

# HB0123S01 compared with HB0123

~~{deleted text}~~ shows text that was in HB0123 but was deleted in HB0123S01.

inserted text shows text that was not in HB0123 but was inserted into HB0123S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

Representative Kenneth W. Sumsion proposes the following substitute bill:

## EDUCATION SAVINGS ACCOUNTS

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: John Dougall**

Senate Sponsor: \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill creates a pilot project that modifies funding for public and higher education.

#### Highlighted Provisions:

This bill:

- ~~{~~ → restricts certain funding programs within the Minimum School Program to students in kindergarten through grade 8;
- ‡ ▶ creates an education savings account for a student enrolled in grades ~~{9 through}~~ 11 or 12 who opts to participate in a pilot project;
- ▶ directs the Legislature to ~~{annually establish, and}~~ provide an appropriation for ~~{}~~ a per pupil allocation to be deposited in an education savings account;
- ▶ requires the withholding of a portion of money a school district or charter school is otherwise eligible to receive under Title 53A, Chapter 17a, Minimum School

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Program Act, for ~~{the school district's local contribution towards high school students}~~; a student who has an education savings ~~{accounts}~~; account;

- ▶ provides that money in an education savings account may be used for:
  - course fees for courses provided by a school district or charter school;
  - course fees for online courses offered through the Statewide Online Education Program;
  - course fees for courses provided by an institution within the state system of higher education or certain private, nonprofit higher education institutions in Utah;
  - course fees for courses provided by certain entities under contract with the State Board of Education or State Board of Regents; and
  - other fees required as a condition of student participation in an activity, class, or program;
- ▶ imposes a limitation on course fees; and
- ▶ ~~{makes technical amendments}~~; requires the State Board of Education to report to the Education Interim Committee.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

~~{ This bill takes effect on July 1, 2012. }~~      None

### Utah Code Sections Affected:

AMENDS:

~~{ 53A-1a-106, as last amended by Laws of Utah 2011, Chapter 371~~  
~~53A-1a-513, as last amended by Laws of Utah 2011, Chapter 371~~  
~~53A-2-210, as last amended by Laws of Utah 2008, Chapter 346~~  
~~{ 53A-2-214, as last amended by Laws of Utah 2011, Chapter 371~~  
~~53A-15-101, as last amended by Laws of Utah 2011, Chapter 301~~  
~~53A-15-1202, as enacted by Laws of Utah 2011, Chapter 419~~  
~~53A-15-1206, as enacted by Laws of Utah 2011, Chapter 419~~  
~~53A-15-1213, as enacted by Laws of Utah 2011, Chapter 419~~  
~~53A-17a-103, as last amended by Laws of Utah 2011, Chapter 371~~

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- ~~53A-17a-106~~, as last amended by Laws of Utah 2001, Chapter 73
- ~~53A-17a-107~~, as last amended by Laws of Utah 2008, Chapter 382
- ~~53A-17a-108~~, as last amended by Laws of Utah 2010, Chapters 3 and 399
- ~~53A-17a-153~~, as last amended by Laws of Utah 2010, Chapter 3
- ~~53A-17a-165~~, as enacted by Laws of Utah 2011, Chapter 359

### {ENACTS:

- 53A-17a-105.7, Utah Code Annotated 1953
- 53A-17b-101, Utah Code Annotated 1953
- 53A-17b-102, Utah Code Annotated 1953
- 53A-17b-103, Utah Code Annotated 1953
- 53A-17b-104, Utah Code Annotated 1953
- 53A-17b-105, Utah Code Annotated 1953
- 53A-17b-106, Utah Code Annotated 1953
- 53A-17b-107, Utah Code Annotated 1953
- 53A-17b-108, Utah Code Annotated 1953
- 53A-17b-109, Utah Code Annotated 1953

### {REPEALS:

- ~~53A-15-1208~~, as enacted by Laws of Utah 2011, Chapter 419
- ~~53A-15-1209~~, as enacted by Laws of Utah 2011, Chapter 419
- { ~~53A-17a-113~~, as last amended by Laws of Utah 2010, Chapter 3
- ~~53A-17a-114~~, as last amended by Laws of Utah 2011, Chapter 7
- ~~53A-17a-116~~, as last amended by Laws of Utah 2010, Chapter 3
- ~~53A-17a-120.5~~, as last amended by Laws of Utah 2010, Chapter 3
- ~~53A-17a-131.15~~, as last amended by Laws of Utah 2010, Chapter 3} 53A-17b-110,  
Utah Code Annotated 1953

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

Section 1. Section {~~53A-1a-106~~} 53A-2-210 is amended to read:

{~~53A-1a-106. School district and individual school powers:~~

~~(1) In order to acquire and develop the characteristics listed in Section 53A-1a-104, each school district and each public school within its respective district shall implement a~~

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~~comprehensive system of accountability in which students advance through public schools by demonstrating competency in required skills and mastery of required knowledge through the use of diverse assessment instruments such as authentic and criterion-referenced tests, projects, and portfolios.~~

~~—— (2) (a) Each school district and public school shall:~~

~~—— (i) develop and implement programs integrating technology into the curriculum, instruction, and student assessment;~~

~~—— (ii) provide for teacher and parent involvement in policymaking at the school site;~~

~~—— (iii) implement a public school choice program to give parents, students, and teachers greater flexibility in designing and choosing among programs with different focuses through schools within the same district and other districts, subject to space availability, demographics, and legal and performance criteria;~~

~~—— (iv) establish strategic planning at both the district and school level and site-based decision-making programs at the school level;~~

~~—— (v) provide opportunities for each student to acquire and develop academic and occupational knowledge, skills, and abilities;~~

