

## Chapter 15 Standards and Programs

### Part 1 Standards

#### **53A-15-102 Early graduation incentives -- Incentive to school district -- Partial tuition scholarship for student -- Payments.**

- (1) Any secondary public school student who has completed all required courses or demonstrated mastery of required skills and competencies may, with the approval of the student, the student's parent or guardian, and an authorized local school official, graduate at any time.
- (2) Each public high school shall receive an amount equal to 1/2 of the scholarship awarded to each student who graduates from the school at or prior to the conclusion of the eleventh grade, or a proportionately lesser amount for any student who graduates after the conclusion of the eleventh grade but prior to the conclusion of the twelfth grade.
- (3)
  - (a) A student who graduates from high school at or prior to the conclusion of the eleventh grade shall receive a centennial scholarship in the lesser amount of full tuition for one year or \$1,000 to be used for full time enrollment at a Utah public college, university, community college, applied technology college within the Utah College of Applied Technology, or any other institution in the state of Utah, accredited by the Northwest Association of Schools and Colleges that offers postsecondary courses of the student's choice upon verification that the student has registered at the institution during the fiscal year following graduation from high school.
  - (b) In the case of a student who graduates after the conclusion of the eleventh grade but prior to the conclusion of the twelfth grade, the student shall receive a centennial scholarship of a proportionately lesser amount.
- (4)
  - (a) The payments authorized in Subsections (2) and (3)(a) shall be made during the fiscal year that follows the student's graduation.
  - (b) The payments authorized in Subsection (3)(b) may be made during the fiscal year in which the student graduates or the fiscal year following the student's graduation.
- (5)
  - (a) The State Board of Education shall administer the payment program authorized in Subsections (2), (3), and (4).
  - (b) The Legislature shall make an annual appropriation from the Education Fund to the State Board of Education for the costs associated with the Centennial Scholarship Program based on the projected number of students who will graduate before the conclusion of the twelfth grade in any given year.

Amended by Chapter 236, 2016 General Session

Amended by Chapter 415, 2016 General Session

#### **53A-15-104 Critical Languages Program -- Pilot.**

- (1)

- (a) As used in this section, "critical languages" means those languages described in the federal National Security Language Initiative, including Chinese, Arabic, Russian, Farsi, Hindi, and Korean.
- (b) The Legislature recognizes:
  - (i) the importance of students acquiring skills in foreign languages in order for them to successfully compete in a global society; and
  - (ii) the academic, societal, and economic development benefits of the acquisition of critical languages.
- (2)
  - (a) The State Board of Education, in consultation with the Utah Education and Telehealth Network, shall develop and implement courses of study in the critical languages.
  - (b) A course may be taught:
    - (i) over the state's two-way interactive video conferencing system for video and audio, to students in the state's public education system;
    - (ii) through the Electronic High School;
    - (iii) through traditional instruction; or
    - (iv) by visiting guest teachers.
- (3)
  - (a) The courses authorized in Subsection (2) may use paraprofessionals in the classroom who:
    - (i) are fluent in the critical language being taught; and
    - (ii) can provide reinforcement and tutoring to students on days and at times when they are not receiving instruction under Subsection (2)(b).
  - (b) The State Board of Education, through the state superintendent of public instruction, shall ensure that the paraprofessionals are fluent in the critical languages.
- (4) The State Board of Education shall make rules on the critical languages courses authorized under this section in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to include:
  - (a) notification to school districts on the times and places of the course offerings; and
  - (b) instructional materials for the courses.
- (5) The State Board of Education shall track and monitor the Critical Languages Program and may expand the program to include more course offerings and other critical languages, subject to student demand for the courses and available resources.
- (6)
  - (a) Subject to funding for the program, the State Board of Education shall establish a pilot program for school districts and schools to initially participate in the Critical Languages Program that provides:
    - (i) up to \$6,000 per language per school, for up to 60 schools, for courses offered in critical languages;
    - (ii) up to \$100 per student who completes a critical languages course; and
    - (iii) up to an additional \$400 per foreign exchange student who completes a critical languages course.
  - (b) If the available funding is insufficient to provide the amounts described under Subsection (6)(a), the amounts provided shall be reduced pro rata so that the total provided does not exceed the available funding.

Amended by Chapter 63, 2014 General Session

**53A-15-105 Dual Language Immersion Program -- Pilot.**

- (1) Subject to funding for the program, the State Board of Education shall establish a pilot program for school districts and schools to initially participate in the Dual Language Immersion Program.
- (2) The program shall provide funds as an incentive to 15 qualifying schools for the following languages:
  - (a) six pilots for Chinese;
  - (b) six pilots for Spanish;
  - (c) two pilots for French; and
  - (d) one pilot for Navajo.
- (3) Subject to funding for the program, a qualifying school shall:
  - (a) receive up to \$18,000 per year for up to six years;
  - (b) establish an instructional model that uses 50% of instruction in English and 50% of instruction in another language; and
  - (c) begin the instructional model described under Subsection (3)(b) in kindergarten or grade 1 and add an additional grade each year.

Enacted by Chapter 235, 2008 General Session

**53A-15-106 Interventions for Reading Difficulties Pilot Program.**

- (1) As used in this section:
  - (a) "Board" means the State Board of Education.
  - (b) "Dyslexia" means a specific learning disability that is neurological in origin and characterized by difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities that typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction.
  - (c) "Endorsement" means the same as that term is defined in Section 53A-6-103.
  - (d) "Local education agency" or "LEA" means:
    - (i) a school district;
    - (ii) a charter school; or
    - (iii) the Utah Schools for the Deaf and the Blind.
  - (e) "Multi-Tier System of Supports" or "MTSS" means a framework integrating assessment and intervention that:
    - (i) provides increasingly intensive interventions for students at risk for or experiencing reading difficulties, including:
      - (A) tier II interventions that, in addition to standard classroom reading, provide supplemental and targeted small group instruction in reading using evidence-based curricula; and
      - (B) tier III interventions that address the specific needs of students who are the most at risk or who have not responded to tier II interventions by providing frequent, intensive, and targeted small group instruction using evidence-based curricula; and
    - (ii) is developed to:
      - (A) maximize student achievement;
      - (B) reduce behavior problems; and
      - (C) increase long-term success.
  - (f) "Program" means the Interventions for Reading Difficulties Pilot Program.
  - (g) "Reading difficulty" means an impairment, including dyslexia, that negatively affects a student's ability to learn to read.
- (2) There is created the Interventions for Reading Difficulties Pilot Program to provide:

- (a) specific evidence-based literacy interventions using an MTSS for students in kindergarten through grade 5 who are at risk for or experiencing a reading difficulty, including dyslexia; and
  - (b) professional development to educators who provide the literacy interventions described in Subsection (2)(a).
- (3)
- (a) An LEA may submit a proposal to the board to participate in the program.
  - (b) An LEA proposal described in Subsection (3)(a) shall:
    - (i) specify:
      - (A) a range of current benchmark assessment in reading scores described in Section 53A-1-606.6 that the LEA will use to determine whether a student is at risk for a reading difficulty; and
      - (B) other reading difficulty risk factors that the LEA will use to determine whether a student is at risk for a reading difficulty;
    - (ii) describe the LEA's existing reading program;
    - (iii) describe the LEA's MTSS approach; and
    - (iv) include any other information requested by the board.
  - (c) The board may:
    - (i) specify the format for an LEA proposal; and
    - (ii) set a deadline for an LEA to submit a proposal.
- (4) The board shall:
- (a) define criteria for selecting an LEA to participate in the program;
  - (b) during fiscal year 2016, select five LEAs to participate in the program:
    - (i) on a competitive basis; and
    - (ii) using criteria described in Subsection (4)(a); and
  - (c) provide each LEA, selected as described in Subsection (4)(b), up to \$30,000 per school within the LEA.
- (5) During fiscal years 2017, 2018, and 2019, if funding allows, the board may select additional LEAs to participate in the program.
- (6) An LEA that participates in the program:
- (a) shall, beginning with the 2016-17 school year, provide the interventions described in Subsection (7)(c) from the time the LEA is selected until the end of the 2018-19 school year; and
  - (b) may provide the professional development described in Subsections (8)(a) and (b) beginning in fiscal year 2016.
- (7) An LEA that participates in the program shall:
- (a) select at least one school in the LEA to participate in the program;
  - (b) identify students in kindergarten through grade 5 for participation in the program by:
    - (i) using current benchmark assessment in reading scores as described in Section 53A-1-606.6; and
    - (ii) considering other reading difficulty risk factors identified by the LEA;
  - (c) provide interventions for each student participating in the program using an MTSS implemented by an educator trained in evidence-based interventions;
  - (d) include the LEA's proposal submitted under Subsection (3)(b) in the reading achievement plan described in Section 53A-1-606.5 for each school in the LEA that participates in the program; and
  - (e) report annually to the board on:
    - (i) individual student outcomes in changes in reading ability;
    - (ii) school level outcomes; and

- (iii) any other information requested by the board.
- (8) Subject to funding for the program, an LEA may use the funds described in Subsection (4)(c) for the following purposes:
  - (a) to provide for ongoing professional development in evidence-based literacy interventions;
  - (b) to support educators in earning a reading interventionist endorsement that prepares teachers to provide a student who is at risk for or experiencing reading difficulty, including dyslexia, with reading intervention that is:
    - (i) explicit;
    - (ii) systematic; and
    - (iii) targeted to a student's specific reading difficulty; and
  - (c) to implement the program.
- (9) The board shall contract with an independent evaluator to evaluate the program on:
  - (a) whether the program improves reading outcomes for a student who receives the interventions described in Subsection (7)(c);
  - (b) whether the program may reduce future special education costs; and
  - (c) any other student or school achievement outcomes requested by the board.
- (10)
  - (a) The board shall make a final report on the program to the Education Interim Committee on or before November 1, 2018.
  - (b) In the final report described in Subsection (10)(a), the board shall include the results of the evaluation described in Subsection (9).

Enacted by Chapter 431, 2015 General Session

**53A-15-107 Rulemaking -- Standards for high quality programs operating outside of the regular school day.**

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in consultation with the Department of Workforce Services, the State Board of Education shall make rules that describe the standards for a high quality program operating outside of the regular school day:
  - (a) for elementary or secondary students; and
  - (b) offered by a:
    - (i) school district;
    - (ii) charter school;
    - (iii) private provider, including a non-profit provider; or
    - (iv) municipality.
- (2) The standards described in Subsection (1) shall specify that a high quality program operating outside of the regular school day:
  - (a) provides a safe, healthy, and nurturing environment for all participants;
  - (b) develops and maintains positive relationships among staff, participants, families, schools, and communities;
  - (c) encourages participants to learn new skills; and
  - (d) is effectively administered.

Enacted by Chapter 343, 2016 General Session

## **Part 2 Applied Technology**

### **53A-15-202 Powers of the board.**

The State Board of Education:

- (1) shall establish minimum standards for career and technical education programs in the public education system;
- (2) may apply for, receive, administer, and distribute funds made available through programs of federal and state governments to promote and aid career and technical education;
- (3) shall cooperate with federal and state governments to administer programs which promote and maintain career and technical education;
- (4) shall cooperate with the Utah College of Applied Technology, Salt Lake Community College's School of Applied Technology, Snow College, and Utah State University Eastern to ensure that students in the public education system have access to career and technical education at Utah College of Applied Technology applied technology colleges, Salt Lake Community College's School of Applied Technology, Snow College, and Utah State University Eastern;
- (5) shall require that before a minor student may participate in clinical experiences as part of a health care occupation program at a high school or other institution to which the student has been referred, the student's parent or legal guardian has:
  - (a) been first given written notice through appropriate disclosure when registering and prior to participation that the program contains a clinical experience segment in which the student will observe and perform specific health care procedures that may include personal care, patient bathing, and bathroom assistance; and
  - (b) provided specific written consent for the student's participation in the program and clinical experience; and
- (6) shall, after consulting with school districts, charter schools, the Utah College of Applied Technology, Salt Lake Community College's School of Applied Technology, Snow College, and Utah State University Eastern, prepare and submit an annual report to the governor and to the Legislature's Education Interim Committee by October 31 of each year detailing:
  - (a) how the career and technical education needs of secondary students are being met; and
  - (b) what access secondary students have to programs offered:
    - (i) at applied technology colleges; and
    - (ii) within the regions served by Salt Lake Community College's School of Applied Technology, Snow College, and Utah State University Eastern.

Amended by Chapter 236, 2016 General Session

## **Part 3 Education of Children with Disabilities**

### **53A-15-301 Education programs for students with disabilities -- Supervision by the State Board of Education -- Enforcement.**

- (1)
  - (a) All students with disabilities, who are between the ages of three and 22 and have not graduated from high school with a regular diploma, are entitled to a free, appropriate public education.

- (b) For purposes of Subsection (1)(a), if a student with a disability turns 22 during the school year, the entitlement extends to the:
  - (i) beginning of the school's winter holiday for those who turn 22 on or after the beginning of the school year and before December 31; and
  - (ii) end of the school year for those who turn 22 after December 31 and before the end of the school year.
- (c) The State Board of Education shall adopt rules consistent with applicable state and federal law to implement this chapter.
- (2) The rules adopted by the state board shall include the following:
  - (a) appropriate and timely identification of students with disabilities;
  - (b) diagnosis, evaluation, and classification by qualified personnel;
  - (c) standards for classes and services;
  - (d) provision for multidistrict programs;
  - (e) provision for delivery of service responsibilities;
  - (f) certification and qualifications for instructional staff; and
  - (g) services for dual enrollment students attending public school on a part-time basis under Section 53A-11-102.5.
- (3)
  - (a) The state board shall have general control and supervision over all educational programs for students within the state who have disabilities.
  - (b) Those programs must comply with rules adopted by the state board under this section.
- (4) The state superintendent of public instruction shall enforce this chapter.

