (10) If an eligible student has an IEP or Section 504 accommodation plan:

- 300 (a) the eligible student's primary LEA:
- 301 (i) shall:
- 302 (A) forward a copy of the relevant portions of the eligible student's existing IEP or
- 303 Section 504 accommodation plan to the authorized online course provider in
- 304 accordance with federal law and guidelines; and
- 305 (B) ensure the authorized online course provider is provided an eligible student's
- 306 updated IEP when revisions are made;
- 307 (ii) may:
- 308 (A) ensure the eligible student's IEP team and the authorized online course
- 309 provider review a course enrollment for compliance with requirements
- 310 described in Subsection (1); and
- 311 (B) as needed, coordinate additional IEP team reviews with the authorized online
- 312 course provider to ensure appropriate services, supports, and accommodations
- 313 are in place for the eligible student; and
- 314 (b) the authorized online course provider:
- 315 (i) shall implement an eligible student's IEP or Section 504 accommodation plan; and
- 316 (ii) may seek assistance from the primary LEA to implement an eligible student's IEP
- 317 or Section 504 accommodation plan.
- 318 (11) The state board shall create a model cooperative agreement between a primary LEA
- 319 and an authorized online course provider for use when the primary LEA determines that
- 320 an authorized online course provider would best provide IEP services, including a
- 321 requirement that the eligible student's primary LEA provide funding for the IEP services.
- 322 (12) If the program lacks sufficient legislative appropriations to fund the enrollment in
- 323 online courses for all eligible students who do not have a primary LEA of enrollment,
- 324 the state board or, in relation to a student who attends a private school or home school,
- 325 the state board's contractor, shall prioritize funding the enrollment of an eligible student
- 326 who intends to graduate from high school during the school year in which the student
- 327 enrolls in an online course.
- 328 (13) No later than April 1, 2025, and in accordance with Title 63G, Chapter 6a, Utah
- 329 Procurement Code, the state board shall use funds the state board expends to administer
- 330 to the Statewide Online Education Program for students who attend private school or
- 331 home school to alternatively contract with a private entity:
- 332 (a) that has demonstrated an expertise or ability to administer a statewide program to
- 333 deliver education services to students who attend private school or home school; and

- 334 (b) to administer the portion of the Statewide Online Education Program that is
 335 designated for students who attend private school or home school, including
 336 providing an enrollment platform or tool separate from the enrollment tool or
 337 platform the state board provides for the program.
- 338 (14) The state board's contractor described in Subsection (13) may use a percentage of the
 339 appropriation for home school and private school students that is equal to the proportion
 340 of the state board's administrative cost in relation to the appropriation for students
 341 enrolled in an LEA.

342 Section 5. Section **53F-4-504** is amended to read:

343 **53F-4-504 . Authorized online course providers -- Certified online course**
 344 **providers.**

- 345 (1) The following entities are known as an authorized online course provider and may offer
 346 online courses to eligible students through the Statewide Online Education Program:
- 347 (a) ~~[a charter school or district school]~~ a school within an LEA created exclusively for
 348 the purpose of serving students online;
- 349 (b) an LEA program, approved by the LEA governing board, that is created exclusively
 350 for the purpose of serving students online;
- 351 (c) a program of an institution of higher education listed in Section 53B-2-101 that:
 352 (i) offers secondary school level courses; and
 353 (ii) is created exclusively for the purpose of serving students online; and
- 354 (d) a certified online course provider.
- 355 (2) The state board shall approve an online course provider as a certified online course
 356 provider if the online course provider:
- 357 (a) complies with the application procedures described in Section 53F-4-514;
 358 (b) meets the standards described in Section 53F-4-514; and
 359 (c) has prior experience offering online courses to secondary students.
- 360 (3) The state board may revoke the approval described in Subsection (2) if the state board:
 361 (a) finds that a certified online course provider is not complying with the requirements
 362 described in Section 53F-4-514;
 363 (b) provides written notice describing the findings of non-compliance to the certified
 364 online course provider;
 365 (c) provides the certified online course provider with at least 60 days to remedy the
 366 findings of non-compliance;
 367 (d) reevaluates the findings of non-compliance at least 60 days after the certified online