~~—— (vi) participate in ongoing research and development projects primarily at the school level aimed at improving the quality of education within the system; and~~

~~—— (vii) involve business and industry in the education process through the establishment of partnerships with the business community at the district and school level.~~

~~—— (b) (i) Each local school board, in consultation with school personnel, parents, and school community councils or similar entities shall establish policies to provide for the effective implementation of a personalized student education plan (SEP) or student education/occupation plan (SEOP) for each student at the school site:~~

~~—— (ii) The policies shall include guidelines and expectations for:~~

~~—— (A) recognizing the student's accomplishments, strengths, and progress towards meeting student achievement standards as defined in U-PASS;~~

~~—— (B) planning, monitoring, and managing education and career development; and~~

~~—— (C) involving students, parents, and school personnel in preparing and implementing SEPs and SEOPs.~~

~~—— (iii) A parent may request conferences with school personnel in addition to SEP or~~

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~~SEOP conferences established by local school board policy:~~

~~—— (iv) Time spent during the school day to implement SEPs and SEOPs is considered part of the school term referred to in Subsection 53A-17a-103[(4)](8):~~

~~—— (3) A school district or public school may submit proposals to modify or waive rules or policies of a supervisory authority within the public education system in order to acquire or develop the characteristics listed in Section 53A-1a-104:~~

~~—— (4) (a) Each school district and public school shall make an annual report to its patrons on its activities under this section:~~

~~—— (b) The reporting process shall involve participation from teachers, parents, and the community at large in determining how well the district or school is performing:~~

~~—— Section 2. Section 53A-1a-513 is amended to read:~~

~~—— **53A-1a-513. Funding for charter schools:**~~

~~—— (1) As used in this section:~~

~~—— (a) "Charter school students' average local revenues" means the amount determined as follows:~~

~~—— (i) for each student enrolled in a charter school in kindergarten through grade 8 on the previous October 1, calculate the district per pupil local revenues of the school district in which the student resides;~~

~~—— (ii) sum the district per pupil local revenues for each student enrolled in a charter school on the previous October 1; and~~

~~—— (iii) divide the sum calculated under Subsection (1)(a)(ii) by the number of students enrolled in charter schools on the previous October 1:~~

~~—— (b) "District local property tax revenues" means the sum of a school district's revenue received from the following levies:~~

~~—— (i) (A) a voted levy imposed under Section 53A-17a-133;~~

~~—— (B) a board levy imposed under Section 53A-17a-134;~~

~~—— (C) a 10% of basic levy imposed under Section 53A-17a-145;~~

~~—— (D) a tort liability levy imposed under Section 63G-7-704;~~

~~—— (E) a capital outlay levy imposed under Section 53A-16-107; and~~

~~—— (F) a voted capital outlay levy imposed under Section 53A-16-110; or~~

~~—— (ii) (A) a voted local levy imposed under Section 53A-17a-133;~~

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~~—— (B) a board local levy imposed under Section 53A-17a-164, excluding revenues expended for:~~

~~—— (I) recreational facilities and activities authorized under Title 11, Chapter 2, Playgrounds;~~

~~—— (II) pupil transportation, up to the amount of revenue generated by a .0003 per dollar of taxable value of the school district's board local levy; and~~

~~—— (III) the K-3 Reading Improvement Program, up to the amount of revenue generated by a .000121 per dollar of taxable value of the school district's board local levy; and~~

~~—— (C) a capital local levy imposed under Section 53A-16-113.~~

~~—— (c) "District per pupil local revenues" means an amount equal to the following, using data from the most recently published school district annual financial reports and state superintendent's annual report:~~

~~—— (i) district local property tax revenues; divided by~~

~~—— (ii) the sum of:~~

~~—— (A) a school district's average daily membership; and~~

~~—— (B) the average daily membership of a school district's resident students who attend charter schools.~~

~~—— (d) "Resident student" means a student who is considered a resident of the school district under [Title 53A,] Chapter 2, Part 2, District of Residency.~~

~~—— (e) "Statewide average debt service revenues" means the amount determined as follows, using data from the most recently published state superintendent's annual report:~~

~~—— (i) sum the revenues of each school district from the debt service levy imposed under Section 11-14-310; and~~

~~—— (ii) divide the sum calculated under Subsection (1)(e)(i) by statewide school district average daily membership.~~

~~—— (2) (a) Charter schools shall receive funding as described in this section, except Subsections (3) through (8) do not apply to charter schools described in Subsection (2)(b).~~

~~—— (b) Charter schools authorized by local school boards that are converted from district schools or operate in district facilities without paying reasonable rent shall receive funding as prescribed in Section 53A-1a-515.~~

~~—— (3) (a) Except as provided in Subsection (3)(b), a charter school shall receive state~~

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~~funds, as applicable, on the same basis as a school district receives funds.~~

~~—— (b) In distributing funds under Chapter 17a, Minimum School Program Act, to charter schools, charter school pupils shall be weighted, where applicable, as follows:~~

~~—— (i) .55 for kindergarten pupils;~~

~~—— (ii) .9 for pupils in grades 1 through 6; and~~

~~—— (iii) .99 for pupils in grades 7 through 8[; and];~~

~~—— [(iv) 1.2 for pupils in grades 9 through 12.]~~

~~—— (4) (a) (i) A school district shall allocate a portion of school district revenues for each resident student of the school district who is enrolled in a charter school in kindergarten through grade 8 on October 1 equal to 25% of the lesser of:~~

~~—— (A) district per pupil local revenues; or~~

~~—— (B) charter school students' average local revenues.~~

~~—— (ii) Nothing in this Subsection (4)(a) affects the school bond guarantee program established under Chapter 28, Utah School Bond Guaranty Act.~~