Amended by Chapter 82, 2002 General Session

**53A-15-302 State director of special education -- Qualifications -- Duties.**

- (1) The State Board of Education shall appoint a state director of special education, who shall be qualified and experienced in the area of special education.
- (2) The state director has the following duties and responsibilities:
  - (a) to assist the state board and state superintendent of public instruction in performing their duties under this chapter;
  - (b) to encourage and assist school districts and other authorized public agencies in the organization of programs for students with disabilities;
  - (c) to provide general supervision over all public programs offered through a public school, public agency, public institution, or private agency for students with disabilities;
  - (d) to cooperate with private schools and other private agencies concerned with educating and training students with disabilities; and
  - (e) to coordinate all state programs for students with disabilities.

Amended by Chapter 53, 1992 General Session

**53A-15-303 School district responsibility -- Reimbursement of costs -- Other programs.**

- (1)
  - (a) Each school district shall provide, either singly or in cooperation with other school districts or public institutions, a free, appropriate education program for all students with disabilities who are residents of the district.
  - (b) The program shall include necessary special facilities, instruction, and education-related services.

- (c) The costs of a district's program, or a district's share of a joint program, shall be paid from district funds.
- (2) School districts that provide special education services under this chapter in accordance with applicable rules of the State Board of Education shall receive reimbursement from the board under Title 53A, Chapter 17a, Minimum School Program Act, and other applicable laws.
- (3)
  - (a) A school district may, singly or in cooperation with other public entities, provide education and training for persons with disabilities who are younger than three or older than 22 consistent with Subsection 53A-15-301(1).
  - (b) The cost of such a program may be paid from fees, contributions, and other funds received by the district for support of the program, but may not be paid from public education funds.

Amended by Chapter 82, 2002 General Session

**53A-15-303.5 Participation of students with a disability in extracurricular activities.**

- (1) A student with a disability may not be denied the opportunity of participating in public school programs or extracurricular activities solely because of the student's age, unless the participation threatens the health or safety of the student.
- (2) The school district in cooperation with the Utah Department of Health shall establish criteria used to determine the health and safety factor.
- (3) Subsection (1) applies to a student who:
  - (a) has not graduated from high school with a regular diploma; and
  - (b) is under the age of 20, if participation is recommended by the student's individualized education program team.

Amended by Chapter 215, 2000 General Session

**53A-15-304 Services provided by Department of Health.**

The Department of Health shall provide diagnostic and evaluation services, which are required by state or federal law but are not typically otherwise provided by school districts, to students with disabilities.

Amended by Chapter 53, 1992 General Session

**53A-15-304.5 Special education assessments for children in the custody of the Division of Child and Family Services.**

Each school district shall provide an initial special education assessment for children who enter the custody of the Division of Child and Family Services, upon request by that division, for children whose school records indicate that they may have disabilities requiring special education services. The assessment shall be conducted within 30 days of the request by the Division of Child and Family Services.

Enacted by Chapter 318, 1996 General Session

**53A-15-305 Resolution of disputes in special education -- Hearing request -- Timelines -- Levels -- Appeal process -- Recovery of costs.**

- (1) The Legislature finds that it is in the best interest of students with disabilities to provide for a prompt and fair final resolution of disputes which may arise over educational programs and rights and responsibilities of students with disabilities, their parents, and the public schools.
- (2) Therefore, the State Board of Education shall adopt rules meeting the requirements of 20 U.S.C. Section 1415 governing the establishment and maintenance of procedural safeguards for students with disabilities and their parents or guardians as to the provision of free, appropriate public education to those students.
- (3) The timelines established by the board shall provide adequate time to address and resolve disputes without unnecessarily disrupting or delaying the provision of free, appropriate public education for students with disabilities.
- (4) Prior to seeking a hearing or other formal proceedings, the parties to a dispute under this section shall make a good faith effort to resolve the dispute informally at the school building level.
- (5)
  - (a) If the dispute is not resolved under Subsection (4), a party may request a due process hearing.
  - (b) The hearing shall be conducted under rules adopted by the board in accordance with 20 U.S.C. Section 1415.
- (6)
  - (a) A party to the hearing may appeal the decision issued under Subsection (5) to a court of competent jurisdiction under 20 U.S.C. Section 1415(i).
  - (b) The party must file the judicial appeal within 30 days after issuance of the due process hearing decision.
- (7) If the parties fail to reach agreement on payment of attorney fees, then a party seeking recovery of attorney fees under 20 U.S.C. Section 1415(i) for a special education administrative action shall file a court action within 30 days after issuance of a decision under Subsection (5).

Amended by Chapter 9, 2001 General Session

## **Part 4 Adult Education**

### **53A-15-401 State Board of Education to supervise.**

- (1) The general control and supervision, but not the direct management, of adult education is vested in the State Board of Education.
- (2) The board has the following powers:
  - (a) makes and enforces rules to organize, conduct, and supervise adult education;
  - (b) appoints state staff for the adult education program, establishes their duties, and fixes their compensation;
  - (c) determines the qualifications of, and issues teaching certificates to, persons employed to give adult education instruction; and
  - (d) determines the basis of apportionment and distributes funds made available for adult education.
- (3)
  - (a) The State Board of Education shall make rules providing for the establishment of fees which shall be imposed by local school boards for participation in adult education programs.

- (b) A fee structure for adult education shall take into account the ability of a Utah resident who participates in adult education to pay the fees.
- (c) Sections 53A-12-103 and 53A-12-104 pertaining to fees and fee waivers in secondary schools do not apply to adult education.

Amended by Chapter 257, 2004 General Session

**53A-15-402 Director of adult education.**

- (1) Upon recommendation of the state superintendent, the State Board of Education may appoint a full-time director for adult education to work under the supervision of the board.
- (2) The director may coordinate the adult education program authorized under Sections 53A-15-401 through 53A-15-405 with other adult education programs.

Enacted by Chapter 2, 1988 General Session

**53A-15-403 Local school boards' authority to direct adult education programs.**

A local school board may do the following:

- (1) establish and maintain classes for adult education, with classes being held at times and places convenient and accessible to the members of the class;
- (2) raise and appropriate funds for an adult education program;
- (3) subject to Sections 53A-12-101 and 53A-15-401, determine fees for participation in an adult education program; and
- (4) hire persons to instruct adult education classes.

Amended by Chapter 257, 2004 General Session

**53A-15-404 Eligibility.**

- (1) Adult education classes are open to every person 18 years of age or over and to any person who has completed high school.
- (2) Eligible nonresidents of the state shall be charged tuition at least equal to that charged nonresident students for similar classes at a local or nearby state college or university, unless waived in whole or in part by the local school board in an open meeting.
- (3) The district superintendent may, upon the recommendation of an authorized representative of the Division of Child and Family Services, exempt an adult domiciled in Utah from the payment of adult education fees.

Amended by Chapter 318, 1996 General Session

**53A-15-405 Salaries -- Costs.**

- (1) Salaries and other necessary expenses of the state adult education staff shall be paid from funds appropriated for adult education.
- (2) The State Board of Education shall determine the terms and conditions of payment.
- (3) A local school board shall pay all costs incident to the local administration and operation of its adult education program.
- (4) The board shall submit reports required by the State Board of Education for the administration of adult education.

Enacted by Chapter 2, 1988 General Session

## Part 6 Gang Prevention and Intervention

### 53A-15-603 Gang prevention and intervention policies.

- (1)
  - (a) The State Board of Education shall adopt rules that require a local school board or governing board of a charter school to enact gang prevention and intervention policies for all schools within the board's jurisdiction.
  - (b) The rules described in Subsection (1)(a) shall provide that the gang prevention and intervention policies of a local school board or charter school governing board may include provisions that reflect the individual school district's or charter school's unique needs or circumstances.
- (2) The rules described in Subsection (1) may include the following provisions:
  - (a) school faculty and personnel shall report suspected gang activities relating to the school and its students to a school administrator and law enforcement;
  - (b) a student who participates in gang activities may be excluded from participation in extracurricular activities, including interscholastic athletics, as determined by the school administration after consultation with law enforcement;
  - (c) gang-related graffiti or damage to school property shall result in parent or guardian notification and appropriate administrative and law enforcement actions, which may include obtaining restitution from those responsible for the damage;
  - (d) if a serious gang-related incident, as determined by the school administrator in consultation with local law enforcement, occurs on school property, at school related activities, or on a site that is normally considered to be under school control, notification shall be provided to parents and guardians of students in the school:
    - (i) informing them, in general terms, about the incident, but removing all personally identifiable information about students from the notice;
    - (ii) emphasizing the school's concern for safety; and
    - (iii) outlining the action taken at the school regarding the incident;
  - (e) school faculty and personnel shall be trained by experienced evidence based trainers that may include community gang specialists and law enforcement as part of comprehensive strategies to recognize early warning signs for youth in trouble and help students resist serious involvement in undesirable activity, including joining gangs or mimicking gang behavior;
  - (f) prohibitions on the following behavior:
    - (i) advocating or promoting a gang or any gang-related activities;
    - (ii) marking school property, books, or school work with gang names, slogans, or signs;
    - (iii) conducting gang initiations;
    - (iv) threatening another person with bodily injury or inflicting bodily injury on another in connection with a gang or gang-related activity;
    - (v) aiding or abetting an activity described under Subsections (2)(f)(i) through (iv) by a person's presence or support;
    - (vi) displaying or wearing common gang apparel, common dress, or identifying signs or symbols on one's clothing, person, or personal property that is disruptive to the school environment; and

- (vii) communicating in any method, including verbal, non-verbal, and electronic means, designed to convey gang membership or affiliation.
- (3) The rules described in Subsection (1) may require a local school board or governing board of a charter school to publicize the policies enacted by the local school board or governing board of a charter school in accordance with the rules described in Subsection (1) to all students, parents, guardians, and faculty through school websites, handbooks, letters to parents and guardians, or other reasonable means of communication.
- (4) The State Board of Education may consult with appropriate committees, including committees that provide opportunities for the input of parents, law enforcement, and community agencies, as it develops, enacts, and administers the rules described in Subsection (1).

Amended by Chapter 258, 2015 General Session

## **Part 10**

### **Electronic High School Act**

#### **53A-15-1001 Title.**

This part is known as the "Electronic High School Act."

Enacted by Chapter 227, 2006 General Session

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

As used in this part:

- (1) "Board" means the State Board of Education.
- (2) "Electronic High School" means a rigorous program offering grade 9 - 12 level online courses and coordinated by the board.
- (3) "Home-schooled student" means a student:
  - (a) attends a home school;
  - (b) is exempt from school attendance pursuant to Section 53A-11-102; and
  - (c) attends no more than two regularly scheduled classes or courses in a public school per semester.
- (4) "Open-entry, open-exit" means:
  - (a) a method of instructional delivery that allows for flexible scheduling in response to individual student needs or requirements and demonstrated competency when knowledge and skills have been mastered; and
  - (b) students have the flexibility to begin or end study at any time, progress through course material at their own pace, and demonstrate competency when knowledge and skills have been mastered.

Amended by Chapter 238, 2012 General Session

#### **53A-15-1002.5 Electronic High School created -- Purpose.**

The Electronic High School is created:

- (1) to provide an opportunity for a student who has failed a course to retake the course and earn course credit;
- (2) to allow a student to complete high school graduation requirements and exit high school early;

- (3) to allow a student to take a course online so that the student has greater flexibility in scheduling courses during the regular school day; and
- (4) to allow a home-schooled or private school student in Utah to take a course that meets the Utah high school core standards for Utah public schools.

Amended by Chapter 415, 2015 General Session

**53A-15-1003 Courses and credit.**

- (1) The Electronic High School may only offer courses required for high school graduation or that fulfill course requirements established by the State Board of Education.
- (2) The Electronic High School shall:
  - (a) offer courses in an open-entry, open-exit format; and
  - (b) offer courses that are in conformance with the core standards for Utah public schools established by the board.
- (3) Public schools shall:
  - (a) accept all credits awarded to students by the Electronic High School; and
  - (b) apply credits awarded for a course described in Subsection (2)(b) toward the fulfillment of course requirements.

Amended by Chapter 415, 2015 General Session

**53A-15-1004 Student eligibility for enrollment.**

- (1) Utah students at any age or in any grade may enroll in Electronic High School courses.
- (2) The Electronic High School shall accept students into courses on a first-come first-served basis.

Enacted by Chapter 227, 2006 General Session

**53A-15-1005 Services to students with disabilities.**

Students with disabilities who may need additional services or resources and who seek to enroll in Electronic High School classes may request appropriate accommodations through the students' assigned schools or school districts.

Enacted by Chapter 227, 2006 General Session

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

- (1) Electronic High School courses are provided to students who are Utah residents, as defined in Section 53A-2-201, free of charge.
- (2) Nonresident students may enroll in Electronic High School courses for a fee set by the board, provided that the course can accommodate additional students.

Amended by Chapter 238, 2012 General Session

**53A-15-1007 Electronic High School diploma.**

The Electronic High School may award a diploma to a student that meets any of the following criteria upon the student's completion of high school graduation requirements set by the board:

- (1) a home-schooled student;

- (2) a student who has dropped out of school and whose original high school class has graduated;  
or
- (3) a student who is identified by the student's resident school district as ineligible for graduation from a traditional high school program for specific reasons.