- 368 course provider's remedy period described in Subsection (3)(c); and
369 (e) finds after reevaluation that the certified online course provider has failed to
370 satisfactorily remedy the findings of non-compliance.
- 371 Section 6. Section **53F-4-505** is amended to read:
372 **53F-4-505 . Payment for an online course.**
- 373 (1) For the 2012-13 school year, the fee for a .5 credit online course or .5 credit of a 1 credit
374 online course is:
- 375 (a) \$200 for the following courses, except a concurrent enrollment course:
376 (i) financial literacy;
377 (ii) health;
378 (iii) fitness for life; and
379 (iv) computer literacy;
- 380 (b) \$200 for driver education;
- 381 (c) \$250 for a course that meets core standards for Utah public schools in fine arts or
382 career and technical education, except a concurrent enrollment course;
- 383 (d) \$300 for the following courses:
384 (i) a course that meets core standards for Utah public schools requirements in social
385 studies, except a concurrent enrollment course; and
386 (ii) a world language course, except a concurrent enrollment course;
- 387 (e) \$350 for the following courses:
388 (i) a course that meets core standards for Utah public schools requirements for
389 language arts, mathematics, or science; and
390 (ii) a concurrent enrollment course; and
- 391 (f) \$250 for a course not described in Subsections (1)(a) through (e).
- 392 (2) If a course meets the requirements of more than one course fee category described in
393 Subsection (1), the course fee shall be the lowest of the applicable course fee categories.
- 394 (3) The online course fees described in Subsection (1) shall be adjusted each school year in
395 accordance with the percentage change in value of the weighted pupil unit from the
396 previous school year.
- 397 (4) An authorized online course provider shall receive payment for an online course as
398 follows:
- 399 (a) for a .5 credit online course, 50% of the online course fee after the withdrawal period
400 described in Section 53F-4-506;
- 401 (b) for a 1 credit online course, 25% of the online course fee after the withdrawal period

- 402 described in Section 53F-4-506 and 25% of the online course fee upon the beginning
403 of the second .5 credit of the online course; and
- 404 (c) if a student completes a 1 credit online course within 12 months or a .5 credit course
405 within nine weeks following the end of a traditional semester, 50% of the online
406 course fee.
- 407 (5) (a) If a student fails to complete a 1 credit course within 12 months or a .5 credit
408 course within nine weeks following the end of a traditional semester, the student may
409 continue to be enrolled in the course until the student graduates from high school.
- 410 (b) To encourage an authorized online course provider to provide remediation to a
411 student who remains enrolled in an online course pursuant to Subsection (5)(a) and
412 avoid the need for credit recovery, an authorized online course provider shall receive
413 a payment equal to 30% of the online course fee if the student completes the online
414 course:
- 415 (i) for a high school online course, before the student graduates from high school; or
416 (ii) for a middle school online course, before the student completes middle school.
- 417 (6) Notwithstanding the online course fees prescribed in Subsections (1) through (3), a
418 school district or charter school may:
- 419 (a) negotiate a fee with an authorized online course provider for an amount up to the
420 amount prescribed in Subsections (1) through (3); and
- 421 (b) pay the negotiated fee instead of the fee prescribed in Subsections (1) through (3).
- 422 (7) An authorized online course provider who contracts with a vendor for the acquisition of
423 online course content or online course instruction may negotiate the payment for the
424 vendor's service independent of the fees specified in Subsections (1) through (3).
- 425 (8) The state board or, in relation to a student who attends a private school or home school,
426 the state board's contractor, may not remove a student from an online course if the
427 student is eligible for continued enrollment in the online course under Subsection (5).
- 428 (9) Upon request by a primary LEA, the state board shall provide an itemized report to the
429 primary LEA showing the deduction described in Subsection 53F-4-508(2) by student
430 and course enrolled.

