

28 through the Statewide Online Education Program; and

29 ▶ makes technical amendments.

30 **Money Appropriated in this Bill:**

31 **§→ [~~None~~] This bill appropriates:**

31a ▶ **to the State Board of Education, as an ongoing appropriation:**

31b • **from the Education Fund, \$250,000. ←§**

32 **Other Special Clauses:**

33 This bill takes effect on July 1, 2011.

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **53A-15-1002**, as enacted by Laws of Utah 2006, Chapter 227

37 **53A-15-1006**, as enacted by Laws of Utah 2006, Chapter 227

38 **63I-2-253**, as last amended by Laws of Utah 2010, Chapter 11

39 ENACTS:

40 **53A-15-1201**, Utah Code Annotated 1953

41 **53A-15-1202**, Utah Code Annotated 1953

42 **53A-15-1203**, Utah Code Annotated 1953

43 **53A-15-1204**, Utah Code Annotated 1953

44 **53A-15-1205**, Utah Code Annotated 1953

45 **53A-15-1206**, Utah Code Annotated 1953

46 **53A-15-1207**, Utah Code Annotated 1953

47 **53A-15-1208**, Utah Code Annotated 1953

48 **53A-15-1209**, Utah Code Annotated 1953

49 **53A-15-1210**, Utah Code Annotated 1953

50 **53A-15-1211**, Utah Code Annotated 1953

51 **53A-15-1212**, Utah Code Annotated 1953

52 **53A-15-1213**, Utah Code Annotated 1953

53 **53A-15-1214**, Utah Code Annotated 1953

54 **53A-15-1215**, Utah Code Annotated 1953

55 **53A-15-1216**, Utah Code Annotated 1953

56 **53A-15-1217**, Utah Code Annotated 1953



57
58 *Be it enacted by the Legislature of the state of Utah:*

59 Section 1. Section **53A-15-1002** is amended to read:

60 **53A-15-1002. Definitions.**

61 As used in this part:

62 (1) "Board" means the State Board of Education.

63 (2) "Electronic High School" means a rigorous program offering grade 9 - 12 level
64 online courses [delivered over the Internet] through the Statewide Online Education Program
65 and coordinated by the board.

66 (3) "Eligible student" has the meaning defined in Section 53A-15-1202.

67 ~~[(3)]~~ (4) "Home-schooled student" means a student:

68 (a) who attends a home school;

69 (b) is exempt from school attendance pursuant to Section 53A-11-102; and

70 (c) attends no more than two regularly scheduled classes or courses in a public school
71 per semester.

72 ~~[(4)]~~ (5) "Open-entry, open-exit" means:

73 (a) a method of instructional delivery that allows for flexible scheduling in response to
74 individual student needs or requirements and demonstrated competency when knowledge and
75 skills have been mastered; and

76 (b) students have the flexibility to begin or end study at any time, progress through
77 course material at their own pace, and demonstrate competency when knowledge and skills
78 have been mastered.

79 Section 2. Section **53A-15-1006** is amended to read:

80 **53A-15-1006. Payment for an Electronic High School course.**

81 ~~[(1) Electronic High School courses are provided to students who are Utah residents, as~~
82 ~~defined in Section 53A-2-201, free of charge.]~~

83 (1) (a) The Electronic High School shall receive payment for an eligible student's
84 enrollment in an online course as provided by Sections 53A-15-1208 through 53A-15-1210.

85 (b) For fiscal years 2011-12 and 2012-13, a private or home school student whose
86 custodial parent or legal guardian is a resident of Utah may enroll in an Electronic High School
87 course subject to the availability of funds appropriated by the Legislature for that purpose.

88 (2) ~~[Nonresident students]~~ A student whose custodial parent or legal guardian is not a
89 resident of Utah may enroll in an Electronic High School [courses] course for a fee set by the

90 board, provided that the course can accommodate additional students.

91 Section 3. Section **53A-15-1201** is enacted to read:

92 **Part 12. Statewide Online Education Program Act**

93 **53A-15-1201. Title.**

94 This part is known as the "Statewide Online Education Program Act."

95 Section 4. Section **53A-15-1202** is enacted to read:

96 **53A-15-1202. Definitions.**

97 As used in this part:

98 (1) "Average charter high school per pupil revenues" means an amount equal to charter
99 high school revenues divided by the average daily membership of charter high schools
100 statewide.