Enacted by Chapter 227, 2006 General Session

**53A-15-1008 Review by legislative auditor general.**

- (1) The legislative auditor general shall conduct a performance audit of the Electronic High School as directed by the Legislative Audit Subcommittee.
- (2) In conducting the performance audit of the Electronic High School, the legislative auditor general shall develop performance metrics using factors such as:
  - (a) course completion rate;
  - (b) number of credits earned; and
  - (c) cost of providing online courses.
- (3) The legislative auditor general shall use the performance metrics developed under Subsection (2) to evaluate the Electronic High School in comparison with other online programs.

Enacted by Chapter 238, 2012 General Session

## **Part 11 School Uniforms**

**53A-15-1101 Definitions.**

As used in this part:

- (1) "Principal" includes the chief administrator of a school that does not have a principal.
- (2) "School" means a public school, including a charter school.
- (3) "School official" means the principal of a school or the local school board for a school district.
- (4) "School uniform" means student clothing conforming to a school uniform policy under this part, which may include a dress code, dress of designated colors, or a reasonable designated uniform of a particular style. A school uniform policy may not include very expensive or prescriptive clothing requirements.

Enacted by Chapter 190, 2006 General Session

**53A-15-1102 Uniforms in schools -- Legislative finding -- Policies.**

- (1) The Legislature finds that:
  - (a) each student should be allowed to learn in a safe environment which fosters the learning process and is free from unnecessary disruptions;
  - (b) the wearing of certain types of clothing may identify students as members of youth gangs and contribute to disruptive behavior and violence in the schools;
  - (c) school uniform policies may be part of an overall program to:
    - (i) improve school safety and discipline; and
    - (ii) help avoid the disruption of the classroom atmosphere and decorum and prevent disturbances among students; and
  - (d) school uniforms may:

- (i) decrease violence and theft among students; and
  - (ii) foster and promote desirable school operating conditions and a positive educational environment in accordance with this part.
- (2) In accordance with Section 53A-15-1103, a school may adopt a school uniform policy that requires students enrolled at that school to wear a designated school uniform during the school day.
- (3) A school uniform policy shall:
- (a) protect students' free exercise of religious beliefs;
  - (b) specify whether the uniform policy is voluntary or mandatory for students;
  - (c) specify whether or not the uniform policy has an opt-out provision in addition to the provisions under Subsection (5); and
  - (d) include a provision for financial assistance to families who cannot afford to purchase a required uniform, which may include:
    - (i) the school providing school uniforms to students;
    - (ii) the school making used school uniforms available to students; or
    - (iii) other programs to make school uniforms available to economically disadvantaged students.
- (4) A school uniform policy under this part is not considered a fee for either an elementary or a secondary school.
- (5) A school uniform policy shall include a provision allowing a principal at any time during the school year to grant an exemption from wearing a school uniform to a student because of extenuating circumstances.
- (6)
- (a) If a school adopts a school uniform policy under this part, that school's governing body or local school board shall adopt local appellate procedures for school actions under this part, including a denial of an exemption requested under Subsection (5).
  - (b) A person may seek judicial review of an action under this part only after exhausting the remedies provided under this Subsection (6).

Enacted by Chapter 190, 2006 General Session

**53A-15-1103 Uniforms in schools -- Policy approval.**

- (1) The school uniform policy authorized in Section 53A-15-1102 may be adopted:
- (a) for a charter school:
    - (i) by the governing body or administrator of the charter school in accordance with Subsection (2); or
    - (ii) by including the school uniform policy in the school's charter approved in accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act;
  - (b) for more than one school at the district level by a local school board in accordance with Subsection (2); or
  - (c) for a single school at the school level by the principal of the school in accordance with Subsection (2).
- (2) A school uniform policy adopted by an election is subject to the following requirements:
- (a) the adopting authority shall hold a public hearing on the matter prior to formal adoption of the school uniform policy;
  - (b)
    - (i) the adopting authority shall hold an election for approval of a school uniform policy prior to its adoption and shall receive an affirmative vote from a majority of those voting at the election; and

- (ii) only parents and guardians of students subject to the proposed school uniform policy may vote at the election, limited to one vote per family.
- (3)
- (a) A local school board or principal is required to hold an election to consider adoption of a school uniform policy for an entire school district or an individual school if initiative petitions are presented as follows:
    - (i) for a school district, a petition signed by a parent or guardian of 20% of the district's students presented to the local school board; and
    - (ii) for an individual school, a petition signed by a parent or guardian of 20% of the school's students presented to the principal.
  - (b) The public hearing and election procedures required in Subsection (2) apply to Subsection (3).
- (4)
- (a) The procedures set forth in Subsections (3) and (4) shall apply to the discontinuance or modification of a school uniform policy adopted under this section.
  - (b) A vote to discontinue an adopted school uniform policy may not take place during the first year of its operation.
- (5) The adopting authority shall establish the manner and time of an election required under this section.

Enacted by Chapter 190, 2006 General Session

## **Part 12**

### **Statewide Online Education Program Act**

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

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

Enacted by Chapter 419, 2011 General Session

#### **53A-15-1201.5 Program name.**

- (1) The program created under this part shall be known as the "Statewide Online Education Program."
- (2) The program name, "Statewide Online Education Program," shall be used in the dissemination of information on the program.

Enacted by Chapter 238, 2012 General Session

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

As used in this part:

- (1) "District school" means a public school under the control of a local school board elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.
- (2) "Eligible student" means:
  - (a) a student enrolled in a district school or charter school in Utah; or
  - (b) beginning on July 1, 2013, a student:
    - (i) who attends a private school or home school; and

- (ii) whose custodial parent or legal guardian is a resident of Utah.
- (3) "LEA" means a local education agency in Utah that has administrative control and direction for public education.
- (4) "Online course" means a course of instruction offered by the Statewide Online Education Program through the use of digital technology.
- (5) "Primary LEA of enrollment" means the LEA in which an eligible student is enrolled for courses other than online courses offered through the Statewide Online Education Program.
- (6) "Released-time" means a period of time during the regular school day a student is excused from school at the request of the student's parent or guardian pursuant to rules of the State Board of Education.

Amended by Chapter 238, 2012 General Session

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

- (1) The Statewide Online Education Program is created to enable an eligible student to earn high school graduation credit through the completion of publicly funded online courses.
- (2) Pursuant to Utah Constitution, Article X, Section 2, the Statewide Online Education Program is designated as a program of the public education system.
- (3) The purposes of an online school are to:
  - (a) provide a student with access to online learning options regardless of where the student attends school, whether a public, private, or home school;
  - (b) provide high quality learning options for a student regardless of language, residence, family income, or special needs;
  - (c) provide online learning options to allow a student to acquire the knowledge and technology skills necessary in a digital world;
  - (d) utilize the power and scalability of technology to customize education so that a student may learn in the student's own style preference and at the student's own pace;
  - (e) utilize technology to remove the constraints of traditional classroom learning, allowing a student to access learning virtually at any time and in any place and giving the student the flexibility to take advantage of the student's peak learning time;
  - (f) provide personalized learning, where a student can spend as little or as much time as the student needs to master the material;
  - (g) provide greater access to self-paced programs enabling a high achieving student to accelerate academically, while a struggling student may have additional time and help to gain competency;
  - (h) allow a student to customize the student's schedule to better meet the student's academic goals;
  - (i) provide quality learning options to better prepare a student for post-secondary education and vocational or career opportunities; and
  - (j) allow a student to have an individualized educational experience.

Enacted by Chapter 419, 2011 General Session

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

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

- (a) the student meets the course prerequisites;
  - (b) the course is open for enrollment;
  - (c) the online course is aligned with the student's student education/occupation plan (SEOP);
  - (d) the online course is consistent with the student's individual education plan (IEP), if the student has an IEP; and
  - (e) the online course is consistent with the student's international baccalaureate program, if the student is participating in an international baccalaureate program.
- (2) An eligible student may enroll in online courses for no more than the following number of credits:
- (a) in the 2011-12 and 2012-13 school years, two credits;
  - (b) in the 2013-14 school year, three credits;
  - (c) in the 2014-15 school year, four credits;
  - (d) in the 2015-16 school year, five credits; and
  - (e) beginning with the 2016-17 school year, six credits.
- (3) Notwithstanding Subsection (2):
- (a) a student's primary LEA of enrollment may allow an eligible student to enroll in online courses for more than the number of credits specified in Subsection (2); or
  - (b) upon the request of an eligible student, the State Board of Education may allow the student to enroll in online courses for more than the number of credits specified in Subsection (2), if the online courses better meet the academic goals of the student.
- (4) An eligible student's primary LEA of enrollment:
- (a) in conjunction with the student and the student's parent or legal guardian, is responsible for preparing and implementing a student education/occupation plan (SEOP) for the eligible student, as provided in Section 53A-1a-106; and
  - (b) shall assist an eligible student in scheduling courses in accordance with the student's SEOP, graduation requirements, and the student's post-secondary plans.
- (5) An eligible student's primary LEA of enrollment may not:
- (a) impose restrictions on a student's selection of an online course that fulfills graduation requirements and is consistent with the student's SEOP or post-secondary plans; or
  - (b) give preference to an online course or online course provider.
- (6) The State Board of Education, including an employee of the State Board of Education, may not give preference to an online course or online course provider.
- (7)
- (a) Except as provided in Subsection (7)(b), a person may not provide an inducement or incentive to a public school student to participate in the Statewide Online Education Program.
  - (b) For purposes of Subsection (7)(a):
    - (i) "Inducement or incentive" does not mean:
      - (A) instructional materials or software necessary to take an online course; or
      - (B) access to a computer or digital learning device for the purpose of taking an online course.
    - (ii) "Person" does not include a relative of the public school student.

Amended by Chapter 238, 2012 General Session

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

The following entities may offer online courses to eligible students through the Statewide Online Education Program:

- (1) a charter school or district school created exclusively for the purpose of serving students online;

- (2) an LEA program, approved by the LEA's governing board, that is created exclusively for the purpose of serving students online; and
- (3) a program of an institution of higher education listed in Section 53B-2-101 that:
  - (a) offers secondary school level courses; and
  - (b) is created exclusively for the purpose of serving students online.

Amended by Chapter 404, 2015 General Session

**53A-15-1206 Payment for an online course.**

- (1) For the 2012-13 school year, the fee for a .5 credit online course or .5 credit of a 1 credit online course is:
  - (a) \$200 for the following courses, except a concurrent enrollment course:
    - (i) financial literacy;
    - (ii) health;
    - (iii) fitness for life; and
    - (iv) computer literacy;
  - (b) \$200 for driver education;
  - (c) \$250 for a course that meets core standards for Utah public schools in fine arts or career and technical education, except a concurrent enrollment course;
  - (d) \$300 for the following courses:
    - (i) a course that meets core standards for Utah public schools requirements in social studies, except a concurrent enrollment course; and
    - (ii) a world language course, except a concurrent enrollment course;
  - (e) \$350 for the following courses:
    - (i) a course that meets core standards for Utah public schools requirements for language arts, mathematics, or science; and
    - (ii) a concurrent enrollment course; and
  - (f) \$250 for a course not described in Subsections (1)(a) through (e).
- (2) If a course meets the requirements of more than one course fee category described in Subsection (1), the course fee shall be the lowest of the applicable course fee categories.
- (3) Beginning with the 2013-14 school year, the online course fees described in Subsection (1) shall be adjusted each school year in accordance with the percentage change in value of the weighted pupil unit from the previous school year.
- (4) An online learning provider shall receive payment for an online course as follows:
  - (a) for a .5 credit online course, 50% of the online course fee after the withdrawal period described in Section 53A-15-1206.5;
  - (b) for a 1 credit online course, 25% of the online course fee after the withdrawal period described in Section 53A-15-1206.5 and 25% of the online course fee upon the beginning of the second .5 credit of the online course; and
  - (c) if a student completes a 1 credit online course within 12 months or a .5 credit course within nine weeks following the end of a traditional semester, 50% of the online course fee.
- (5)
  - (a) If a student fails to complete a 1 credit course within 12 months or a .5 credit course within nine weeks following the end of a traditional semester, the student may continue to be enrolled in the course until the student graduates from high school.
  - (b) To encourage an online course provider to provide remediation to a student who remains enrolled in an online course pursuant to Subsection (5)(a) and avoid the need for credit

- recovery, an online course provider shall receive a payment equal to 30% of the online course fee if the student completes the online course before the student graduates from high school.
- (6) Notwithstanding the online course fees prescribed in Subsections (1) through (3), a school district or charter school may:
- (a) negotiate a fee with an online course provider for an amount up to the amount prescribed in Subsections (1) through (3); and
  - (b) pay the negotiated fee instead of the fee prescribed in Subsections (1) through (3).
- (7) An online course provider who contracts with a vendor for the acquisition of online course content or online course instruction may negotiate the payment for the vendor's service independent of the fees specified in Subsections (1) through (3).

Amended by Chapter 415, 2015 General Session

**53A-15-1206.5 Withdrawal from an online course.**

- (1) An online course provider shall establish a start date for an online course, including a start date for the second .5 credit of a 1 credit online course.
- (2) Except as provided in Subsection (3), a student may withdraw from an online course:
- (a) within 20 school calendar days of the start date, if the student enrolls in an online course on or before the start date established pursuant to Subsection (1); or
  - (b) within 20 school calendar days of enrolling in the online course, if the student enrolls in an online course after the start date established pursuant to Subsection (1).
- (3)
- (a) A student may withdraw from a 1 credit online course within 20 school calendar days of the start date of the second .5 credit of the online course.
  - (b) An online course provider shall refund a payment received for the second .5 credit of an online course if a student withdraws from the online course pursuant to Subsection (3)(a).
  - (c) If a student withdraws from a 1 credit online course as provided in Subsection (3)(a), the online course provider shall receive payment for the student's completion of .5 credit of the 1 credit course in the same manner as an online course provider receives payment for a student's completion of a .5 credit online course as described in Subsection 53A-15-1206(4).