431 Section 7. Section **53F-4-506** is amended to read:

432 **53F-4-506 . Withdrawal from an online course.**

- 433 (1) An authorized online course provider shall establish a start date for an online course,
434 including a start date for the second .5 credit of a 1 credit online course.
- 435 (2) Except as provided in Subsection (3), a student may withdraw from an online course:

- 436 (a) within 20 school calendar days of the start date, if the student enrolls in an online
 437 course on or before the start date established pursuant to Subsection (1); or
 438 (b) within 20 school calendar days of enrolling in the online course, if the student enrolls
 439 in an online course after the start date established pursuant to Subsection (1).
 440 (3) (a) A student may withdraw from a 1 credit online course within 20 school calendar
 441 days of the start date of the second .5 credit of the online course.
 442 (b) An authorized online course provider shall refund a payment received for the second
 443 .5 credit of an online course if a student withdraws from the online course pursuant to
 444 Subsection (3)(a).
 445 (c) If a student withdraws from a 1 credit online course as provided in Subsection (3)(a),
 446 the authorized online course provider shall receive payment for the student's
 447 completion of .5 credit of the 1 credit course in the same manner as an authorized
 448 online course provider receives payment for a student's completion of a .5 credit
 449 online course as described in Subsection 53F-4-505(4).

450 Section 8. Section **53F-4-507** is amended to read:

451 **53F-4-507 . Direction to deduct funds and make payments -- Plan for the**
 452 **payment of online courses taken by private and home school students.**

- 453 (1) (a) Subject to future budget constraints, the Legislature shall adjust the appropriation
 454 for the Statewide Online Education Program based on:
 455 [~~(a)~~] (i) the anticipated increase of eligible home school and private school students
 456 enrolled in the Statewide Online Education Program; and
 457 [~~(b)~~] (ii) the value of the weighted pupil unit.
 458 (b) The state board shall, if the state board contracts with a private entity under
 459 Subsection 53F-4-503(9), delegate to the state board's contractor the management of
 460 the funds appropriated for the Statewide Online Education Program for students who
 461 attend private school or home school.
 462 (2) Notwithstanding Subsection (1) and subject to future budget constraints, the Legislature
 463 shall:
 464 (a) consider enrollment projections provided by the authorized online course providers
 465 to account for enrollment growth during the appropriations process;
 466 (b) provide a supplemental appropriation to adequately fund the Statewide Online
 467 Education Program when the enrollment amount exceeds the projected enrollment
 468 amounts provided by the authorized online course providers; and
 469 (c) in the fiscal year beginning July 1, 2025, keep all other appropriations for the

470 Statewide Online Education Program separate from the appropriations described in
471 Section 53F-4-518.

472 (3) (a) The state board shall deduct money from funds allocated to the student's primary
473 LEA of enrollment under Chapter 2, State Funding -- Minimum School Program, to
474 pay for online course fees.

475 (b) Money shall be deducted under Subsection (3)(a) in the amount and at the time an
476 authorized online course provider qualifies to receive payment for an online course
477 provided to a public education student, not to exceed 90 days after qualification, as
478 provided in Subsection 53F-4-505(4).

479 (c) ~~[Beginning July 1, 2023, the]~~ The state board or, in relation to a student who attends a
480 private school or home school, the state board's contractor, shall deduct money from
481 funds allocated for course fees for a private school or home school student in the
482 amount and at the time an authorized online course provider qualifies to receive
483 payment for an online course, not to exceed 90 days after qualification.

484 (4) From money deducted under Subsection (3), the state board or, in relation to a student
485 who attends a private school or home school, the state board's contractor, shall make
486 payments to the student's authorized online course provider as provided in Section
487 53F-4-505.

488 ~~[(5) The Legislature shall establish a plan for the payment of online courses taken by a~~
489 ~~private school or home school student.]~~

490 Section 9. Section **53F-4-508** is amended to read:

491 **53F-4-508 . Course credit acknowledgment.**

492 (1) A student's primary LEA of enrollment and the student's authorized online course
493 provider shall:

494 (a) enter into a course credit acknowledgment in which the primary LEA of enrollment
495 and the authorized online course provider acknowledge that the authorized online
496 course provider is responsible for the instruction of the student in a specified online
497 course[-] ; and

498 (b) agree upon a process to provide the primary LEA with the ability to ensure
499 consistency of a course request with a student's:

500 (i) IEP or Section 504 accommodation plan;

501 (ii) graduation requirements; and

502 (iii) schedule, if applicable.