~~—— (b) The State Board of Education shall:~~

~~—— (i) deduct an amount equal to the allocation provided under Subsection (4)(a) from state funds the school district is authorized to receive under Chapter 17a, Minimum School Program Act; and~~

~~—— (ii) remit the money to the student's charter school.~~

~~—— (c) Notwithstanding the method used to transfer school district revenues to charter schools as provided in Subsection (4)(b), a school district may deduct the allocations to charter schools under this section from:~~

~~—— (i) unrestricted revenues available to the school district; or~~

~~—— (ii) the revenue sources listed in Subsection (1)(b) based on the portion of the allocations to charter schools attributed to each of the revenue sources listed in Subsection (1)(b):~~

~~—— (d) (i) Subject to future budget constraints, the Legislature shall provide an appropriation for charter schools for each student enrolled in kindergarten through grade 8 on October 1 to supplement the allocation of school district revenues under Subsection (4)(a).~~

~~—— (ii) Except as provided in Subsection (4)(d)(iii), the amount of money provided by the state for a charter school student shall be the sum of:~~

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- ~~—— (A) charter school students' average local revenues minus the allocation of school district revenues under Subsection (4)(a); and~~
- ~~—— (B) statewide average debt service revenues.~~
- ~~—— (iii) If the total of a school district's allocation for a charter school student under Subsection (4)(a) and the amount provided by the state under Subsection (4)(d)(ii) is less than \$1427, the state shall provide an additional supplement so that a charter school receives at least \$1427 per student under this Subsection (4).~~
- ~~—— (iv) (A) If the appropriation provided under this Subsection (4)(d) is less than the amount prescribed by Subsection (4)(d)(ii) or (4)(d)(iii), the appropriation shall be allocated among charter schools in proportion to each charter school's enrollment as a percentage of the total enrollment in charter schools.~~
  - ~~—— (B) If the State Board of Education makes adjustments to Minimum School Program allocations as provided under Section 53A-17a-105, the allocation provided in Subsection (4)(d)(iv)(A) shall be determined after adjustments are made under Section 53A-17a-105.~~
- ~~—— (c) Of the money provided to a charter school under this Subsection (4), 10% shall be expended for funding school facilities only.~~
- ~~—— (5) Charter schools are eligible to receive federal funds if they meet all applicable federal requirements and comply with relevant federal regulations.~~
- ~~—— (6) The State Board of Education shall distribute funds for charter school students directly to the charter school.~~
- ~~—— (7) (a) Notwithstanding Subsection (3), a charter school is not eligible to receive state transportation funding.~~
  - ~~—— (b) The board shall also adopt rules relating to the transportation of students to and from charter schools, taking into account Sections 53A-2-210 and 53A-17a-127.~~
  - ~~—— (c) The governing body of the charter school may provide transportation through an agreement or contract with the local school board, a private provider, or with parents.~~
- ~~—— (8) (a) (i) The state superintendent of public instruction may allocate grants for both start-up and ongoing costs to eligible charter school applicants from money appropriated for the implementation of this part.~~
  - ~~—— (ii) Applications for the grants shall be filed on a form determined by the state superintendent and in conjunction with the application for a charter.~~

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~~—— (iii) The amount of a grant may vary based upon the size, scope, and special circumstances of the charter school.~~

~~—— (iv) The governing board of the charter school shall use the grant to meet the expenses of the school as established in the school's charter.~~

~~—— (b) The State Board of Education shall coordinate the distribution of federal money appropriated to help fund costs for establishing and maintaining charter schools within the state.~~

~~—— (9) (a) A charter school may receive, hold, manage and use any devise, bequest, grant, endowment, gift, or donation of any property made to the school for any of the purposes of this part.~~

~~—— (b) It is unlawful for any person affiliated with a charter school to demand or request any gift, donation, or contribution from a parent, teacher, employee, or other person affiliated with the charter school as a condition for employment or enrollment at the school or continued attendance at the school.~~

~~—— Section 3. Section 53A-2-210 is amended to read:~~

### ‡ **53A-2-210. Funding.**

(1) A student who enrolls in a nonresident district is considered a resident of that district for purposes of state funding.

(2) The State Board of Education shall adopt rules providing that:

(a) the resident district pay the nonresident district, for each of the resident district's students who enroll in the nonresident district ~~{ in kindergarten through grade 8 }~~, 1/2 of the amount by which the resident district's per student expenditure exceeds the value of the state's contribution; and

(b) if a student is enrolled in a nonresident district ~~{ in kindergarten through grade 8 }~~ ‡ for less than a full year, the resident district shall pay a portion of the amount specified in Subsection (2)(a) based on the percentage of school days the student is enrolled in the nonresident district.

(3) (a) Except as provided in this Subsection (3), the parent or guardian of a nonresident student shall arrange for the student's own transportation to and from school.

(b) The State Board of Education may adopt rules under which nonresident students may be transported to their schools of attendance if:

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(i) the transportation of students to schools in other districts would relieve overcrowding or other serious problems in the district of residence and the costs of transportation are not excessive; or

(ii) the Legislature has granted an adequate specific appropriation for that purpose.

(c) A receiving district shall provide transportation for a nonresident student on the basis of available space on an approved route within the district to the school of attendance if district students would be eligible for transportation to the same school from that point on the bus route and the student's presence does not increase the cost of the bus route.

(d) Nothing in this section shall be construed as prohibiting the resident district or the receiving district from providing bus transportation on any approved route.

(e) Except as provided in Subsection (3)(b), the district of residence may not claim any state transportation costs for students enrolled in other school districts.