Enacted by Chapter 238, 2012 General Session

**53A-15-1207 State Board of Education to deduct funds and make payments -- Plan for the payment of online courses taken by private and home school students.**

- (1)
- (a) The State Board of Education shall deduct money from funds allocated to the student's primary LEA of enrollment under Chapter 17a, Minimum School Program Act, to pay for online course fees.
  - (b) Money shall be deducted under Subsection (1) in the amount and at the time an online course provider qualifies to receive payment for an online course as provided in Subsection 53A-15-1206(4).
- (2) From money deducted under Subsection (1), the State Board of Education shall make payments to the student's online course provider as provided in Section 53A-15-1206.
- (3) The Legislature shall establish a plan, which shall take effect beginning on July 1, 2013, for the payment of online courses taken by a private school or home school student.

Amended by Chapter 238, 2012 General Session

**53A-15-1208 Course credit acknowledgement.**

- (1) A student's primary LEA of enrollment and the student's online course provider shall enter into a course credit acknowledgement in which the primary LEA of enrollment and the online course provider acknowledge that the online course provider is responsible for the instruction of the student in a specified online course.
- (2) The terms of the course credit acknowledgement shall provide that:
  - (a) the online course provider shall receive a payment in the amount provided under Section 53A-15-1206; and
  - (b) the student's primary LEA of enrollment acknowledges that the State Board of Education will deduct funds allocated to the LEA under Chapter 17a, Minimum School Program Act, in the amount and at the time the online course provider qualifies to receive payment for the online course as provided in Subsection 53A-15-1206(4).
- (3)
  - (a) A course credit acknowledgement may originate with either an online course provider or primary LEA of enrollment.
  - (b) The originating entity shall submit the course credit acknowledgement to the State Board of Education who shall forward it to the primary LEA of enrollment for course selection verification or the online course provider for acceptance.
  - (c)
    - (i) A primary LEA of enrollment may only reject a course credit acknowledgement if:
      - (A) the online course is not aligned with the student's SEOP;
      - (B) the online course is not consistent with the student's IEP, if the student has an IEP;
      - (C) the online course is not consistent with the student's international baccalaureate program, if the student participates in an international baccalaureate program; or
      - (D) the number of online course credits exceeds the maximum allowed for the year as provided in Section 53A-15-1204.
    - (ii) Verification of alignment of an online course with a student's SEOP does not require a meeting with the student.
  - (d) An online course provider may only reject a course credit acknowledgement if:
    - (i) the student does not meet course prerequisites; or
    - (ii) the course is not open for enrollment.
  - (e) A primary LEA of enrollment or online course provider shall submit an acceptance or rejection of a course credit acknowledgement to the State Board of Education within 72 business hours of the receipt of a course credit acknowledgement from the State Board of Education pursuant to Subsection (3)(b).
  - (f) If an online course provider accepts a course credit acknowledgement, the online course provider shall forward to the primary LEA of enrollment the online course start date as established under Section 53A-15-1206.5.
  - (g) If an online course provider rejects a course credit acknowledgement, the online course provider shall include an explanation which the State Board of Education shall forward to the primary LEA of enrollment for the purpose of assisting a student with future online course selection.
  - (h) If a primary LEA of enrollment does not submit an acceptance or rejection of a course credit acknowledgement to the State Board of Education within 72 business hours of the receipt of a course credit acknowledgement from the State Board of Education pursuant to Subsection (3)(b), the State Board of Education shall consider the course credit acknowledgement accepted.

- (i) Upon acceptance of a course credit acknowledgement, the primary LEA of enrollment shall notify the student of the acceptance and the start date for the online course as established under Section 53A-15-1206.5.
  - (ii) Upon rejection of a course credit acknowledgement, the primary LEA of enrollment shall notify the student of the rejection and provide an explanation of the rejection.
  - (j) If the online course student has an individual education plan (IEP) or 504 accommodations, the primary LEA of enrollment shall forward the IEP or description of 504 accommodations to the online course provider within 72 business hours after the primary LEA of enrollment receives notice that the online course provider accepted the course credit acknowledgement.
- (4)
- (a) A primary LEA of enrollment may not reject a course credit acknowledgement, because the LEA is negotiating, or intends to negotiate, an online course fee with the online course provider pursuant to Subsection 53A-15-1206(6).
  - (b) If a primary LEA of enrollment negotiates an online course fee with an online course provider before the start date of an online course, a course credit acknowledgement may be amended to reflect the negotiated online course fee.

Amended by Chapter 238, 2012 General Session

**53A-15-1209 Online course credit hours included in daily membership -- Limitation.**

- (1) Subject to Subsection (2), a student's primary LEA of enrollment shall include online course credit hours in calculating daily membership.
- (2) A student may not count as more than one FTE, unless the student intends to complete high school graduation requirements, and exit high school, early, in accordance with the student's education/occupation plan (SEOP).
- (3) A student who enrolls in an online course may not be counted in membership for a released-time class, if counting the student in membership for a released-time class would result in the student being counted as more than one FTE.
- (4) Except as provided in Subsection (5), a student enrolled in an online course may earn no more credits in a year than the number of credits a student may earn in a year by taking a full course load during the regular school day in the student's primary LEA of enrollment.
- (5) A student enrolled in an online course may earn more credits in a year than the number of credits a student may earn in a year by taking a full course load during the regular school day in the student's primary LEA of enrollment:
  - (a) if the student intends to complete high school graduation requirements, and exit high school, early, in accordance with the student's education/occupation plan (SEOP); or
  - (b) if allowed under local school board or charter school governing board policy.

Amended by Chapter 238, 2012 General Session

**53A-15-1210 Administration of statewide assessments to students enrolled in online courses.**

- (1) A student enrolled in an online course that is a course for which a statewide assessment is administered under Chapter 1, Part 6, Achievement Tests, shall take the statewide assessment.
- (2)

- (a) The State Board of Education shall make rules providing for the administration of a statewide assessment to a student enrolled in an online course.
- (b) Rules made under Subsection (2)(a) shall:
  - (i) provide for the administration of a statewide assessment upon a student completing an online course; and
  - (ii) require an online course provider to proctor the statewide assessment.

Enacted by Chapter 419, 2011 General Session

**53A-15-1211 Report on performance of online course providers.**

- (1) The State Board of Education, in collaboration with online course providers, shall develop a report on the performance of online course providers, which may be used to evaluate the Statewide Online Education Program and assess the quality of an online course provider.
- (2) A report on the performance of an online course provider shall include:
  - (a) scores aggregated by test on statewide assessments administered under Chapter 1, Part 6, Achievement Tests, taken by students at the end of an online course offered through the Statewide Online Education Program;
  - (b) the percentage of the online course provider's students who complete online courses within the applicable time period specified in Subsection 53A-15-1206(4)(c);
  - (c) the percentage of the online course provider's students who complete online courses after the applicable time period specified in Subsection 53A-15-1206(4)(c) and before the student graduates from high school; and
  - (d) the pupil-teacher ratio for the combined online courses of the online course provider.
- (3) The State Board of Education shall post a report on the performance of an online course provider on the Statewide Online Education Program's website.

Amended by Chapter 238, 2012 General Session

**53A-15-1212 Dissemination of information on the Statewide Online Education Program.**

- (1) The State Board of Education shall develop a website for the Statewide Online Education Program which shall include:
  - (a) a description of the Statewide Online Education Program, including its purposes;
  - (b) information on who is eligible to enroll, and how an eligible student may enroll, in an online course;
  - (c) a directory of online course providers;
  - (d) a link to a course catalog for each online course provider; and
  - (e) a report on the performance of online course providers as required by Section 53A-15-1211.
- (2) An online course provider shall provide the following information on the online course provider's website:
  - (a) a description of the Statewide Online Education Program, including its purposes;
  - (b) information on who is eligible to enroll, and how an eligible student may enroll, in an online course;
  - (c) a course catalog;
  - (d) scores aggregated by test on statewide assessments administered under Chapter 1, Part 6, Achievement Tests, taken by students at the end of an online course offered through the Statewide Online Education Program;
  - (e) the percentage of an online course provider's students who complete online courses within the applicable time period specified in Subsection 53A-15-1206(4)(c);

- (f) the percentage of an online course provider's students who complete online courses after the applicable time period specified in Subsection 53A-15-1206(4)(c) and before the student graduates from high school; and
- (g) the online learning provider's pupil-teacher ratio for the online courses combined.

Amended by Chapter 238, 2012 General Session

**53A-15-1212.5 Time period to enroll in an online course.**

- (1) To provide an LEA and online course providers with estimates of online course enrollment, a student should enroll in an online course, or declare an intention to enroll in an online course, during the high school course registration period designated by the LEA.
- (2) Notwithstanding Subsection (1) and except as provided in Subsection (3), a student may enroll in an online course at any time during a calendar year.
- (3)
  - (a) A student may alter a course schedule by dropping a traditional classroom course and adding an online course consistent with course schedule alteration procedures adopted by the student's primary LEA of enrollment or high school.
  - (b) A school district's or high school's deadline for dropping a traditional classroom course and adding an online course shall be the same deadline for dropping and adding a traditional classroom course.

Enacted by Chapter 238, 2012 General Session

**53A-15-1213 State Board of Education -- Rulemaking.**

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

- (1) establish a course credit acknowledgement form and procedures for completing and submitting to the State Board of Education a course credit acknowledgement; and
- (2) establish procedures for the administration of a statewide assessment to a student enrolled in an online course.

Enacted by Chapter 419, 2011 General Session

**53A-15-1214 Review by legislative auditor general.**

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

Enacted by Chapter 419, 2011 General Session

**53A-15-1216 Report of noncompliance -- Action to ensure compliance.**

- (1) The state superintendent shall report to the State Board of Education any report of noncompliance of this part made to a member of the staff of the State Board of Education.
- (2) The State Board of Education shall take appropriate action to ensure compliance with this part.

Enacted by Chapter 238, 2012 General Session

**53A-15-1217 Agreements for online instruction.**

- (1) In addition to offering online courses to students through the Statewide Online Education Program, a school district or charter school may enter into an agreement with another school district or charter school or a consortium of school districts or charter schools to provide online instruction to the school district's or charter school's students.
- (2) Online instruction offered pursuant to Subsection (1) is not subject to the requirements of this part.

Enacted by Chapter 238, 2012 General Session

### **Part 13**

#### **Suicide Prevention Programs - Parent Education**

##### **53A-15-1301 Youth suicide prevention programs required in secondary schools -- State Board of Education to develop model programs -- Reporting requirements.**

- (1) As used in the section:
  - (a) "Board" means the State Board of Education.
  - (b) "Intervention" means an effort to prevent a student from attempting suicide.
  - (c) "Postvention" means mental health intervention after a suicide attempt or death to prevent or contain contagion.
  - (d) "Program" means a youth suicide prevention program described in Subsection (2).
  - (e) "Public education suicide prevention coordinator" means an individual designated by the board as described in Subsection (3).
  - (f) "Secondary grades":
    - (i) means grades 7 through 12; and
    - (ii) if a middle or junior high school includes grade 6, includes grade 6.
  - (g) "State suicide prevention coordinator" means the state suicide prevention coordinator described in Section 62A-15-1101.
- (2)
  - (a) In collaboration with the public education suicide prevention coordinator, a school district or charter school shall implement a youth suicide prevention program in the secondary grades of the school district or charter school.
  - (b) A school district or charter school's program shall include the following components:
    - (i) in collaboration with the training, programs, and initiatives described in Section 53A-11a-401, programs and training to address bullying and cyberbullying, as those terms are defined in Section 53A-11a-102;
    - (ii) prevention of youth suicides;
    - (iii) youth suicide intervention; and
    - (iv) postvention for family, students, and faculty.
- (3) The board shall:
  - (a) designate a public education suicide prevention coordinator; and
  - (b) in collaboration with the Department of Health and the state suicide prevention coordinator, develop model programs to provide to school districts and charter schools:
    - (i) program training; and
    - (ii) resources regarding the required components described in Subsection (2)(b).
- (4) The public education suicide prevention coordinator shall:
  - (a) oversee the youth suicide prevention programs of school districts and charter schools; and

- (b) coordinate prevention and postvention programs, services, and efforts with the state suicide prevention coordinator.
- (5) A public school suicide prevention program may allow school personnel to ask a student questions related to youth suicide prevention, intervention, or postvention.
- (6)
  - (a) Subject to legislative appropriation, the board may distribute money to a school district or charter school to be used to implement evidence-based practices and programs, or emerging best practices and programs, for preventing suicide in the school district or charter school.
  - (b) The board shall distribute money under Subsection (6)(a) so that each school that enrolls students in grade 7 or a higher grade receives an allocation of at least \$500, or a lesser amount per school if the legislative appropriation is not sufficient to provide at least \$500 per school.
  - (c)
    - (i) A school shall use money allocated to the school under Subsection (6)(b) to implement evidence-based practices and programs, or emerging best practices and programs, for preventing suicide.
    - (ii) Each school may select the evidence-based practices and programs, or emerging best practices and programs, for preventing suicide that the school implements.
- (7)
  - (a) The board shall provide a written report, and shall orally report to the Legislature's Education Interim Committee, by the October 2015 meeting, jointly with the public education suicide prevention coordinator and the state suicide prevention coordinator, on:
    - (i) the progress of school district and charter school youth suicide prevention programs, including rates of participation by school districts, charter schools, and students;
    - (ii) the board's coordination efforts with the Department of Health and the state suicide prevention coordinator;
    - (iii) the public education suicide prevention coordinator's model program for training and resources related to youth suicide prevention, intervention, and postvention;
    - (iv) data measuring the effectiveness of youth suicide programs;
    - (v) funds appropriated to each school district and charter school for youth suicide prevention programs; and
    - (vi) five-year trends of youth suicides per school, school district, and charter school.
  - (b) School districts and charter schools shall provide to the board information that is necessary for the board's report to the Legislature's Education Interim Committee as required in Subsection (7)(a).