503 (2) The terms of the course credit acknowledgment shall provide that:

- 504 (a) the authorized online course provider shall receive a payment in the amount provided
 505 under Section 53F-4-505; and
- 506 (b) the student's primary LEA of enrollment acknowledges that the state board will
 507 deduct funds allocated to the LEA under Chapter 2, State Funding -- Minimum
 508 School Program, in the amount and at the time the authorized online course provider
 509 qualifies to receive payment for the online course as provided in Subsection
 510 53F-4-505(4).
- 511 (3) (a) A course credit acknowledgment may originate with either an authorized online
 512 course provider or primary LEA of enrollment.
- 513 (b) The originating entity shall submit the course credit acknowledgment to the state
 514 board who shall forward it to the primary LEA of enrollment for course selection
 515 verification or the authorized online course provider for acceptance.
- 516 (c) (i) A primary LEA of enrollment may only reject a course credit acknowledgment
 517 if:
- 518 (A) the online course is not aligned with the student's plan for college and career
 519 readiness; or
- 520 [~~(B) the online course is not consistent with the student's IEP, if the student has~~
 521 ~~an IEP;~~]
- 522 [~~(C) the online course is not consistent with the student's international~~
 523 ~~baccalaureate program, if the student participates in an international~~
 524 ~~baccalaureate program; or]~~
- 525 [~~(D)~~] (B) the number of online course credits exceeds the maximum allowed for
 526 the year as provided in Section 53F-4-503.
- 527 (ii) Verification of alignment of an online course with a student's plan for college and
 528 career readiness does not require a meeting with the student.
- 529 (d) An authorized online course provider may only reject a course credit
 530 acknowledgment if:
- 531 (i) the student does not meet course prerequisites; or
 532 (ii) the course is not open for enrollment.
- 533 (e) [~~A~~] Except as provided in Subsection (5), a primary LEA of enrollment or authorized
 534 online course provider shall submit an acceptance or rejection of a course credit
 535 acknowledgment to the state board within [72] 24 business hours of the receipt of a
 536 course credit acknowledgment from the state board pursuant to Subsection (3)(b).
- 537 (f) If an authorized online course provider accepts a course credit acknowledgment, the

538 authorized online course provider shall forward to the primary LEA of enrollment the
539 online course start date as established under Section 53F-4-506.

540 (g) If an authorized online course provider rejects a course credit acknowledgment, the
541 authorized online course provider shall include an explanation which the state board
542 shall forward to the primary LEA of enrollment for the purpose of assisting a student
543 with future online course selection.

544 (h) ~~[H]~~ Except as provided in Subsection (5), if a primary LEA of enrollment does not
545 submit an acceptance or rejection of a course credit acknowledgment to the state
546 board within ~~[72]~~ 24 business hours of the receipt of a course credit acknowledgment
547 from the state board pursuant to Subsection (3)(b), the state board shall consider the
548 course credit acknowledgment accepted.

549 (i) (i) Upon acceptance of a course credit acknowledgment, the primary LEA of
550 enrollment shall notify the student of the acceptance and the start date for the
551 online course as established under Section 53F-4-506.

552 (ii) Upon rejection of a course credit acknowledgment, the primary LEA of
553 enrollment shall notify the student of the rejection and provide an explanation of
554 the rejection.

555 ~~[(j) If the online course student has an individual education plan (IEP) or 504
556 accommodations, the primary LEA of enrollment shall forward the IEP or description
557 of 504 accommodations to the online course provider within 72 business hours after
558 the primary LEA of enrollment receives notice that the online course provider
559 accepted the course credit acknowledgment.]~~

560 (4) (a) A primary LEA of enrollment may not reject a course credit acknowledgment,
561 because the LEA is negotiating, or intends to negotiate, an online course fee with the
562 authorized online course provider pursuant to Subsection 53F-4-505(6).

563 (b) If a primary LEA of enrollment negotiates an online course fee with an authorized
564 online course provider before the start date of an online course, a course credit
565 acknowledgment may be amended to reflect the negotiated online course fee.

566 (5) A primary LEA of enrollment may intervene and reject a course credit acknowledgment
567 up to 72 business hours after the actual or constructive acceptance of a course credit
568 acknowledgment under Subsection (4), if the primary LEA of enrollment determines the
569 online course enrollment meets the criteria of Subsection (3)(c).