(4) This section does not apply to a student who participates in an education savings account pilot project under Chapter 17b, Education Savings Accounts.

Section ~~{4}~~2. ~~{ Section 53A-2-214 is amended to read:~~

~~53A-2-214. Online students' participation in extracurricular activities.~~

~~(1) As used in this section:~~

~~(a) "Online education" means the use of information and communication technologies to deliver educational opportunities to a student in a location other than a school.~~

~~(b) "Online student" means a student who:~~

~~(i) participates in an online education program sponsored or supported by the State Board of Education, a school district, or charter school; and~~

~~(ii) generates funding for the school district or school pursuant to Subsection 53A-17a-103[(4)](8) and rules of the State Board of Education.~~

~~(2) An online student is eligible to participate in extracurricular activities at:~~

~~(a) the school within whose attendance boundaries the student's custodial parent or legal guardian resides; or~~

~~(b) the public school from which the student withdrew for the purpose of participating in an online education program.~~

~~(3) A school other than a school described in Subsection (2)(a) or (b) may allow an online student to participate in extracurricular activities other than:~~

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~~—— (a) interschool competitions of athletic teams sponsored and supported by a public school; or~~

~~—— (b) interschool contests or competitions for music, drama, or forensic groups or teams sponsored and supported by a public school.~~

~~—— (4) An online student is eligible for extracurricular activities at a public school consistent with eligibility standards as applied to full-time students of the public school.~~

~~—— (5) A school district or public school may not impose additional requirements on an online school student to participate in extracurricular activities that are not imposed on full-time students of the public school.~~

~~—— (6) (a) The State Board of Education shall make rules establishing fees for an online school student's participation in extracurricular activities at school district schools:~~

~~—— (b) The rules shall provide that:~~

~~—— (i) online school students pay the same fees as other students to participate in extracurricular activities;~~

~~—— (ii) online school students are eligible for fee waivers pursuant to Section 53A-12-103;~~

~~—— (iii) for each online school student who participates in an extracurricular activity at a school district school, the online school shall pay a share of the school district's costs for the extracurricular activity; and~~

~~—— (iv) an online school's share of the costs of an extracurricular activity shall reflect state and local tax revenues expended, except capital facilities expenditures, for an extracurricular activity in a school district or school divided by total student enrollment of the school district or school.~~

~~—— (c) In determining an online school's share of the costs of an extracurricular activity under Subsections (6)(b)(iii) and (iv), the State Board of Education may establish uniform fees statewide based on average costs statewide or average costs within a sample of school districts.~~

~~—— (7) When selection to participate in an extracurricular activity at a public school is made on a competitive basis, an online student is eligible to try out for and participate in the activity as provided in this section.~~

~~—— Section 5. Section 53A-15-101 is amended to read:~~

~~—— **53A-15-101. Higher education courses in the public schools -- Cooperation between public and higher education.**~~

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~~—— (1) The State Board of Education in collaboration with the State Board of Regents shall implement:~~

~~—— (a) a curriculum program and delivery system which allows students the option to complete high school graduation requirements and prepares them to meet college admission requirements at the conclusion of the eleventh grade, but does not preclude a student involved in accelerated learning programs from graduating at an earlier time;~~

~~—— (b) a program of selected college credit courses in general and career and technical education which would be made available in cooperation with the State Board of Regents, as resources allow, through concurrent enrollment with one or more of the state's institutions of higher education;~~

~~—— (c) a course of study for a student who decides to continue on through the twelfth grade that would allow the student to take courses necessary to graduate from high school, and at the student's option, to become better prepared for the world of work, or complete selected college level courses corresponding to the first and second year of course work at a university, college, or community college in the state system of higher education; and~~

~~—— (d) a program for advanced placement which permits students to earn high school credits while qualifying to take advanced placement examinations for college credit.~~

~~—— (2) The delivery system and curriculum program shall be designed and implemented to take full advantage of the most current available educational technology.~~

~~—— (3) The State Board of Regents shall adopt rules to ensure the following:~~

~~—— (a) early high school graduates who are academically prepared and meet college admission requirements may be enrolled in one of the state's institutions of higher education;~~

~~—— (b) college credit courses are taught in high school concurrent enrollment or advanced placement programs by college or university faculty or public school educators under the following conditions:~~

~~—— (i) to ensure that students are prepared for college level work, an appropriate assessment is given:~~

~~—— (A) prior to participation in mathematics and English courses; and~~

~~—— (B) in meeting prerequisites previously established for the same campus-based course by the sponsoring institution;~~

~~—— (ii) public school educators in concurrent enrollment programs must first be approved~~

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~~as adjunct faculty and supervised by a state institution of higher education;~~

~~—— (iii) teaching is done through live classroom instruction or telecommunications;~~

~~—— (iv) collaboration among institutions to provide opportunities for general education and high demand career and technical education concurrent enrollment courses to be offered statewide, including via technology;~~

~~—— (v) course content, procedures, and teaching materials in concurrent enrollment programs are approved by the appropriate department or program at an institution of higher education in order to ensure quality and comparability with courses offered on college and university campuses;~~

~~—— (vi) concurrent enrollment may not include high school courses that are typically offered in grades 9 or 10, except as provided under Subsection (3)(c); and~~

~~—— (vii) the provisions under Subsection (3)(b)(vi) do not apply to an early college high school; and~~

~~—— (c) college credits obtained under this section shall be accepted for transfer of credit purposes as if they had been obtained at any public institution of higher education within the state system.~~

~~—— (4) College-level courses taught in the high school carry the same credit hour value as when taught on a college or university campus and apply toward graduation on the same basis as courses taught at an institution of higher education to which the credits are submitted.~~