Amended by Chapter 144, 2016 General Session

**53A-15-1302 Parent education -- Mental health -- Bullying -- Safety.**

- (1)
  - (a) Except as provided in Subsection (4), a school district shall offer a seminar for parents of students in the school district that:
    - (i) is offered at no cost to parents;
    - (ii) begins at or after 6 p.m.;
    - (iii) is held in at least one school located in the school district; and
    - (iv) covers the topics described in Subsection (2).
  - (b)

- (i) A school district shall annually offer one parent seminar for each 11,000 students enrolled in the school district.
  - (ii) Notwithstanding Subsection (1)(b)(i), a school district may not be required to offer more than three seminars.
  - (c) A school district may:
    - (i) develop its own curriculum for the seminar described in Subsection (1)(a); or
    - (ii) use the curriculum developed by the State Board of Education under Subsection (2).
  - (d) A school district shall notify each charter school located in the attendance boundaries of the school district of the date and time of a parent seminar, so the charter school may inform parents of the seminar.
- (2) The State Board of Education shall:
- (a) develop a curriculum for the parent seminar described in Subsection (1) that includes information on:
    - (i) substance abuse, including illegal drugs and prescription drugs and prevention;
    - (ii) bullying;
    - (iii) mental health, depression, suicide awareness, and suicide prevention, including education on limiting access to fatal means;
    - (iv) Internet safety, including pornography addiction; and
    - (v) the School Safety and Crisis Line established in Section 53A-11-1503; and
  - (b) provide the curriculum, including resources and training, to school districts upon request.
- (3) The State Board of Education shall report to the Legislature's Education Interim Committee, by the October 2015 meeting, on:
- (a) the progress of implementation of the parent seminar;
  - (b) the number of parent seminars conducted in each school district;
  - (c) the estimated attendance reported by each school district;
  - (d) a recommendation of whether to continue the parent seminar program; and
  - (e) if a local school board has opted out of providing the parent seminar, as described in Subsection (4), the reasons why a local school board opted out.
- (4)
- (a) A school district is not required to offer the parent seminar if the local school board determines that the topics described in Subsection (2) are not of significant interest or value to families in the school district.
  - (b) If a local school board chooses not to offer the parent seminar, the local school board shall notify the State Board of Education and provide the reasons why the local school board chose not to offer the parent seminar.

Amended by Chapter 85, 2015 General Session  
Amended by Chapter 442, 2015 General Session

## **Part 14 Parental Rights**

### **53A-15-1401 Definitions.**

As used in this part:

- (1) "Federal law" means:
  - (a) a statute passed by the Congress of the United States; or

- (b) a final regulation:
  - (i) adopted by an administrative agency of the United States government; and
  - (ii) published in the code of federal regulations or the federal register.
- (2) "Individualized Education Program" or "IEP" means a written statement, for a student with a disability, that is developed, reviewed, and revised in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.
- (3) "LEA" means a school district, charter school, or the Utah Schools for the Deaf and the Blind.
- (4) "Reasonably accommodate" means an LEA shall make its best effort to enable a parent or guardian to exercise a parental right specified in Section 53A-15-1403:
  - (a) without substantial impact to staff and resources, including employee working conditions, safety and supervision on school premises and for school activities, and the efficient allocation of expenditures; and
  - (b) while balancing:
    - (i) the parental rights of parents or guardians;
    - (ii) the educational needs of other students;
    - (iii) the academic and behavioral impacts to a classroom;
    - (iv) a teacher's workload; and
    - (v) the assurance of the safe and efficient operation of a school.

Amended by Chapter 444, 2015 General Session

**53A-15-1402 Annual notice of parental rights.**

- (1) An LEA shall annually notify a parent or guardian of a student enrolled in the LEA of the parent's or guardian's rights as specified in this part.
- (2) An LEA satisfies the notification requirement described in Subsection (1) by posting the information on the LEA's website or through other means of electronic communication.

Amended by Chapter 444, 2015 General Session

**53A-15-1403 Parental right to academic accommodations.**

- (1)
  - (a) A student's parent or guardian is the primary person responsible for the education of the student, and the state is in a secondary and supportive role to the parent or guardian. As such, a student's parent or guardian has the right to reasonable academic accommodations from the student's LEA as specified in this section.
  - (b) Each accommodation shall be considered on an individual basis and no student shall be considered to a greater or lesser degree than any other student.
  - (c) The parental rights specified in this section do not include all the rights or accommodations that may be available to a student's parent or guardian as a user of the public education system.
  - (d) An accommodation under this section may only be provided if the accommodation is:
    - (i) consistent with federal law; and
    - (ii) consistent with a student's IEP if the student already has an IEP.
- (2) An LEA shall reasonably accommodate a parent's or guardian's written request to retain a student in kindergarten through grade 8 on grade level based on the student's academic ability or the student's social, emotional, or physical maturity.
- (3) An LEA shall reasonably accommodate a parent's or guardian's initial selection of a teacher or request for a change of teacher.

- (4) An LEA shall reasonably accommodate the request of a student's parent or guardian to visit and observe any class the student attends.
- (5) Notwithstanding Chapter 11, Part 1, Compulsory Education Requirements, an LEA shall record an excused absence for a scheduled family event or a scheduled proactive visit to a health care provider if:
  - (a) the parent or guardian submits a written statement at least one school day before the scheduled absence; and
  - (b) the student agrees to make up course work for school days missed for the scheduled absence in accordance with LEA policy.
- (6)
  - (a) An LEA shall reasonably accommodate a parent's or guardian's written request to place a student in a specialized class, a specialized program, or an advanced course.
  - (b) An LEA shall consider multiple academic data points when determining an accommodation under Subsection (6)(a).
- (7) Consistent with Section 53A-13-108, which requires the State Board of Education to establish graduation requirements that use competency-based standards and assessments, an LEA shall allow a student to earn course credit towards high school graduation without completing a course in school by:
  - (a) testing out of the course; or
  - (b) demonstrating competency in course standards.
- (8) An LEA shall reasonably accommodate a parent's or guardian's request to meet with a teacher at a mutually agreeable time if the parent or guardian is unable to attend a regularly scheduled parent teacher conference.
- (9)
  - (a) At the request of a student's parent or guardian, an LEA shall excuse a student from taking an assessment that:
    - (i) is federally mandated;
    - (ii) is mandated by the state under this title; or
    - (iii) requires the use of:
      - (A) a state assessment system; or
      - (B) software that is provided or paid for by the state.
  - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules:
    - (i) to establish a statewide procedure for excusing a student under Subsection (9)(a) that:
      - (A) does not place an undue burden on a parent or guardian; and
      - (B) may be completed online; and
    - (ii) to prevent negative impact, to the extent authorized by state statute, to an LEA or an LEA's employees through school grading or employee evaluations due to a student not taking a test under Subsection (9)(a).
  - (c) An LEA:
    - (i) shall follow the procedures outlined in rules made by the State Board of Education under Subsection (9)(b) to excuse a student under Subsection (9)(a);
    - (ii) may not require procedures to excuse a student under Subsection (9)(a) in addition to the procedures outlined in rules made by the State Board of Education under Subsection (9)(b); and
    - (iii) may not reward a student for taking an assessment described in Subsection (9)(a).
  - (d) The State Board of Education shall:

- (i) maintain and publish a list of state assessments, state assessment systems, and software that qualify under Subsection (9)(a); and
  - (ii) audit and verify an LEA's compliance with the requirements of this Subsection (9).
- (10)
- (a) An LEA shall provide for:
    - (i) the distribution of a copy of a school's discipline and conduct policy to each student in accordance with Section 53A-11-903; and
    - (ii) a parent's or guardian's signature acknowledging receipt of the school's discipline and conduct policy.
  - (b) An LEA shall notify a parent or guardian of a student's violation of a school's discipline and conduct policy and allow a parent or guardian to respond to the notice in accordance with Chapter 11, Part 9, School Discipline and Conduct Plans.

Amended by Chapter 444, 2015 General Session

## **Part 15**

### **Background Checks**

#### **53A-15-1501 Title.**

This part is known as "Background Checks."

Enacted by Chapter 389, 2015 General Session

#### **53A-15-1502 Definitions.**

As used in this part:

- (1) "Authorized entity" means an LEA, qualifying private school, or the State Board of Education that is authorized to request a background check and ongoing monitoring under this part.
- (2) "Bureau" means the Bureau of Criminal Identification within the Department of Public Safety created in Section 53-10-201.
- (3) "Contract employee" means an employee of a staffing service or other entity who works at a public or private school under a contract.
- (4) "FBI" means the Federal Bureau of Investigation.
- (5) "Local education agency" or "LEA" means a school district, charter school, or the Utah Schools for the Deaf and the Blind.
- (6)
  - (a) "License applicant" means an applicant for a license issued by the State Board of Education under Title 53A, Chapter 6, Educator Licensing and Professional Practices Act.
  - (b) "License applicant" includes an applicant for reinstatement of an expired, lapsed, suspended, or revoked license.
- (7) "Non-licensed employee" means an employee of an LEA or qualifying private school that does not hold a current Utah educator license issued by the State Board of Education under Title 53A, Chapter 6, Educator Licensing and Professional Practices Act.
- (8) "Personal identifying information" means:
  - (a) current name, former names, nicknames, and aliases;
  - (b) date of birth;
  - (c) address;

- (d) telephone number;
  - (e) driver license number or other government-issued identification number;
  - (f) social security number; and
  - (g) fingerprints.
- (9) "Qualifying private school" means a private school that:
- (a) enrolls students under Title 53A, Chapter 1a, Part 7, Carson Smith Scholarships for Students with Special Needs Act; and
  - (b) is authorized to conduct fingerprint-based background checks of national crime information databases under the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248.
- (10) "Rap back system" means a system that enables authorized entities to receive ongoing status notifications of any criminal history reported on individuals whose fingerprints are registered in the system.
- (11) "WIN Database" means the Western Identification Network Database that consists of eight western states sharing one electronic fingerprint database.

Amended by Chapter 44, 2016 General Session

**53A-15-1503 Background checks for non-licensed employees, contract employees, volunteers, and charter school governing board members.**

- (1) An LEA or qualifying private school shall:
- (a) require the following individuals to submit to a nationwide criminal background check and ongoing monitoring as a condition for employment or appointment:
    - (i) a non-licensed employee;
    - (ii) a contract employee;
    - (iii) a volunteer who will be given significant unsupervised access to a student in connection with the volunteer's assignment; and
    - (iv) a charter school governing board member;
  - (b) collect the following from an individual required to submit to a background check under Subsection (1)(a):
    - (i) personal identifying information;
    - (ii) subject to Subsection (2), a fee described in Subsection 53-10-108(15); and
    - (iii) consent, on a form specified by the LEA or qualifying private school, for:
      - (A) an initial fingerprint-based background check by the FBI and the bureau upon submission of the application; and
      - (B) retention of personal identifying information for ongoing monitoring through registration with the systems described in Section 53A-15-1505;
  - (c) submit the individual's personal identifying information to the bureau for:
    - (i) an initial fingerprint-based background check by the FBI and the bureau; and
    - (ii) ongoing monitoring through registration with the systems described in Section 53A-15-1505 if the results of the initial background check do not contain disqualifying criminal history information as determined by the LEA or qualifying private school in accordance with Section 53A-15-1506; and
  - (d) identify the appropriate privacy risk mitigation strategy that will be used to ensure that the LEA or qualifying private school only receives notifications for individuals with whom the LEA or qualifying private school maintains an authorizing relationship.
- (2) An LEA or qualifying private school may not require an individual to pay the fee described in Subsection (1)(b)(ii) unless the individual:

- (a) has passed an initial review; and
  - (b) is one of a pool of no more than five candidates for the position.
- (3) By September 1, 2018, an LEA or qualifying private school shall:
- (a) collect the information described in Subsection (1)(b) from individuals:
    - (i) who were employed or appointed prior to July 1, 2015; and
    - (ii) with whom the LEA or qualifying private school currently maintains an authorizing relationship; and
  - (b) submit the information to the bureau for ongoing monitoring through registration with the systems described in Section 53A-15-1505.
- (4) An LEA or qualifying private school that receives criminal history information about a licensed educator under Subsection 53A-15-1504(5) shall assess the employment status of the licensed educator as provided in Section 53A-15-1506.
- (5) An LEA or qualifying private school may establish a policy to exempt an individual described in Subsections (1)(a)(i) through (iv) from ongoing monitoring under Subsection (1) if the individual is being temporarily employed or appointed.