101 (2) "Charter high school" means a charter school in which only students in grades 9,
102 10, 11, or 12 are enrolled.

103 (3) "Charter high school revenues" means an amount equal to:

104 (a) total general fund revenues of charter high schools statewide as reported in the most
105 recently published financial report; minus

106 (b) total revenues distributed to charter high schools statewide for an allocation per
107 student in the amount of statewide average debt service revenues under Section 53A-1a-513.

108 (4) "District school" means a public school under the control of a local school board
109 elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School
110 Boards.

111 (5) "Eligible student" means:

112 (a) a student enrolled in a district school or charter school in Utah; or

113 (b) beginning on July 1, 2013, a student:

114 (i) who attends a private school or home school; and

115 (ii) whose custodial parent or legal guardian is a resident of Utah.

116 (6) "LEA" means a local education agency in Utah that has administrative control and
117 direction for public education.

118 (7) "Online course" means a course of instruction offered by the Statewide Online
119 Education Program through the use of digital technology.

120 (8) "Primary LEA of enrollment" means the LEA in which an eligible student is

121 enrolled for courses other than online courses offered through the Statewide Online Education
122 Program.

123 Section 5. Section **53A-15-1203** is enacted to read:

124 **53A-15-1203. Statewide Online Education Program created -- Designated as**
125 **program of the public education system -- Purposes.**

126 (1) The Statewide Online Education Program is created to enable an eligible student to
127 earn high school graduation credit through the completion of publicly funded online courses.

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

130 (3) The purposes of an online school are to:

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

133 (b) provide high quality learning options for a student regardless of language,
134 residence, family income, or special needs;

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

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

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

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

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

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

149 (i) provide quality learning options to better prepare a student for post-secondary
150 education and vocational or career opportunities; and

151 (j) allow a student to have an individualized educational experience.

152 Section 6. Section **53A-15-1204** is enacted to read:

153 **53A-15-1204. Option to enroll in online courses offered through the Statewide**
 154 **Online Education Program.**

155 (1) Subject to the course limitations provided in Subsection (2), an eligible student may
 156 enroll in an online course offered through the Statewide Online Education Program if:

157 (a) the student meets the course prerequisites; and

158 (b) the course is open for enrollment.

159 (2) An eligible student may enroll in online courses for no more than the following
 160 number of credits:

161 (a) in the 2011-12 and 2012-13 school years, two credits;

162 (b) in the 2013-14 school year, three credits;

163 (c) in the 2014-15 school year, four credits;

164 (d) in the 2015-16 school year, five credits; and

165 (e) beginning with the 2016-17 school year, six credits.

166 (3) Notwithstanding Subsection (2) ~~§~~→ [~~, an eligible student may enroll in online courses for~~
 167 ~~more than the number of credits specified in Subsection (2) if the student's primary LEA of~~
 168 ~~enrollment agrees to pay for the additional online courses in accordance with Sections~~
 169 ~~53A-15-1208 through 53A-15-1210.] :~~

169a (a) a student's primary LEA of enrollment may allow an eligible student to enroll in
 169b online courses for more than the number of credits specified in Subsection (2); or

169c (b) upon the request of an eligible student, the State Board of Education may allow the
 169d student to enroll in online courses for more than the number of credits specified in Subsection
 169e (2), if the online courses better meet the academic goals of the student. ←§

170 (4) An eligible student's primary LEA of enrollment:

171 (a) in conjunction with the student and the student's parent or legal guardian, is
 172 responsible for preparing and implementing a student education/occupation plan (SEOP) for
 173 the eligible student, as provided in Section 53A-1a-106; and

174 (b) shall assist an eligible student in scheduling courses in accordance with the
 175 student's SEOP, graduation requirements, and the student's post-secondary plans.

176 (5) An eligible student's primary LEA of enrollment may not:

177 (a) impose restrictions on a student's selection of an online course that fulfills
 178 graduation requirements and is consistent with the student's SEOP or post-secondary plans; or

179 (b) give preference to an online course or online course provider.