~~—— (5) The State Board of Education shall provide students in the public schools with the option of accelerating their educational program and graduating at the conclusion of the eleventh grade.~~

~~—— (6) [(a)] The State Board of Education and State Board of Regents shall work in close cooperation in developing, implementing, and evaluating the program established under this section, including working together to effectively advise high school students on registering for concurrent enrollment courses, as described in Section 53B-1-109.~~

~~—— [(b) (i) Each high school shall receive its proportional share of concurrent enrollment money appropriated or allocated pursuant to Section 53A-17a-120.5 based upon the hours of higher education course work undertaken by students at the school under Subsections (1)(b) and (1)(c) as compared to the state total.]~~

~~—— [(ii) School districts shall contract with institutions of higher education to provide the~~

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~~higher education services required under this section.]~~

~~—— [(iii) (A) Higher education tuition and fees may not be charged for participation in this program, except that each institution within the state's higher education system may charge a one-time per student per institution admissions application fee for concurrent enrollment course credit offered by the institution.]~~

~~—— [(B) Payment of the fee under Subsection (6)(b)(iii)(A) satisfies the general admissions application fee requirement for a full-time or part-time student at an institution so that no additional admissions application fee may be charged by the institution.]~~

~~—— Section 6. Section **53A-15-1202** is amended to read:~~

~~—— **53A-15-1202. Definitions.**~~

~~—— As used in this part:~~

~~—— [(1) "Adjusted per pupil revenues" means an amount equal to average charter high school per pupil revenues times 0.77.]~~

~~—— [(2) "Average charter high school per pupil revenues" means an amount equal to charter high school revenues divided by the average daily membership of charter high schools statewide.]~~

~~—— [(3) "Charter high school" means a charter school in which only students in grades 9, 10, 11, or 12 are enrolled.]~~

~~—— [(4) "Charter high school revenues" means an amount equal to total general fund revenues of charter high schools statewide as reported in the most recently published annual financial report.]~~

~~—— [(5)] (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:~~

~~—— [(6)] (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.~~

~~—— [(7)] (3) "LEA" means a local education agency in Utah that has administrative control and direction for public education.~~

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~~—— [(8)] (4) "Online course" means a course of instruction offered by the Statewide Online Education Program through the use of digital technology:~~

~~—— [(9)] (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.~~

~~—— Section 7. Section 53A-15-1206 is amended to read:~~

~~—— 53A-15-1206. Payment for an online course:~~

~~—— [(1) The fee for an online course is an amount equal to the product of:]~~

~~—— [(a) adjusted per pupil revenues; and]~~

~~—— [(b) one-eighth the number of credits a student may earn for the online course.]~~

~~—— (1) An online learning provider shall set a fee for an online course:~~

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

~~—— (a) for a one-semester online course, 50% of the online course fee upon the student enrolling in the online course;~~

~~—— (b) for a full-year online course, 25% of the online course fee upon the student enrolling in the online course and 25% of the online course fee upon the beginning of the second semester; and~~

~~—— (c) if a student completes a full-year online course within 12 months or a one-semester course within nine weeks following the end of the semester, 50% of the online course fee:~~

~~—— (3) (a) If a student fails to complete a one-year course within 12 months or a one-semester course within nine weeks following the end of the 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 (3)(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.~~

~~—— Section 8. Section 53A-15-1213 is amended to read:~~

~~—— 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~~

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~~Education a course credit acknowledgement; and (2)] establish procedures for the administration of a statewide assessment to a student enrolled in an online course.~~

~~Section 9. Section 53A-17a-103 is amended to read:~~

~~53A-17a-103. Definitions.~~

~~As used in this chapter:~~

~~(1) "Basic state-supported school program" or "basic program" means public education programs for kindergarten, elementary, and secondary school students that are operated and maintained for the amount derived by multiplying the number of weighted pupil units for each school district or charter school by the value established each year in statute, except as otherwise provided in this chapter.~~

~~(2) (a) "Certified revenue levy" means a property tax levy that provides an amount of ad valorem property tax revenue equal to the sum of:~~

~~(i) the amount of ad valorem property tax revenue to be generated statewide in the previous year from imposing a minimum basic tax rate, as specified in Subsection 53A-17a-135(1)(a); and~~

~~(ii) the product of:~~

~~(A) new growth, as defined in:~~

~~(I) Section 59-2-924; and~~

~~(H) rules of the State Tax Commission; and~~

~~(B) the minimum basic tax rate certified by the State Tax Commission for the previous year.~~

~~(b) For purposes of this Subsection (2), "ad valorem property tax revenue" does not include property tax revenue received statewide from personal property that is:~~

~~(i) assessed by a county assessor in accordance with Title 59, Chapter 2, Part 3, County Assessment; and~~

~~(ii) semiconductor manufacturing equipment.~~

~~(c) For purposes of calculating the certified revenue levy described in this Subsection (2), the State Tax Commission shall use:~~

~~(i) the taxable value of real property assessed by a county assessor contained on the assessment roll;~~

~~(ii) the taxable value of real and personal property assessed by the State Tax~~

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Commission; and

~~—— (iii) the taxable year end value of personal property assessed by a county assessor contained on the prior year's assessment roll.~~

~~—— (3) "District per pupil debt service revenues" means an amount equal to the following using data from the most recently published school district annual financial reports and state superintendent's annual report:~~

~~—— (a) a school district's revenues from a debt service levy imposed under Section 11-14-310; divided by~~

~~—— (b) the school district's average daily membership.~~

~~—— (4) "District per pupil local tax revenues" means an amount equal to the sum of:~~