Amended by Chapter 44, 2016 General Session

**53A-15-1504 Background checks for licensed educators.**

The State Board of Education shall:

- (1) require a license applicant to submit to a nationwide criminal background check and ongoing monitoring as a condition for licensing;
- (2) collect the following from an applicant:
  - (a) personal identifying information;
  - (b) a fee described in Subsection 53-10-108(15); and
  - (c) consent, on a form specified by the State Board of Education, for:
    - (i) an initial fingerprint-based background check by the FBI and bureau upon submission of the application;
    - (ii) retention of personal identifying information for ongoing monitoring through registration with the systems described in Section 53A-15-1505; and
    - (iii) disclosure of any criminal history information to the individual's employing LEA or qualifying private school;
- (3) submit an applicant's personal identifying information to the bureau for:
  - (a) an initial fingerprint-based background check by the FBI and bureau; and
  - (b) ongoing monitoring through registration with the systems described in Section 53A-15-1505 if the results of the initial background check do not contain disqualifying criminal history information as determined by the State Board of Education in accordance with Section 53A-15-1506;
- (4) identify the appropriate privacy risk mitigation strategy that will be used to ensure that the State Board of Education only receives notifications for individuals with whom the State Board of Education maintains an authorizing relationship;
- (5) notify the employing LEA or qualifying private school upon receipt of any criminal history information reported on a licensed educator employed by the LEA or qualifying private school; and
- (6)
  - (a) collect the information described in Subsection (2) from individuals who were licensed prior to July 1, 2015, by the individual's next license renewal date; and

- (b) submit the information to the bureau for ongoing monitoring through registration with the systems described in Section 53A-15-1505.

Amended by Chapter 44, 2016 General Session  
Amended by Chapter 348, 2016 General Session

**53A-15-1505 Bureau responsibilities.**

The bureau shall:

- (1) upon request from an authorized entity, register the fingerprints submitted by the authorized entity as part of a background check with:
  - (a) the WIN Database rap back system, or any successor system; and
  - (b) the rap back system maintained by the Federal Bureau of Investigation;
- (2) notify an authorized entity when a new entry is made against an individual whose fingerprints are registered with the rap back systems described in Subsection (1) regarding:
  - (a) an alleged offense; or
  - (b) a conviction, including a plea in abeyance;
- (3) assist authorized entities to identify the appropriate privacy risk mitigation strategy that is to be used to ensure that the authorized entity only receives notifications for individuals with whom the authorized entity maintains an authorizing relationship; and
- (4) collaborate with the State Board of Education to provide training to authorized entities on the notification procedures and privacy risk mitigation strategies described in this part.

Enacted by Chapter 389, 2015 General Session

**53A-15-1506 Due process for individuals--Review of criminal history information.**

- (1)
  - (a) In accordance with Section 53-10-108, an authorized entity shall provide an individual an opportunity to review and respond to any criminal history information received under this part.
  - (b) If an authorized entity decides to disqualify an individual as a result of criminal history information received under this part, an individual may request a review of:
    - (i) information received; and
    - (ii) the reasons for the disqualification.
  - (c) An authorized entity shall provide an individual described in Subsection (1)(b) with written notice of:
    - (i) the reasons for the disqualification; and
    - (ii) the individual's right to request a review of the disqualification.
- (2)
  - (a) An LEA or qualifying private school shall make decisions regarding criminal history information for the individuals subject to the background check requirements under Section 53A-15-1503 in accordance with:
    - (i) Subsection (3);
    - (ii) administrative procedures established by the LEA or qualifying private school; and
    - (iii) rules established by the State Board of Education.
  - (b) The State Board of Education shall make decisions regarding criminal history information for licensed educators in accordance with:
    - (i) Subsection (3);
    - (ii) Title 53A, Chapter 6, Educator Licensing and Professional Practices Act; and
    - (iii) rules established by the State Board of Education.

- (3) When making decisions regarding initial employment, initial licensing, or initial appointment for the individuals subject to background checks under this part, an authorized entity shall consider:
- (a) any convictions, including pleas in abeyance;
  - (b) any matters involving a felony; and
  - (c) any matters involving an alleged:
    - (i) sexual offense;
    - (ii) class A misdemeanor drug offense;
    - (iii) offense against the person under Title 76, Chapter 5, Offenses Against the Person;
    - (iv) class A misdemeanor property offense that is alleged to have occurred within the previous three years; and
    - (v) any other type of criminal offense, if more than one occurrence of the same type of offense is alleged to have occurred within the previous eight years.

Enacted by Chapter 389, 2015 General Session

**53A-15-1507 Self-reporting requirement.**

- (1) Individuals subject to the background check requirements under this part shall self-report conviction, arrest, or offense information in accordance with rules established by the State Board of Education.
- (2) An LEA shall report conviction, arrest, or offense information received from licensed educators under Subsection (1) to the State Board of Education in accordance with rules established by the State Board of Education.

Enacted by Chapter 389, 2015 General Session

**53A-15-1508 Update criminal background check rules and policies.**

On or before September 1, 2015:

- (1) the State Board of Education shall update the State Board of Education's criminal background check rules consistent with this part; and
- (2) an LEA shall update the LEA's criminal background check policies consistent with this part.

Amended by Chapter 348, 2016 General Session

**53A-15-1509 Training provided to authorized entities.**

The State Board of Education shall collaborate with the bureau to provide training to authorized entities on the provisions of this part.

Amended by Chapter 348, 2016 General Session

**53A-15-1510 Legislative audit.**

After the conclusion of the 2018-2019 school year, subject to the prioritization of the Legislative Audit Subcommittee, the legislative auditor general shall conduct a review and issue a report on the extent to which the criminal background check procedures and ongoing monitoring described in this part adequately detect and identify the criminal histories of individuals who are employed by or volunteering in public schools.

Enacted by Chapter 389, 2015 General Session

**53A-15-1511 Reference check requirements for LEA applicants and volunteers.**

- (1) As used in this section:
  - (a) "Child" means an individual who is younger than 18 years old.
  - (b) "LEA applicant" means an applicant for employment by an LEA.
  - (c) "Physical abuse" means the same as that term is defined in Section 78A-6-105.
  - (d) "Potential volunteer" means an individual who:
    - (i) has volunteered for but not yet fulfilled an unsupervised volunteer assignment; and
    - (ii) during the last three years, has worked in a qualifying position.
  - (e) "Qualifying position" means paid employment that requires the employee to directly care for, supervise, control, or have custody of a child.
  - (f) "Sexual abuse" means the same as that term is defined in Section 78A-6-105.
  - (g) "Student" means an individual who:
    - (i) is enrolled in an LEA in any grade from preschool through grade 12; or
    - (ii) receives special education services from an LEA under the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.
  - (h) "Unsupervised volunteer assignment" means a volunteer assignment at an LEA that allows the volunteer significant unsupervised access to a student.
- (2)
  - (a) Before hiring an LEA applicant or giving an unsupervised volunteer assignment to a potential volunteer, an LEA shall:
    - (i) require the LEA applicant or potential volunteer to sign a release authorizing the LEA applicant or potential volunteer's previous qualifying position employers to disclose information regarding any employment action taken or discipline imposed for the physical abuse or sexual abuse of a child or student by the LEA applicant or potential volunteer;
    - (ii) for an LEA applicant, request that the LEA applicant's most recent qualifying position employer disclose information regarding any employment action taken or discipline imposed for the physical abuse or sexual abuse of a child or student by the LEA applicant;
    - (iii) for a potential volunteer, request that the potential volunteer's most recent qualifying position employer disclose information regarding any employment action taken or discipline imposed for the physical abuse or sexual abuse of a child or student by the potential volunteer; and
    - (iv) document the efforts taken to make a request described in Subsection (2)(a)(ii) or (iii).
  - (b) An LEA may not hire an LEA applicant who does not sign a release described in Subsection (2)(a)(i).
  - (c) An LEA may not give an unsupervised volunteer assignment to a potential volunteer who does not sign a release described in Subsection (2)(a)(i).
  - (d) An LEA shall use the LEA's best efforts to request information under Subsection (2)(a)(ii) or (iii) before:
    - (i) hiring an LEA applicant; or
    - (ii) giving an unsupervised volunteer assignment to a potential volunteer.
  - (e) In accordance with state and federal law, an LEA may request from an LEA applicant or potential volunteer other information the LEA determines is relevant.
- (3)
  - (a) An LEA that receives a request described in Subsection (2)(a)(ii) or (iii) shall use the LEA's best efforts to respond to the request within 20 business days after the day on which the LEA received the request.

- (b) If an LEA or other employer in good faith discloses information that is within the scope of a request described in Subsection (2)(a)(ii) or (iii), the LEA or other employer is immune from civil and criminal liability for the disclosure.

Enacted by Chapter 199, 2016 General Session

## **Part 16**

### **Strengthening College and Career Readiness Program**

#### **53A-15-1601 Initiative to strengthen college and career readiness.**

- (1) As used in this section:
  - (a) "College and career counseling" means:
    - (i) nurturing college and career aspirations;
    - (ii) assisting students in planning an academic program that connects to college and career goals;
    - (iii) providing early and ongoing exposure to information necessary to make informed decisions when selecting a college and career;
    - (iv) promoting participation in college and career assessments;
    - (v) providing financial aid information; and
    - (vi) increasing understanding about college admission processes.
  - (b) "LEA" or "local education agency" means a school district or charter school.
- (2) There is created the Strengthening College and Career Readiness Program, a grant program for LEAs, to improve students' college and career readiness through enhancing the skill level of school counselors to provide college and career counseling.
- (3) The State Board of Education shall:
  - (a) on or before August 1, 2015, collaborate with the State Board of Regents, and business, community, and education stakeholders to develop a certificate for school counselors that:
    - (i) certifies that a school counselor is highly skilled at providing college and career counseling; and
    - (ii) is aligned with the Utah Comprehensive Counseling and Guidance Program as defined in rules established by the State Board of Education;
  - (b) subject to legislative appropriations, award grants to LEAs, on a competitive basis, for payment of course fees for courses required to earn the certificate developed by the State Board of Education under Subsection (3)(a); and
  - (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules specifying:
    - (i) procedures for applying for and awarding grants under this section;
    - (ii) criteria for awarding grants; and
    - (iii) reporting requirements for grantees.
- (4) An LEA that receives a grant under this section shall use the grant for payment of course fees for courses required to attain the certificate as determined by the State Board of Education under Subsection (3)(a).
- (5) The State Board of Education shall report to the Education Interim Committee on the status of the Strengthening College and Career Readiness Program on or before:
  - (a) November 1, 2016; and
  - (b) November 1, 2017.

Enacted by Chapter 149, 2015 General Session

## **Part 17**

### **Concurrent Enrollment**

#### **53A-15-1701 Title.**

This part is known as "Concurrent Enrollment."

Enacted by Chapter 200, 2016 General Session

#### **53A-15-1702 Definitions.**

- (1) "Concurrent enrollment" means enrollment in a course offered through the concurrent enrollment program described in Section 53A-15-1703.
- (2) "Educator" means the same as that term is defined in Section 53A-6-103.
- (3) "Eligible instructor" means an instructor who is:
  - (a) employed as faculty by an institution of higher education; or
  - (b)
    - (i) employed by an LEA;
    - (ii) licensed by the State Board of Education under Title 53A, Chapter 6, Educator Licensing and Professional Practices Act;
    - (iii)
      - (A) approved as adjunct faculty by an institution of higher education; or
      - (B) a mathematics educator who has an upper level mathematics endorsement; and
    - (iv) supervised by an institution of higher education.
- (4) "Eligible student" means a student who:
  - (a) is enrolled in, and counted in average daily membership in, a high school within the state;
  - (b) has a student education occupation plan, as described in Section 53A-1a-106, on file at a high school within the state; and
  - (c)
    - (i) is a grade 11 or grade 12 student; or
    - (ii) is a grade 9 or grade 10 student who qualifies by exception as described in Section 53A-15-1703.
- (5) "Endorsement" means a stipulation, authorized by the State Board of Education and appended to a license, that specifies an area of practice to which the license applies.
- (6) "Institution of higher education" means the same as that term is defined in Section 53B-3-102.
- (7) "License" means the same as that term is defined in Section 53A-6-103.
- (8) "Local education agency" or "LEA" means a school district or charter school.
- (9) "Participating eligible student" means an eligible student enrolled in a concurrent enrollment course.
- (10) "Upper level mathematics endorsement" means an endorsement required by the State Board of Education for an educator to teach calculus.
- (11) "Value of the weighted pupil unit" means the same as that term is defined in Section 53A-1a-703.

Enacted by Chapter 200, 2016 General Session

**53A-15-1703 Concurrent enrollment program.**

- (1) The State Board of Education and the State Board of Regents shall establish and maintain a concurrent enrollment program that:
  - (a) provides an eligible student the opportunity to enroll in a course that allows the eligible student to earn credit concurrently:
    - (i) toward high school graduation; and
    - (ii) at an institution of higher education;
  - (b) includes only courses that:
    - (i) lead to a degree or certificate offered by an institution of higher education; and
    - (ii) are one of the following:
      - (A) general education courses;
      - (B) career and technical education courses;
      - (C) pre-major college level courses; or
      - (D) foreign language concurrent enrollment courses described in Section 53A-15-1708; and
  - (c) is designed and implemented to take full advantage of the most current available education technology.
- (2) The State Board of Education and the State Board of Regents shall coordinate:
  - (a) to establish a concurrent enrollment course approval process that ensures:
    - (i) credit awarded for concurrent enrollment is consistent and transferable to all institutions of higher education; and
    - (ii) learning outcomes for concurrent enrollment courses align with:
      - (A) core standards for Utah public schools adopted by the State Board of Education; and
      - (B) except for foreign language concurrent enrollment courses described in Section 53A-15-1708, institution of higher education lower division courses numbered at or above the 1000 level; and
  - (b) advising to eligible students, including:
    - (i) providing information on general education requirements at institutions of higher education; and
    - (ii) choosing concurrent enrollment courses to avoid duplication or excess credit hours.
- (3) The State Board of Regents shall provide guidelines to an institution of higher education for establishing qualifying academic criteria for an eligible student to enroll in a concurrent enrollment course.
- (4) To qualify for funds under Section 53A-15-1707, an LEA and an institution of higher education shall:
  - (a) enter into a contract, in accordance with Section 53A-15-1704, to provide one or more concurrent enrollment courses that are approved under the course approval process described in Subsection (2);
  - (b) ensure that an instructor who teaches a concurrent enrollment course is an eligible instructor;
  - (c) establish qualifying academic criteria for an eligible student to enroll in a concurrent enrollment course, in accordance with the guidelines described in Subsection (3);
  - (d) ensure that a student who enrolls in a concurrent enrollment course is an eligible student; and
  - (e) coordinate advising to eligible students.
- (5) An LEA and an institution of higher education may qualify a grade 9 or grade 10 student to enroll in a current enrollment course by exception, including a student who otherwise qualifies to take a foreign language concurrent enrollment course described in Section 53A-15-1708.