180 Section 7. Section **53A-15-1205** is enacted to read:

181 **53A-15-1205. Authorized online course providers.**

182 (1) The following entities may offer online courses to eligible students through the

183 Statewide Online Education Program:

184 (a) the Electronic High School established in Part 10, Electronic High School Act;

185 (b) a charter school or district school created exclusively for the purpose of serving
186 students online; and

187 (c) an LEA program, approved by the LEA's governing board, that is created
188 exclusively for the purpose of serving students online.

189 (2) In addition to the entities specified in Subsection (1), beginning with the 2012-13
190 school year, a certified online course provider may offer an online course to an eligible student
191 through the Statewide Online Education Program.

192 (3) A certified online course provider may include a public or private person.

193 Section 8. Section **53A-15-1206** is enacted to read:

194 **53A-15-1206. Certified online course provider.**

195 (1) The State Board of Education shall issue a certification to an online course provider
196 if the online course provider:

197 (a) complies with the application procedures established by the State Board of
198 Education in rule;

199 (b) meets standards for certified online course providers established by the State Board
200 of Education in rule; and

201 (c) has prior experience offering online courses to secondary school students.

202 (2) (a) The State Board of Education ~~§~~→ [may] shall ←~~§~~ charge a fee to apply for or
202a maintain an
203 online course provider certification.

204 (b) The State Board of Education shall impose a fee under Subsection (2)(a) in
205 accordance with Section 63J-1-504.

206 ~~§~~→ [(c)] (i) ←~~§~~ Fee revenues collected under this section shall be ~~§~~→ [:

207 ~~(i)] ←~~§~~ deposited into the Uniform School Fund as a dedicated credit; ~~§~~→ [and] . ←~~§~~~~

208 (ii) ~~§~~→ [used by] Costs of ←~~§~~ the State Board of Education to review an application for
208a certification or

209 monitor a certified online course provider's compliance with State Board of Education
210 standards ~~§~~→ [:] shall be paid from fee revenues. ←~~§~~

211 (3) The State Board of Education may revoke the certification of an online course
212 provider who fails to comply with standards established by the State Board of Education in
213 rule.

214 Section 9. Section **53A-15-1207** is enacted to read:

215 **53A-15-1207. Standards for online course providers.**

216 (1) In adopting standards for a certified online course provider, the State Board of
217 Education shall use as a guideline the standards recommended by the International Association
218 for K-12 Online Learning.

219 (2) Standards established by the State Board of Education in rule for an online course
220 provider:

221 (a) shall require an online course to be aligned with core curriculum standards
222 established under Sections 53A-1-402 and 53A-1-402.6;

223 (b) shall prescribe qualifications for online course instructors;

224 (c) may not specify a minimum duration for an online course or a minimum amount of
225 time a student must spend in an online course; and

226 (d) may not limit the class size of an online course.

227 (3) (a) An online course instructor who is an employee of the Utah Electronic High
228 School or a Utah school district or charter school shall hold a teaching license issued by the
229 State Board of Education.

230 (b) An online course instructor who is not an employee of the Utah Electronic High
231 School or a Utah school district or charter school shall hold a teaching license issued by a state
232 educator licensing agency.

233 (4) An online course may be offered in an open-entry, open-exit format.

234 Section 10. Section **53A-15-1208** is enacted to read:

235 **53A-15-1208. Payment for an online course.**

236 (1) The fee for an online course is an amount equal to the product of:

237 (a) average charter high school per pupil revenues; and

238 (b) one-eighth the number of credits a student may earn for the online course.

239 (2) An online learning provider shall receive payment for an online course as follows:

240 (a) for a one semester online course, 60% of the online course fee upon the student
241 enrolling in the online course;

242 (b) for a full-year online course, 30% of the online course fee upon the student
243 enrolling in the online course and 30% of the online course fee upon the beginning of the
244 second semester; and

245 (c) if a student completes a full-year online course within 12 months or a one-semester
246 course within nine weeks following the end of the semester, 40% of the online course fee.

247 (3) (a) If a student fails to complete a one-year course within 12 months or a
248 one-semester course within nine weeks following the end of the semester, the student may
249 continue to be enrolled in the course until the student graduates from high school.