570 Section 10. Section **53F-4-509** is amended to read:

571 **53F-4-509 . Online course credit hours included in daily membership --**

572 **Limitation.**

- 573 (1) Subject to Subsection (2), a student's primary LEA of enrollment shall include online
574 course credit hours in calculating daily membership.
- 575 (2) A student may not count as more than one FTE, unless the student intends to complete
576 high school graduation requirements, and exit high school, early, in accordance with the
577 student's plan for college and career readiness.
- 578 (3) A student who enrolls in an online course may not be counted in membership for a
579 released-time class, if counting the student in membership for a released-time class
580 would result in the student being counted as more than one FTE.
- 581 (4) Except as provided in Subsection (5), a student enrolled in an online course may not earn
582 ~~no~~ more credits in a year than the number of credits a student may earn in a year by
583 taking a full course load during the regular school day in the student's primary LEA of
584 enrollment.
- 585 (5) A student enrolled in an online course may earn more credits in a year than the number
586 of credits a student may earn in a year by taking a full course load during the regular
587 school day in the student's primary LEA of enrollment:
- 588 (a) if the student intends to complete high school graduation requirements, and exit high
589 school, early, in accordance with the student's plan for college and career readiness; or
- 590 (b) if allowed under ~~[local school board or charter school governing board]~~ an LEA
591 governing board policy.

592 Section 11. Section **53F-4-510** is amended to read:

593 **53F-4-510 . Administration of statewide assessments to students enrolled in**
594 **online courses.**

- 595 (1) A student enrolled in an online course that is a course for which a statewide assessment
596 is administered under Title 53E, Chapter 4, Part 3, Assessments, shall take the statewide
597 assessment.
- 598 (2) (a) The state board shall make rules providing for the administration of a statewide
599 assessment to a student enrolled in an online course.
- 600 (b) Rules made under Subsection (2)(a) shall:
- 601 (i) provide for the administration of a statewide assessment upon a student
602 completing an online course; and
- 603 (ii) require an authorized online course provider to proctor the statewide assessment.

604 Section 12. Section **53F-4-511** is amended to read:

605 **53F-4-511 . Report on performance of authorized online course providers.**

- 606 (1) The state board, in collaboration with authorized online course providers and, if
607 applicable, the state board's contractor, shall develop a report on the performance of
608 authorized online course providers, which may be used to evaluate the Statewide Online
609 Education Program and assess the quality of an authorized online course provider.
- 610 (2) A report on the performance of an authorized online course provider shall include:
611 (a) scores aggregated by test on statewide assessments administered under Title 53E,
612 Chapter 4, Part 3, Assessments, taken by students at the end of an online course
613 offered through the Statewide Online Education Program;
614 (b) the percentage of the authorized online course provider's students who complete
615 online courses within the applicable time period specified in Subsection 53F-4-505
616 (4)(c);
617 (c) the percentage of the authorized online course provider's students who complete
618 online courses after the applicable time period specified in Subsection 53F-4-505
619 (4)(c) and before the student graduates from high school; and
620 (d) the pupil-teacher ratio for the combined online courses of the authorized online
621 course provider.
- 622 (3) The state board shall post a report on the performance of an authorized online course
623 provider on the Statewide Online Education Program's website described in Section
624 53F-4-512.

625 Section 13. Section **53F-4-512** is amended to read:

626 **53F-4-512 . Dissemination of information on the Statewide Online Education**
627 **Program.**

- 628 (1) The state board shall develop a website for the Statewide Online Education Program
629 which shall include:
630 (a) a description of the Statewide Online Education Program, including its purposes;
631 (b) notwithstanding Subsection (2), information on who is eligible to enroll, and how an
632 eligible student may enroll, in an online course;
633 (c) a directory of authorized online course providers;
634 (d) a link to a course catalog for each authorized online course provider; and
635 (e) a report on the performance of authorized online course providers as required by
636 Section 53F-4-511.
- 637 (2) An authorized online course provider shall provide the following information on the
638 authorized online course provider's website:
639 (a) a description of the Statewide Online Education Program, including its purposes;

- 640 (b) information on who is eligible to enroll, and how an eligible student may enroll, in
 641 an online course;
- 642 (c) a course catalog;
- 643 (d) scores aggregated by test on statewide assessments administered under Title 53E,
 644 Chapter 4, Part 3, Assessments, taken by students at the end of an online course
 645 offered through the Statewide Online Education Program;
- 646 (e) the percentage of an authorized online course provider's students who complete
 647 online courses within the applicable time period specified in Subsection 53F-4-505
 648 (4)(c);
- 649 (f) the percentage of an authorized online course provider's students who complete
 650 online courses after the applicable time period specified in Subsection 53F-4-505
 651 (4)(c) and before the student graduates from high school; and
- 652 (g) the authorized online [~~learning~~] course provider's pupil-teacher ratio for the online
 653 courses combined.