- (6) An institution of higher education shall accept credits earned by a student who completes a concurrent enrollment course on the same basis as credits earned by a full-time or part-time student enrolled at the institution of higher education.
- (7) An institution of higher education shall require an eligible instructor to submit to a background check and ongoing monitoring, as described in Section 53A-15-1503, in the same manner as a non-licensed employee of an LEA, if the eligible instructor:
  - (a) teaches a concurrent enrollment course in a high school; and
  - (b) is not licensed by the State Board of Education under Title 53A, Chapter 6, Educator Licensing and Professional Practices Act.

Amended by Chapter 76, 2016 General Session, (Coordination Clause)

Enacted by Chapter 200, 2016 General Session

**53A-15-1704 Designated institution of higher education -- Concurrent enrollment course right of first refusal.**

- (1) As used in this section, "designated institution of higher education" means an institution of higher education that is designated by the State Board of Regents to provide a course or program of study within a specific geographic region.
- (2) To offer a concurrent enrollment course, an LEA shall contact the LEA's designated institution of higher education to request that the designated institution of higher education contract with the LEA to provide the concurrent enrollment course.
- (3) If the LEA's designated institution of higher education chooses to offer the concurrent enrollment course, the LEA shall contract with the LEA's designated institution of higher education to provide the concurrent enrollment course.
- (4) An LEA may contract with an institution of higher education that is not the LEA's designated institution of higher education to provide a concurrent enrollment course if the LEA's designated institution of higher education:
  - (a) chooses not to offer the concurrent enrollment course proposed by the LEA; or
  - (b) fails to respond to the LEA's request under Subsection (2) within 30 days after the day on which the LEA contacts the designated institution of higher education.

Enacted by Chapter 200, 2016 General Session

**53A-15-1705 Concurrent enrollment participation form -- Parental permission.**

- (1) The State Board of Regents shall create a higher education concurrent enrollment participation form that includes a parental permission form.
- (2) Before allowing an eligible student to participate in concurrent enrollment, an LEA and an institution of higher education shall ensure that the eligible student has, for the current school year:
  - (a) submitted the participation form described in Subsection (1);
  - (b) signed an acknowledgment of program participation requirements; and
  - (c) obtained parental permission as indicated by the signature of a student's parent or legal guardian on the parental permission form.

Enacted by Chapter 200, 2016 General Session

**53A-15-1706 Tuition and fees.**

- (1) Except as provided in this section, the State Board of Regents or an institution of higher education may not charge tuition or fees for a concurrent enrollment course.
- (2)
  - (a) The State Board of Regents may charge a one-time fee for a student to participate in the concurrent enrollment program.
  - (b) A student who pays a fee described in Subsection (2)(a) does not satisfy a general admission application fee requirement for a full-time or part-time student at an institution of higher education.
- (3)
  - (a) An institution of higher education may charge a one-time admission application fee for concurrent enrollment course credit offered by the institution of higher education.
  - (b) Payment of the fee described in Subsection (3)(a) satisfies the general admission application fee requirement for a full-time or part-time student at an institution of higher education.
- (4)
  - (a) Except as provided in Subsection (4)(b), an institution of higher education may charge partial tuition of no more than \$30 per credit hour for a concurrent enrollment course for which a student earns college credit.
  - (b) A higher education institution may not charge more than:
    - (i) \$5 per credit hour for an eligible student who qualifies for free or reduced price school lunch;
    - (ii) \$10 per credit hour for a concurrent enrollment course that is taught at an LEA by an eligible instructor described in Subsection 53A-15-1702(3)(b); or
    - (iii) \$15 per credit hour for a concurrent enrollment course that is taught through video conferencing.

Enacted by Chapter 200, 2016 General Session

**53A-15-1707 Funding.**

- (1) The State Board of Education shall allocate money appropriated for concurrent enrollment in accordance with this section.
- (2)
  - (a) The State Board of Education shall allocate money appropriated for concurrent enrollment in proportion to the number of credit hours earned for courses taken where:
    - (i) an LEA primarily bears the cost of instruction; and
    - (ii) an institution of higher education primarily bears the cost of instruction.
  - (b) From the money allocated under Subsection (2)(a)(i), the State Board of Education shall distribute:
    - (i) 60% of the money to LEAs; and
    - (ii) 40% of the money to the State Board of Regents.
  - (c) From the money allocated under Subsection (2)(a)(ii), the State Board of Education shall distribute:
    - (i) 40% of the money to LEAs; and
    - (ii) 60% of the money to the State Board of Regents.
  - (d) The State Board of Education shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, providing for the distribution of the money to LEAs under Subsections (2)(b)(i) and (2)(c)(i).
  - (e) The State Board of Regents shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, providing for the distribution of the money allocated to institutions of higher education under Subsections (2)(b)(ii) and (2)(c)(ii).

- (3) Subject to budget constraints, the Legislature shall annually increase the money appropriated for concurrent enrollment in proportion to the percentage increase over the previous school year in:
- (a) kindergarten through grade 12 student enrollment; and
  - (b) the value of the weighted pupil unit.

Enacted by Chapter 200, 2016 General Session

**53A-15-1708 Concurrent enrollment courses for accelerated foreign language students.**

- (1) As used in this section:
- (a) "Accelerated foreign language student" means a student who:
    - (i) has passed a world language advanced placement exam; and
    - (ii) is in grade 10, grade 11, or grade 12.
  - (b) "Blended learning delivery model" means an education delivery model in which a student learns, at least in part:
    - (i) through online learning with an element of student control over time, place, path, and pace; and
    - (ii) in the physical presence of an instructor.
  - (c) "State university" means an institution of higher education that offers courses leading to a bachelor's degree.
- (2) The University of Utah shall partner with all state universities to develop, as part of the concurrent enrollment program described in this part, concurrent enrollment courses that:
- (a) are age-appropriate foreign language courses for accelerated foreign language students who are eligible students;
  - (b) count toward a foreign language degree offered by an institution of higher education; and
  - (c) are delivered:
    - (i) using a blended learning delivery model; and
    - (ii) by an eligible instructor that is faculty of a state institution of higher education.

Amended by Chapter 76, 2016 General Session, (Coordination Clause)

Enacted by Chapter 200, 2016 General Session

**53A-15-1709 Reporting.**

The State Board of Education and the State Board of Regents shall submit an annual written report to the Higher Education Appropriations Subcommittee and the Public Education Appropriations Subcommittee on student participation in the concurrent enrollment program, including:

- (1) data on the higher education tuition not charged due to the hours of higher education credit granted through concurrent enrollment;
- (2) tuition or fees charged under Section 53A-15-1706;
- (3) an accounting of the money appropriated for concurrent enrollment; and
- (4) a justification of the distribution method described in Subsections 53A-15-1707(2)(d) and (e).

Enacted by Chapter 200, 2016 General Session

**Part 18**

## Competency-based Education Grants Program

### 53A-15-1801 Title.

This part is known as "Competency-Based Education Grants Program."

Enacted by Chapter 347, 2016 General Session

### 53A-15-1802 Definitions.

As used in this part:

- (1) "Blended learning" means a formal education program in which a student learns:
  - (a) at least in part, through online learning with some element of student control over time, place, path, and pace;
  - (b) at least in part, in a supervised brick-and-mortar location away from home; and
  - (c) in a program in which the modalities along each student's learning path within a course or subject are connected to provide an integrated learning experience.
- (2) "Board" means the State Board of Education.
- (3) "Competency-Based education" means a system where a student advances to higher levels of learning when the student demonstrates competency of concepts and skills regardless of time, place, or pace.
- (4) "Extended learning" means learning opportunities outside of a traditional school structure, including:
  - (a) online learning available anywhere, anytime;
  - (b) career-based experiences, including internships and job shadowing;
  - (c) community-based projects; and
  - (d) off-site postsecondary learning.
- (5) "Grant program" means the Competency-Based Education Grants Program created in this part.
- (6) "Institution of higher education" means an institution listed in Section 53B-1-102.
- (7) "Local education agency" or "LEA" means:
  - (a) a school district;
  - (b) a charter school; or
  - (c) the Utah Schools for the Deaf and the Blind.
- (8) "Review committee" means the committee established under Section 53A-15-1803.
- (9) "STEM" means science, technology, engineering, and mathematics.

Enacted by Chapter 347, 2016 General Session

### 53A-15-1803 Competency-Based Education Grants Program -- Board duties -- Review committee -- Technical assistance training.

- (1) There is created the Competency-Based Education Grants Program consisting of the grants created in this part to improve educational outcomes in public schools by advancing student mastery of concepts and skills through the following core principles:
  - (a) student advancement upon mastery of a concept or skill;
  - (b) competencies that include explicit, measurable, and transferable learning objectives that empower a student;
  - (c) assessment that is meaningful and provides a positive learning experience for a student;
  - (d) timely, differentiated support based on a student's individual learning needs; and

- (e) learning outcomes that emphasize competencies that include application and creation of knowledge along with the development of important skills and dispositions.
- (2) The grant program shall incentivize an LEA to establish competency-based education within the LEA through the use of:
  - (a) personalized learning;
  - (b) blended learning;
  - (c) extended learning;
  - (d) educator professional learning in competency-based education; or
  - (e) any other method that emphasizes the core principles described in Subsection (1).
- (3) The board shall:
  - (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, adopt rules:
    - (i) for the administration of the grant program and awarding of grants; and
    - (ii) to define outcome-based measures appropriate to the type of grant for an LEA that is awarded a grant under this part to use to measure the performance of the LEA's plan or program;
  - (b) establish a grant application process;
  - (c) in accordance with Subsection (4), establish a review committee to make recommendations to the board for:
    - (i) metrics to analyze the quality of a grant application; and
    - (ii) approval of a grant application; and
  - (d) with input from the review committee, adopt metrics to analyze the quality of a grant application.
- (4)
  - (a) The review committee shall consist of STEM and blended learning experts, current and former school administrators, current and former teachers, and at least one former school district superintendent, in addition to other staff designated by the board.
  - (b) The review committee shall:
    - (i) review a grant application submitted by an LEA;
    - (ii) make recommendations to the LEA to modify the application, if necessary; and
    - (iii) make recommendations to the board regarding the final disposition of an application.
- (5)
  - (a) The board shall provide technical assistance training to assist an LEA with a grant application under this part.
  - (b) An LEA may not apply for a grant under this part unless:
    - (i) a representative of the LEA attends the technical assistance training before the LEA submits a grant application; and
    - (ii) the representative is a superintendent, principal, or a person in a leadership position within the LEA.
  - (c) The technical assistance training shall include:
    - (i) instructions on completing a grant application, including grant application requirements;
    - (ii) information on the scoring metrics used to review a grant application; and
    - (iii) information on competency-based education.
- (6) The board may use up to 5% of an appropriation provided to fund this part for administration of the grant program.

Enacted by Chapter 347, 2016 General Session

**53A-15-1804 Planning grants -- Requirements.**

- (1)
  - (a) The board shall, subject to legislative appropriations, award a planning grant to, subject to Subsection (1)(c), an LEA:
    - (i) that submits a planning grant application that meets the requirements established by the board, subject to Subsection (2);
    - (ii) if an LEA designee has attended the technical assistance training described in Section 53A-15-1803; and
    - (iii) if the LEA planning grant application has been recommended by the review committee.
  - (b) An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds no later than one calendar year after receiving the funds.
  - (c) The board may not select more than three LEAs to award planning grants to under this section.
- (2)
  - (a) A planning grant application shall include evidence that the LEA:
    - (i) can provide a general description of the program the LEA would like to plan;
    - (ii) is intending to plan for:
      - (A) schoolwide implementation; or
      - (B) if the LEA intends to implement initially with a population smaller than schoolwide, phasing the plan in schoolwide or districtwide over a specified period of time;
    - (iii) can describe the types of partners that will help with the plan and, eventually, implement the program;
    - (iv) planning activities and program will focus on:
      - (A) implementation of the core principles described in Section 53A-15-1803;
      - (B) use of the methods, as applicable, described in Section 53A-15-1803; and
      - (C) the outcome-based measures adopted by the board under Section 53A-15-1803;
    - (v) has:
      - (A) the capacity, qualifications, local governing body support, and time to successfully plan the program; and
      - (B) an intentional and feasible planning process;
    - (vi) will align the LEA's budget as necessary with the planning process; and
    - (vii) will communicate and promote the plan with parents, teachers, and members of the community.
  - (b) The board may adopt other requirements in addition to the requirements in Subsection (2)(a).