250 (b) To encourage an online course provider to provide remediation to a student who
251 remains enrolled in an online course pursuant to Subsection (3)(a) and avoid the need for credit
252 recovery, an online course provider shall receive a payment equal to 20% of the online course
253 fee if the student completes the online course before the student graduates from high school.

254 Section 11. Section **53A-15-1209** is enacted to read:

255 **53A-15-1209. State Board of Education to deduct funds and make payments --**
256 **Remaining balance to lapse into Uniform School Fund -- Plan for the payment of online**
257 **courses taken by private and home school students.**

258 (1) Upon the receipt of a course credit acknowledgment described in Section
259 53A-15-1210, the State Board of Education shall deduct an amount equal to the online course
260 fee described in Section 53A-15-1208 from funds allocated to the student's primary LEA of
261 enrollment under Chapter 17a, Minimum School Program Act.

262 (2) From money deducted under Subsection (1), the State Board of Education shall
263 make payments to the student's online course provider as provided in Section 53A-15-1210.

264 (3) A balance remaining at the time a student graduates shall lapse into the Uniform
265 School Fund.

266 (4) The Legislature shall establish a plan, which shall take effect beginning on July 1,
267 2013, for the payment of online courses taken by a private school or home school student.

268 Section 12. Section **53A-15-1210** is enacted to read:

269 **53A-15-1210. Course credit acknowledgement.**

270 (1) A student's primary LEA of enrollment and the student's online course provider
271 shall enter into a course credit acknowledgement in which the primary LEA of enrollment and
272 the online course provider acknowledge that the online course provider is responsible for the
273 instruction of the student in a specified online course.

274 (2) The terms of the course credit acknowledgement shall provide that:

275 (a) the online course provider shall receive a payment in the amount provided under

276 Section 53A-15-1209;

277 (b) the online course provider shall refund a payment received for a student who
278 enrolls in an online course if the student withdraws from the online course within 10 days; and

279 (c) the student's primary LEA of enrollment acknowledges that the State Board of
280 Education will deduct an amount equal to the online course fee from funds allocated to the
281 LEA under Chapter 17a, Minimum School Program Act.

282 (3) A primary LEA of enrollment and an online course provider shall submit a copy of
283 a course credit acknowledgement to the State Board of Education in accordance with
284 procedures established by the State Board of Education.

285 Section 13. Section **53A-15-1211** is enacted to read:

286 **53A-15-1211. Online course credit hours included in daily membership --**
287 **Limitation.**

288 (1) Subject to Subsection (2), a student's primary LEA of enrollment shall include
289 online course credit hours in calculating daily membership.

290 (2) A student may not count as more than one FTE, unless the student intends to
291 complete high school graduation requirements, and exit high school, early, in accordance with
292 the student's education/occupation plan (SEOP).

293 Section 14. Section **53A-15-1212** is enacted to read:

294 **53A-15-1212. Administration of statewide assessments to students enrolled in**
295 **online courses.**

296 (1) A student enrolled in an online course that is a course for which a statewide
297 assessment is administered under Chapter 1, Part 6, Achievement Tests, shall take the
298 statewide assessment.

299 (2) (a) The State Board of Education shall make rules providing for the administration
300 of a statewide assessment to a student enrolled in an online course.

301 (b) Rules made under Subsection (2)(a) shall:

302 (i) provide for the administration of a statewide assessment upon a student completing
303 an online course; and

304 (ii) require an online course provider to proctor the statewide assessment.

305 Section 15. Section **53A-15-1213** is enacted to read:

306 **53A-15-1213. Report on performance of online course providers.**

307 (1) The State Board of Education, in collaboration with online course providers, shall
308 develop a report on the performance of online course providers, which may be used to evaluate
309 the Statewide Online Education Program and assess the quality of an online course provider.

310 (2) A report on the performance of an online course provider shall include:

311 (a) data on the performance of the online course provider's students on statewide
312 assessments administered under Chapter 1, Part 6, Achievement Tests;

313 (b) the percentage of the online course provider's students who complete online
314 courses; and

315 (c) the pupil-teacher ratio of the online course provider.

316 (3) The State Board of Education shall post a report on the performance of an online
317 course provider on the Statewide Online Education Program's website.