654 (3) The state board's contractor shall provide on the contractor's website information
 655 regarding enrollment and participation by a private school or home school student
 656 through the contractor.

657 Section 14. Section **53F-4-513** is amended to read:

658 **53F-4-513 . Time period to enroll in an online course.**

- 659 (1) To provide an LEA and an authorized online course [~~providers~~] provider with estimates
 660 of online course enrollment, a student should enroll in an online course, or declare an
 661 intention to enroll in an online course:
- 662 (a) for a high school online course, during the time period the LEA designates for high
 663 school course registration; or
- 664 (b) for a middle school online course, during the time period the LEA designates for
 665 middle school course registration.
- 666 (2) Notwithstanding Subsection (1) and except as provided in Subsection (3), a student may
 667 enroll in an online course at any time during a calendar year.
- 668 (3) (a) A student may alter a course schedule by dropping a traditional classroom course
 669 and adding an online course consistent with course schedule alteration procedures
 670 adopted by the student's primary LEA of enrollment.
- 671 (b) [~~A school district's or high school's~~] An LEA or school's deadline for dropping a
 672 traditional classroom course and adding an online course shall be the same deadline
 673 for dropping and adding a traditional classroom course.

674 Section 15. Section **53F-4-514** is amended to read:

675 **53F-4-514 . State board -- Rulemaking -- Fees.**

676 (1) Notwithstanding Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state
677 board shall provide a delayed effective date that is after the school year has ended for a
678 change to an administrative rule related to the Statewide Online Education Program if
679 the change would require an authorized online course provider to make program changes
680 during the school year.

681 (2) The state board shall make rules in accordance with this part and Title 63G, Chapter 3,
682 Utah Administrative Rulemaking Act, that establish:

683 (a) a course credit acknowledgement form and procedures for completing and
684 submitting to the state board or, in relation to a student who attends a private school
685 or home school, the state board's contractor, a course credit acknowledgement;

686 (b) procedures for the administration of a statewide assessment to a student enrolled in
687 an online course; and

688 (c) protocols for an online course provider to obtain approval to become a certified
689 online course provider, including:

690 (i) the application procedure for an online course provider to obtain approval to
691 become a certified online course provider; and

692 (ii) the standards that a certified online course provider and any online course the
693 certified online course provider offers shall meet;

694 (d) in accordance with Title 53E, Chapter 4, Academic Standards, Assessments, and
695 Materials, criteria for an authorized online course provider to submit for approval an
696 online course that does not have an existing state board course code;

697 (e) no later than July 1, 2024, a process within existing systems at the state board or, in
698 relation to a student who attends a private school or home school, the state board's
699 contractor, to allow a certified online course provider access to an educator's

700 licensing, endorsement, certification, and assignment information if the educator is
701 teaching an online course for the certified online course provider;

702 (f) in consultation with the authorized online course providers, the parameters for
703 conducting a site visit including:

704 (i) a definition for the term site visit;

705 (ii) the minimum amount of time required for:

706 (A) notice to an authorized online course provider of a site visit; and

707 (B) an authorized online course provider to prepare for a site visit;