~~—— (a) district per pupil operations and capital outlay tax revenues; and~~

~~—— (b) district per pupil debt service revenues.~~

~~—— (5) "District per pupil operations and capital outlay tax revenues" means an amount equal to the following using data from the most recently published school district annual financial reports and state superintendent's annual report:~~

~~—— (a) a school district's revenue received from the following levies:~~

~~—— (i) (A) a voted levy imposed under Section 53A-17a-133;~~

~~—— (B) a board levy imposed under Section 53A-17a-134;~~

~~—— (C) a 10% of basic levy imposed under Section 53A-17a-145;~~

~~—— (D) a tort liability levy imposed under Section 63G-7-704;~~

~~—— (E) a capital outlay levy imposed under Section 53A-16-107; and~~

~~—— (F) a voted capital outlay levy imposed under Section 53A-16-110; or~~

~~—— (ii) (A) a voted local levy imposed under Section 53A-17a-133;~~

~~—— (B) a board local levy imposed under Section 53A-17a-164; and~~

~~—— (C) a capital local levy imposed under Section 53A-16-113; divided by~~

~~—— (b) the sum of:~~

~~—— (i) the school district's average daily membership; and~~

~~—— (ii) the average daily membership of the school district's resident students who attend charter schools.~~

~~—— [(3)] (6) "Pupil in average daily membership (ADM)" means a full-day equivalent pupil.~~

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~~———— (7) "Resident student" means a student who is considered a resident of the school district under Chapter 2, Part 2, District of Residency.~~

~~———— [(4)] (8) (a) "State-supported minimum school program" or "Minimum School Program" means public school programs for kindergarten, elementary, and secondary schools as described in this Subsection [(4)] (8).~~

~~———— (b) The minimum school program established in school districts and charter schools shall include the equivalent of a school term of nine months as determined by the State Board of Education.~~

~~———— (c) (i) The board shall establish the number of days or equivalent instructional hours that school is held for an academic school year.~~

~~———— (ii) Education, enhanced by utilization of technologically enriched delivery systems, when approved by local school boards or charter school governing boards, shall receive full support by the State Board of Education as it pertains to fulfilling the attendance requirements, excluding time spent viewing commercial advertising.~~

~~———— (d) The Minimum School Program includes a program or allocation funded by a line item appropriation or other appropriation designated as follows:~~

~~———— (i) Basic School Program;~~

~~———— (ii) Related to Basic Programs;~~

~~———— (iii) Voted and Board Levy Programs; or~~

~~———— (iv) Minimum School Program.~~

~~———— (9) "Statewide per pupil local tax revenues" means an amount determined as follows:~~

~~———— (a) for each school district, multiply district per pupil local tax revenues by the school district's enrollment on October 1 of the previous school year;~~

~~———— (b) sum the amounts calculated under Subsection (5)(a); and~~

~~———— (c) divide the sum calculated under Subsection (5)(b) by total school district enrollment statewide on October 1 of the previous school year.~~

~~———— [(5)] (10) "Weighted pupil unit or units or WPU or WPUs" means the unit of measure of factors that is computed in accordance with this chapter for the purpose of determining the costs of a program on a uniform basis for each district.~~

~~———— Section 10.} Section 53A-17a-105.7 is enacted to read:~~

**53A-17a-105.7. Withholding of Minimum School Program money distributed to a**

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school district or charter school for ~~{local contribution to}~~ a student with an education savings ~~{accounts}~~ account.

(1) The State Board of Education shall ~~annually~~ withhold a portion of a school district's or charter school's distribution of money the school district or charter school is otherwise eligible to receive under Chapter 17a, Minimum School Program Act, for a student with an education savings account.

(2) The amount withheld under Subsection (1) ~~is~~

~~(a) represents~~ shall be an amount equal to the product of:

(a) 1.2;

(b) the value of the weighted pupil unit for the grades 1 through 12 basic program; and

(c) the number of full-time equivalent students enrolled in courses in the school

~~{district's local contribution toward the funding of high}~~ district or charter school  
~~{students}~~ and participating in the education savings ~~{accounts created in Section 53A-17b-103; and~~

~~(b) is equal to the sum of the following:~~

~~(i) district per pupil local tax revenues multiplied by the number of students in grades 9 through 12 enrolled in the school district on October 1; and~~

~~(ii) 25% of the district per pupil operations and capital outlay tax revenues multiplied by the number of the school district's resident students in grades 9 through 12 enrolled in charter schools on October 1.~~

~~Section 11. Section 53A-17a-106 is amended to read:~~

~~53A-17a-106. Determination of weighted pupil units:~~

~~The number of weighted pupil units in the minimum school program for each year is the total of the units for each school district determined as follows:~~

~~(1) The number of units is computed by adding the average daily membership of all pupils of the district [attending schools, other than kindergarten and] enrolled in grades 1 through 8, other than pupils enrolled in self-contained classes for children with a disability.~~

~~(2) The number of units is computed by adding the average daily membership of all pupils of the district enrolled in kindergarten, other than pupils enrolled in self-contained classes for children with a disability, and multiplying the total by .55.~~

~~(a) In those districts that do not elect to hold kindergarten for a full nine-month term,~~

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~~the local school board may approve a shorter term of nine weeks' duration.~~

~~(b) Upon board approval, the number of pupils in average daily membership at the short-term kindergarten shall be counted for the purpose of determining the number of units allowed in the same ratio as the number of days the short-term kindergarten is held, not exceeding nine weeks, compared to the total number of days schools are held in that district in the regular school year.~~

~~(3) (a) account pilot project established in Chapter 17b, Education Savings Accounts Act.~~