Enacted by Chapter 347, 2016 General Session

**53A-15-1805 Implementation grants -- Requirements.**

- (1)
  - (a) The board shall, subject to legislative appropriations, award an implementation grant to, subject to Subsection (1)(c), an LEA:
    - (i) that submits an implementation grant application that meets the requirements established by the board, subject to Subsection (2);
    - (ii) if an LEA designee has attended the technical assistance training described in Section 53A-15-1803; and
    - (iii) if the LEA implementation grant application has been recommended by the review committee.
  - (b) An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds no later than two calendar years after receiving the funds.

- (c) An LEA is not eligible to receive an implementation grant under this section unless the board has previously awarded the LEA a planning grant under Section 53A-15-1804.
- (2)
- (a) An implementation grant application shall include evidence that the LEA:
    - (i) can logically articulate the proposed program's mission, theory of change, and the program's intended goals and outcomes;
    - (ii)
      - (A) program will have schoolwide implementation; or
      - (B) if the LEA intends to implement initially with a population smaller than schoolwide, program includes steps to phase the program in schoolwide or districtwide over a specified period of time;
    - (iii) has an understanding of similar programs and can use this knowledge to strengthen the LEA's program implementation;
    - (iv) program will focus on:
      - (A) direct alignment with the core principles described in Section 53A-15-1803;
      - (B) use of the methods, as applicable, described in Section 53A-15-1803; and
      - (C) the outcome based measures adopted by the board under Section 53A-15-1803;
    - (v) program will address a need, determined by data, in the LEA or community;
    - (vi) has a strong evaluation plan that will clearly measure the success of the LEA's program against the stated goals and objectives;
    - (vii) has a list of signatures of key stakeholders and partners who are committed to implementing the program;
    - (viii) has the capacity, qualifications, local governing body support, and time to successfully implement this program;
    - (ix) has an intentional and feasible scope of work to implement the program;
    - (x) will align the LEA's budget as necessary with the planning process; and
    - (xi) will communicate and promote the plan with parents, teachers, and members of the community.
  - (b) The board may adopt other requirements in addition to the requirements in Subsection (2)(a).
- (3) A program under this section may include:
- (a) a waiver, subject to Section 53A-15-1807, of required school hours attended or traditional school calendar scheduling; and
  - (b) an adjustment of educator compensation to reflect the implementation of a waiver under Subsection (3)(a).

Enacted by Chapter 347, 2016 General Session

**53A-15-1806 Expansion grants -- Requirements.**

- (1)
- (a) The board shall, subject to legislative appropriations and to expand an existing LEA program schoolwide or districtwide, award a grant to, subject to Subsection (1)(c), an LEA:
    - (i) that submits an expansion grant application that meets the requirements established by the board, subject to Subsection (2);
    - (ii) if an LEA designee has attended the technical assistance training described in Section 53A-15-1803; and
    - (iii) if the LEA expansion grant application has been recommended by the review committee.
  - (b) An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds no later than two calendar years after receiving the funds.

- (c) An LEA is not eligible to receive an expansion grant under this section unless the board has previously awarded the LEA an implementation grant under Section 53A-15-1805.
- (2)
- (a) An expansion grant application shall include evidence that the LEA:
    - (i) has an established program that:
      - (A) has successfully met previous goals;
      - (B) has shown outcomes that are in alignment with the core principles described in Section 53A-15-1803 and used methods, as applicable, described in Section 53A-15-1803;
      - (C) is supported by LEA management and leadership;
      - (D) is suitable for expansion schoolwide or districtwide; and
      - (E) is the program, with any necessary modifications, that the LEA plans to expand if awarded the expansion grant;
    - (ii) can logically articulate the LEA's program mission, theory of change, and the program's intended goals and outcomes;
    - (iii) program as proposed for expansion is focused on:
      - (A) direct alignment with the core principles identified in Section 53A-15-1803;
      - (B) use of the methods, as applicable, described in Section 53A-15-1803; and
      - (C) the outcome based measures adopted by the board under Section 53A-15-1803;
    - (iv) that the program will directly address a need, determined by data, in the LEA or community;
    - (v) has clearly articulated core components that ensure, when expanded, the program will yield positive outcomes;
    - (vi) has a strong evaluation plan that will clearly measure the success of the LEA's program against the stated goals and objectives;
    - (vii) has a list of signatures of key stakeholders and partners who are committed to expanding the program;
    - (viii) has the capacity, qualifications, local governing body support, and time to successfully expand the program;
    - (ix) has an intentional and feasible scope of work to expand the program;
    - (x) has a strategic budget that is aligned with the LEA's scope of work; and
    - (xi) will communicate and promote the plan with parents, teachers, and members of the community.
  - (b) The board may adopt other requirements in addition to the requirements in Subsection (2)(a).
- (3) A program under this section may include:
- (a) a waiver, subject to Section 53A-15-1807, of required school hours attended or traditional school calendar scheduling; and
  - (b) an adjustment of educator compensation to reflect the implementation of a waiver under Subsection (3)(a).

Enacted by Chapter 347, 2016 General Session

**53A-15-1807 Waiver from board rule -- Board recommended statutory changes.**

- (1) An LEA may apply to the board in a grant application submitted under this part for a waiver of a board rule that inhibits or hinders the LEA from accomplishing its goals set out in its grant application.
- (2) The board may grant the waiver, unless:
  - (a) the waiver would cause the LEA to be in violation of state or federal law; or
  - (b) the waiver would threaten the health, safety, or welfare of students in the LEA.

- (3) If the board denies the waiver, the board shall provide in writing the reason for the denial to the waiver applicant.
- (4)
  - (a) The board shall request from each LEA that receives a grant under this part for each year the LEA receives funds:
    - (i) information on a state statute that hinders an LEA from fully implementing the LEA's program; and
    - (ii) suggested changes to the statute.
  - (b) The board shall, in a written report, provide any information received from an LEA under Subsection (4)(a) and the board's recommendations to the Legislature no later than November 30 of each year.

Enacted by Chapter 347, 2016 General Session

**53A-15-1808 Cooperation of institutions of higher education -- Transferring students not to be penalized.**

- (1) An institution of higher education:
  - (a) shall recognize and accept on equal footing as a traditional high school diploma a high school diploma awarded to a student who successfully completes an educational program that uses, in whole or in part, competency-based education; and
  - (b) cooperate with an LEA:
    - (i) as applicable, to facilitate the advancement of a student who attends a competency-based education program; and
    - (ii) as requested, in the development of an LEA plan or program under this part.
- (2) If a student attending an LEA that establishes competency-based education within the LEA transfers to another school within the LEA or to another LEA entirely that does not have a competency-based education program, the student may not be penalized by being required to repeat course work that the student has successfully completed, changing the student's grade, or receive any other penalty related to the student's previous attendance in the competency-based education program.

Enacted by Chapter 347, 2016 General Session

**Part 19**  
**Dropout Prevention and Recovery**

**53A-15-1901 Title.**

This part is known as "Dropout Prevention and Recovery."

Enacted by Chapter 320, 2016 General Session

**53A-15-1902 Definitions.**

As used in this part:

- (1) "Attainment goal" means earning:
  - (a) a high school diploma;
  - (b) a Utah High School Completion Diploma, as defined in State Board of Education rule;

- (c) an Adult Education Secondary Diploma, as defined in State Board of Education rule; or
- (d) an employer-recognized, industry-based certificate that is:
  - (i) likely to result in job placement; and
  - (ii) included in the State Board of Education's approved career and technical education industry certification list.
- (2) "Cohort" means a group of students, defined by the year in which the group enters grade 9.
- (3) "Designated student" means a student:
  - (a)
    - (i) who has withdrawn from an LEA before earning a diploma;
    - (ii) who has been dropped from average daily membership; and
    - (iii) whose cohort has not yet graduated; or
  - (b) who is at risk of meeting the criteria described in Subsection (3)(a), as determined by the student's LEA, using risk factors defined in rules made by the State Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (4) "Graduation rate" means:
  - (a) for a school district or a charter school that includes grade 12, the graduation rate calculated by the State Board of Education for federal accountability and reporting purposes; or
  - (b) for a charter school that does not include grade 12, a proxy graduation rate defined in rules made by the State Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (5) "Local education agency" or "LEA" means a school district or charter school that serves students in grade 9, 10, 11, or 12.
- (6) "Nontraditional program" means a program, as defined in rules made by the State Board of Education under Subsection 53A-1-402(1)(e), in which a student receives instruction through:
  - (a) distance learning;
  - (b) online learning;
  - (c) blended learning; or
  - (d) competency-based learning.
- (7) "Statewide graduation rate" means:
  - (a) for a school district or a charter school that includes grade 12, the statewide graduation rate, as annually calculated by the State Board of Education; or
  - (b) for a charter school that does not include grade 12, the average graduation rate for all charter schools that do not include grade 12.
- (8) "Third party" means:
  - (a) a private provider; or
  - (b) an LEA that does not meet the criteria described in Subsection 53A-15-1903(3).

Enacted by Chapter 320, 2016 General Session

**53A-15-1903 Dropout prevention and recovery -- Flexible enrollment options -- Contracting -- Reporting.**

- (1)
  - (a) Subject to Subsection (1)(b), an LEA shall provide dropout prevention and recovery services to a designated student, including:
    - (i) engaging with or attempting to recover a designated student;
    - (ii) developing a learning plan, in consultation with a designated student, to identify:
      - (A) barriers to regular school attendance and achievement;
      - (B) an attainment goal; and

- (C) a means for achieving the attainment goal through enrollment in one or more of the programs described in Subsection (2);
  - (iii) monitoring a designated student's progress toward reaching the designated student's attainment goal; and
  - (iv) providing tiered interventions for a designated student who is not making progress toward reaching the student's attainment goal.
- (b) An LEA shall provide the dropout prevention and recovery services described in Subsection (1)(a):
- (i) throughout the calendar year; and
  - (ii) except as provided in Subsection (1)(c)(i), for each designated student who becomes a designated student while enrolled in the LEA.
- (c)
- (i) A designated student's school district of residence shall provide dropout recovery services if the designated student:
    - (A) was enrolled in a charter school that does not include grade 12; and
    - (B) becomes a designated student in the summer after the student completes academic instruction at the charter school through the maximum grade level the charter school is eligible to serve under the charter school's charter agreement as described in Section 53A-1a-508.
  - (ii) In accordance with Subsection (1)(c)(iii), a charter school that does not include grade 12 shall notify each of the charter school's student's district of residence, as determined under Section 53A-2-201, when the student completes academic instruction at the charter school as described in Subsection (1)(c)(i)(B).
  - (iii) The notification described in Subsection (1)(c)(ii) shall include the student's name, contact information, and student identification number.
- (2)
- (a) An LEA shall provide flexible enrollment options for a designated student that:
    - (i) are tailored to the designated student's learning plan developed under Subsection (1)(a)(ii); and
    - (ii) include two or more of the following:
      - (A) enrollment in the LEA in a traditional program;
      - (B) enrollment in the LEA in a nontraditional program;
      - (C) enrollment in a program offered by a private provider that has entered into a contract with the LEA to provide educational services; or
      - (D) enrollment in a program offered by another LEA.
  - (b) A designated student may enroll in:
    - (i) a program offered by the LEA under Subsection (2)(a), in accordance with this Title 53A, State System of Public Education, rules established by the State Board of Education, and policies established by the LEA;
    - (ii) the Electronic High School, in accordance with Part 10, Electronic High School Act; or
    - (iii) the Statewide Online Education Program, in accordance with Part 12, Statewide Online Education Program Act.
  - (c) An LEA shall make the LEA's best effort to accommodate a designated student's choice of enrollment under Subsection (2)(b).
- (3) Beginning with the 2017-18 school year and except as provided in Subsection (4), an LEA shall enter into a contract with a third party to provide the dropout prevention and recovery services described in Subsection (1)(a) for any school year in which the LEA meets the following criteria:
- (a) the LEA's graduation rate is lower than the statewide graduation rate; and

- (b)
  - (i) the LEA's graduation rate has not increased by at least 1% on average over the previous three school years; or
  - (ii) during the previous calendar year, at least 10% of the LEA's designated students have not:
    - (A) reached the students' attainment goals; or
    - (B) made a year's worth of progress toward the students' attainment goals.
- (4) An LEA that is in the LEA's first three years of operation is not subject to the requirement described in Subsection (3).
- (5) An LEA described in Subsection (3) shall ensure that:
  - (a) a third party with whom the LEA enters into a contract under Subsection (3) has a demonstrated record of effectiveness engaging with and recovering designated students; and
  - (b) a contract with a third party requires the third party to:
    - (i) provide the services described in Subsection (1)(a); and
    - (ii) regularly report progress to the LEA.
- (6) An LEA shall annually submit a report to the State Board of Education on dropout prevention and recovery services provided under this section, including:
  - (a) the methods the LEA or third party uses to engage with or attempt to recover designated students under Subsection (1)(a)(i);
  - (b) the number of designated students who enroll in a program described in Subsection (2) as a result of the efforts described in Subsection (6)(a);
  - (c) the number of designated students who reach the designated students' attainment goals identified under Subsection (1)(a)(ii)(B); and
  - (d) funding allocated to provide dropout prevention and recovery services.
- (7) The State Board of Education shall:
  - (a) ensure that an LEA described in Subsection (3) contracts with a third party to provide dropout prevention and recovery services in accordance with Subsections (3) and (5); and
  - (b) on or before October 30, 2017, and each year thereafter, report to the Education Interim Committee on the provisions of this section, including a summary of the reports submitted under Subsection (6).

Enacted by Chapter 320, 2016 General Session