- 708 (iii) the documents, data, and artifacts subject to inspection during a site visit; and
 709 (iv) a process to ensure a site visit allows for observation of instruction without
 710 interfering with the instruction[-] ;
- 711 (g) annual mandatory training for relevant staff at a primary LEA that includes:
 712 (i) program requirements for a primary LEA including reporting requirements and
 713 methods;
 714 (ii) uses of resources and tools to ensure adequate monitoring of an eligible student's
 715 progress;
 716 (iii) federal and state requirements for accommodating enrollments that involve
 717 special education;
 718 (iv) appropriate circumstances and methodologies for reducing an eligible student's
 719 schedule; and
 720 (v) other components the state board determines are necessary; and
- 721 (3) (a) When establishing the standards described in Subsection (2)(c)(ii) the state board
 722 shall:
- 723 (i) establish rules and minimum standards regarding accreditation;
 724 (ii) require an online course to be aligned with the core standards described in
 725 Section 53E-4-202;
 726 (iii) require proof that a national organization responsible for college athletics
 727 endorses:
 728 (A) the certified online course provider; or
 729 (B) the online course that a certified online course provider offers;
- 730 (iv) permit an open-entry, open-exit method of instructional delivery that allows a
 731 student the flexibility to:
 732 (A) schedule in response to individual needs or requirements;
 733 (B) demonstrate competency when the student has mastered knowledge and skills;
 734 (C) begin or end study at any time; and
 735 (D) progress through course material at the student's own pace; and
- 736 (v) except as provided in Subsection [~~(4)~~] (5), require an individual who teaches a
 737 course for a certified online course provider to hold a teaching license issued by
 738 the state board.
- 739 (b) When establishing the standards described in Subsection (2)(c)(ii), the state board
 740 may not:
 741 (i) specify a minimum duration for an online course;

742 (ii) specify a minimum amount of time that a student must spend in an online course;
743 or

744 (iii) limit the class size of an online course.

745 (4) No later than January 31, 2026, the state board shall create a communication dashboard
746 for the program and only related to eligible students enrolled in a public school that may
747 include:

748 (a) a counselor contact list for an eligible student that is accessible to an authorized
749 online course provider; and

750 (b) progress monitoring fields that are accessible to the primary LEA, the eligible
751 student's counselor, and the eligible student's parent containing:

752 (i) grade progress reporting of an eligible student by an authorized online course
753 provider;

754 (ii) an ability to flag a student that is at-risk of failing an online course; and

755 (iii) other relevant capabilities the state board determines to be necessary in
756 consultation with LEA users of the dashboard.

757 ~~[(4)]~~ (5) If an individual possesses a provider-specific license described in Section
758 53E-6-201, the state board may not prohibit the individual from teaching an online
759 course for an authorized online course provider while the individual is in the process of
760 obtaining an endorsement or additional license issued by the state board.

761 ~~[(5)]~~ (6) The state board may establish a fee, in accordance with Section 63J-1-504, in an
762 amount to pay the costs to the state board of the application approval process and the
763 monitoring of a certified online course provider's compliance with the standards
764 described in Subsection (2)(c)(ii).

765 ~~[(6)]~~ (7) (a) Fee revenue collected in accordance with Subsection ~~[(5)]~~ (6) shall be:

766 (i) deposited into the Uniform School Fund as a dedicated credit; and

767 (ii) used to pay the costs to the state board of reviewing certified online course
768 providers' applications and compliance with the standards described in Subsection
769 (2)(c)(ii).

770 Section 16. Section **53F-4-516** is amended to read:

771 **53F-4-516 . Report of noncompliance -- Action to ensure compliance.**

772 (1) The state superintendent shall report to the state board any report of noncompliance of
773 this part made to a staff member of ~~[the staff of]~~ the state boardor, in relation to a
774 student who attends a private school or home school, the state board's contractor.

775 (2) The state board and, if applicable, the state board's contractor, shall take appropriate

776 action to ensure compliance with this part.

777 Section 17. Section **53F-4-517** is amended to read:

778 **53F-4-517 . Agreements for online instruction.**

779 (1) In addition to offering online courses to students through the [~~Statewide Online~~
780 ~~Education Program~~] program, a school district or charter school may enter into an
781 agreement with another school district or charter school or a consortium of school
782 districts or charter schools to provide online instruction to the school district's or charter
783 school's students.

784 (2) Online instruction offered pursuant to Subsection (1) is not subject to the requirements
785 of this part.

786 Section 18. Section **53F-4-518** is amended to read:

787 **53F-4-518 . Small school student access to college and career readiness courses.**

788 Subject to legislative appropriations and Subsection 53F-4-514(2), and
789 notwithstanding Subsections 53F-4-509(2) and (3), the state board shall:

790 (1) use funds from an appropriation for the Statewide Online Education Program to pay for
791 an online course fee described in Section 53F-4-505 for a student who is enrolled in a
792 public high school that enrolls fewer than 1,000 students; and

793 (2) after the funds described in Subsection (1) have been expended, make a deduction as
794 described in Subsection 53F-4-507(3).

795 Section 19. **Effective date.**

796 This bill takes effect on May 1, 2024.