~~(3) The State Board of Education shall use prior year plus growth to determine average daily membership in distributing money under the minimum school program where the distribution is based on kindergarten through grade [12] 8 ADMs or weighted pupil units.~~

~~(b) Under prior year plus growth, kindergarten through grade [12] 8 average daily membership for the current year is based on the actual kindergarten through grade [12] 8 average daily membership for the previous year plus an estimated percentage growth factor.~~

~~(c) The growth factor is the percentage increase in total average daily membership on the first school day of October in the current year as compared to the total average daily membership on the first school day of October of the previous year.~~

~~Section 12. Section **53A-17a-107** is amended to read:~~

~~**53A-17a-107. Professional staff weighted pupil units:**~~

~~(1) Professional staff weighted pupil units are computed and distributed in accordance with the following schedule:~~

~~(a) Professional Staff Cost Formula~~

| <del>Years of</del>   | <del>Bachelor's</del> | <del>Bachelor's</del>  | <del>Master's</del> | <del>Master's</del>    | <del>Doctorate</del> |
|-----------------------|-----------------------|------------------------|---------------------|------------------------|----------------------|
| <del>Experience</del> | <del>Degree</del>     | <del>+30 Qt. Hr.</del> | <del>Degree</del>   | <del>+45 Qt. Hr.</del> | <del>Doctorate</del> |
| <del>1</del>          | <del>1.00</del>       | <del>1.05</del>        | <del>1.10</del>     | <del>1.15</del>        | <del>1.20</del>      |
| <del>2</del>          | <del>1.05</del>       | <del>1.10</del>        | <del>1.15</del>     | <del>1.20</del>        | <del>1.25</del>      |
| <del>3</del>          | <del>1.10</del>       | <del>1.15</del>        | <del>1.20</del>     | <del>1.25</del>        | <del>1.30</del>      |
| <del>4</del>          | <del>1.15</del>       | <del>1.20</del>        | <del>1.25</del>     | <del>1.30</del>        | <del>1.35</del>      |
| <del>5</del>          | <del>1.20</del>       | <del>1.25</del>        | <del>1.30</del>     | <del>1.35</del>        | <del>1.40</del>      |
| <del>6</del>          | <del>1.25</del>       | <del>1.30</del>        | <del>1.35</del>     | <del>1.40</del>        | <del>1.45</del>      |

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|           |             |             |             |             |             |
|-----------|-------------|-------------|-------------|-------------|-------------|
| <u>7</u>  | <u>1.30</u> | <u>1.35</u> | <u>1.40</u> | <u>1.45</u> | <u>1.50</u> |
| <u>8</u>  | <u>1.35</u> | <u>1.40</u> | <u>1.45</u> | <u>1.50</u> | <u>1.55</u> |
| <u>9</u>  | <u>-</u>    | <u>-</u>    | <u>1.50</u> | <u>1.55</u> | <u>1.60</u> |
| <u>10</u> | <u>-</u>    | <u>-</u>    | <u>-</u>    | <u>1.60</u> | <u>1.65</u> |
| <u>11</u> | <u>-</u>    | <u>-</u>    | <u>-</u>    | <u>-</u>    | <u>1.70</u> |

~~(b) Multiply the number of full-time or equivalent professional personnel serving students in kindergarten through grade 8 in each applicable experience category in Subsection (1)(a) by the applicable weighting factor.~~

~~(c) Divide the total of Subsection (1)(b) by the number of professional personnel included in Subsection (1)(b) and reduce the quotient by 1.00.~~

~~(d) Multiply the result of Subsection (1)(c) by 1/4 of the weighted pupil units computed in accordance with Sections 53A-17a-106 and 53A-17a-109.~~

~~(2) The State Board of Education shall enact rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which require a certain percentage of a district's professional staff to be certified in the area in which they teach in order for the district to receive full funding under the schedule.~~

~~(3) If an individual's teaching experience is a factor in negotiating a contract of employment to teach in the state's public schools, then the local school board is encouraged to accept as credited experience all of the years the individual has taught in the state's public schools.~~

~~Section 13. Section 53A-17a-108 is amended to read:~~

~~**53A-17a-108. Weighted pupil units for small school district administrative costs = Appropriation for charter school administrative costs.**~~

~~(1) Administrative costs weighted pupil units are computed and distributed to small school districts in accordance with the following schedule:~~

|  |   |                                   |               |
|--|---|-----------------------------------|---------------|
| <del>Administrative Costs Schedule</del> | <del>School District Enrollment as of October 1</del> | <del>Weighted Pupil Units</del>   |               |
| <del>1 - 500 students</del>              | <del>95</del>   | <del>501 - 1,000 students</del>   | <del>80</del> |
| <del>1,001 - 2,000 students</del>        | <del>70</del>   | <del>2,001 - 5,000 students</del> | <del>60</del> |

~~(2) (a) Except as provided in Subsection (2)(b), money appropriated to the State Board of Education for charter school administrative costs shall be distributed to charter schools in the amount of \$100 for each charter school student [in enrollment] enrolled in kindergarten through grade 8.~~

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~~—— (b) (i) If money appropriated for charter school administrative costs is insufficient to provide the amount per student prescribed in Subsection (2)(a), the appropriation shall be allocated among charter schools in proportion to each charter school's enrollment as a percentage of the total enrollment in charter schools.~~

~~—— (ii) If the State Board of Education makes adjustments to Minimum School Program allocations under Section 53A-17a-105, the allocation provided in Subsection (2)(b)(i) shall be determined after adjustments are made under Section 53A-17a-105.~~