318 Section 16. Section **53A-15-1214** is enacted to read:

319 **53A-15-1214. Dissemination of information on the Statewide Online Education**
320 **Program.**

321 (1) The State Board of Education shall develop a website for the Statewide Online
322 Education Program which shall include:

323 (a) a description of the Statewide Online Education Program, including its purposes;

324 (b) information on who is eligible to enroll, and how an eligible student may enroll, in
325 an online course;

326 (c) a directory of online course providers;

327 (d) a link to a course catalog for each online course provider; and

328 (e) a report on the performance of online course providers as required by Section
329 53A-15-1213.

330 (2) An online course provider shall provide the following information on the online
331 course provider's website:

332 (a) a description of the Statewide Online Education Program, including its purposes;

333 (b) information on who is eligible to enroll, and how an eligible student may enroll, in
334 an online course;

335 (c) a course catalogue;

336 (d) data on the performance of the online course provider's students on statewide
337 assessments administered under Chapter 1, Part 6, Achievement Tests;

338 (e) the percentage of an online course provider's students who complete online courses;
339 and

340 (f) the online learning provider's pupil-teacher ratio.

341 (3) An LEA shall provide information both written and online on the Statewide Online
342 Education Program, including:

343 (a) a description of the Statewide Online Education Program, including its purposes;

344 (b) information on who is eligible to enroll, and how an eligible student may enroll, in
345 an online course; and

346 (c) information on how to access the Statewide Online Education Program website.

347 (4) An LEA shall include the written information described in Subsection (3) in high
348 school course registration materials.

349 Section 17. Section **53A-15-1215** is enacted to read:

350 **53A-15-1215. State Board of Education -- Rulemaking.**

351 The State Board of Education shall make rules in accordance with this part and Title
352 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

353 (1) establish applications procedures for an online course provider to obtain
354 certification;

355 (2) prescribe standards for a certified online course provider;

356 (3) establish a course credit acknowledgement form and procedures for completing and
357 submitting to the State Board of Education a course credit acknowledgement; and

358 (4) establish procedures for the administration of a statewide assessment to a student
359 enrolled in an online course.

360 Section 18. Section **53A-15-1216** is enacted to read:

361 **53A-15-1216. Review by legislative auditor general.**

362 The legislative auditor general shall conduct a review and issue a report on the
363 Statewide Online Education Program after the conclusion of the 2013-14 school year.

364 Section 19. Section **53A-15-1217** is enacted to read:

365 **53A-15-1217. Interim Study.**

366 The Education Interim Committee shall study and make recommendations for proposed
367 legislation in the 2012 General Session on how to provide students who take a majority of their
368 courses through the Statewide Online Education Program;

369 (1) assistance in selecting courses that fulfill high school graduation requirements and
370 prepare the student for postsecondary education and a career; and

371 (2) a high school diploma.

372 Section 20. Section **63I-2-253** is amended to read:

373 **63I-2-253. Repeal dates -- Titles 53, 53A, and 53B.**

374 (1) Section 53A-1-403.5 is repealed July 1, 2012.

375 (2) Subsection 53A-1-603(5) is repealed July 1, 2015.

376 (3) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2014.

377 (4) Subsection 53A-13-110(4) is repealed July 1, 2013.

378 [~~(5) Section 53A-17a-152 is repealed July 1, 2010.~~]

379 (5) Section 53A-15-1217 is repealed July 1, 2012.

380 (6) Section 53A-17a-162 is repealed July 1, 2012.

380a **§→ Section 21. Appropriation.**

380b **Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the**
380c **following sums of money are appropriated from resources not otherwise appropriated out of**
380d **the funds or accounts indicated for the fiscal year beginning July 1, 2011 and ending June 30,**
380e **2012. These are additions to amounts previously appropriated for fiscal year 2011-12.**

380f **To State Board of Education**

380g **From Education Fund** **\$250,000**

380h **Schedule of Programs:**

380i **Statewide Online Education Program** **\$250,000** **←§**

381 Section **§→ [21] 22 ←§** . Effective date.

382 This bill takes effect on July 1, 2011.

Legislative Review Note
as of 2-1-11 6:32 PM

Office of Legislative Research and General Counsel