~~—— (c) Charter schools are encouraged to identify and use cost-effective methods of performing administrative functions, including contracting for administrative services with the State Charter School Board as provided in Section 53A-1a-501.6.~~

~~—— (3) Charter schools are not eligible for funds for administrative costs under Subsection (1).~~

~~—— Section 14. Section 53A-17a-153 is amended to read:~~

~~—— **53A-17a-153. Educator salary adjustments.**~~

~~—— (1) As used in this section, "educator" means a person employed by a school district, charter school, or the Utah Schools for the Deaf and the Blind who holds:~~

~~—— (a) a license issued under Title 53A, Chapter 6, Educator Licensing and Professional Practices Act; and~~

~~—— (b) a position as a:~~

~~—— (i) classroom teacher;~~

~~—— (ii) speech pathologist;~~

~~—— (iii) librarian or media specialist;~~

~~—— (iv) preschool teacher;~~

~~—— (v) mentor teacher;~~

~~—— (vi) teacher specialist or teacher leader;~~

~~—— (vii) guidance counselor;~~

~~—— (viii) audiologist;~~

~~—— (ix) psychologist; or~~

~~—— (x) social worker.~~

~~—— (2) In recognition of the need to attract and retain highly skilled and dedicated educators, the Legislature shall annually appropriate money for educator salary adjustments.~~

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~~subject to future budget constraints:~~

~~—— (3) Money appropriated to the State Board of Education for educator salary adjustments shall be distributed to school districts, charter schools, and the Utah Schools for the Deaf and the Blind in proportion to the number of full-time-equivalent educator positions in a school district, a charter school, or the Utah Schools for the Deaf and the Blind as compared to the total number of full-time-equivalent educator positions in school districts, charter schools, and the Utah Schools for the Deaf and the Blind.~~

~~—— (4) School districts, charter schools, and the Utah Schools for the Deaf and the Blind shall award bonuses to educators as follows:~~

~~—— (a) the amount of the salary adjustment shall be the same for each full-time-equivalent educator position in the school district, charter school, or the Utah Schools for the Deaf and the Blind;~~

~~—— (b) a person who is not a full-time educator shall receive a partial salary adjustment based on the number of hours the person works as an educator; and~~

~~—— (c) salary adjustments may be awarded only to educators who have received a satisfactory rating or above on their most recent evaluation.~~

~~—— (5) (a) Each school district and charter school and the Utah Schools for the Deaf and the Blind shall submit a report to the State Board of Education on how the money for salary adjustments was spent, including the amount of the salary adjustment and the number of full and partial salary adjustments awarded.~~

~~—— (b) The State Board of Education shall compile the information reported under Subsection (5) and submit it to the Public Education Appropriations Subcommittee by November 30 each year.~~

~~—— (6) The State Board of Education may make rules as necessary to administer this section, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.~~

~~—— (7) (a) Subject to future budget constraints, the Legislature shall appropriate sufficient money each year to:~~

~~—— (i) maintain educator salary adjustments provided in prior years; and~~

~~—— (ii) provide educator salary adjustments to new employees.~~

~~—— (b) Money appropriated for educator salary adjustments shall include money for the following employer-paid benefits:~~

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- ~~—— (i) retirement;~~
- ~~—— (ii) worker's compensation;~~
- ~~—— (iii) Social Security; and~~
- ~~—— (iv) Medicare;~~
- ~~—— (8) (a) Subject to future budget constraints, the Legislature shall:~~
- ~~—— (i) maintain the salary adjustments provided to school administrators in the 2007-08 school year; and~~
- ~~—— (ii) provide salary adjustments for new school administrators in the same amount as provided for existing school administrators;~~
- ~~—— (b) The appropriation provided for educator salary adjustments shall include salary adjustments for school administrators as specified in Subsection (8)(a);~~
- ~~—— (c) In distributing and awarding salary adjustments for school administrators, the State Board of Education, school districts, charter schools, and the Utah Schools for the Deaf and the Blind shall comply with the requirements for the distribution and award of educator salary adjustments as provided in Subsections (3) and (4);~~
- ~~—— (9) This section does not apply to educators who serve students in grades 9 through 12 in a school district or charter school;~~
- ~~—— Section 15. Section 53A-17a-165 is amended to read:~~
- ~~—— **53A-17a-165. Enhancement for Accelerated Students Program.**~~
- ~~—— (1) The State Board of Education shall distribute money appropriated for the Enhancement for Accelerated Students Program to school districts and charter schools according to a formula adopted by the State Board of Education, after consultation with school districts and charter schools;~~
- ~~—— (2) A distribution formula adopted under Subsection (1) may include an allocation of money for[: (a) advanced placement courses; (b)] gifted and talented programs for students in kindergarten through grade 8, including professional development for teachers of high ability students[: and] in kindergarten through grade 8;~~
- ~~—— [(c) International Baccalaureate programs.]~~
- ~~—— [(3) The greater of 1.5% or \$100,000 of the appropriation for the Enhancement for Accelerated Students Program may be allowed for International Baccalaureate programs.]~~
- ~~—— [(4)] (3) A school district or charter school shall use money distributed under this~~

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~~section to enhance the academic growth of students in kindergarten through grade 8 whose academic achievement is accelerated:~~

~~— [(5)] (4) The State Board of Education shall develop performance criteria to measure the effectiveness of the Enhancement for Accelerated Students Program and make an annual report to the Public Education Appropriations Subcommittee on the effectiveness of the program:~~

~~— Section 16} make rules to implement this section so that the money withheld pursuant to this section is withheld in the same school year that the student pays for courses using money in an education savings account.~~

Section 3. Section 53A-17b-101 is enacted to read:

### CHAPTER 17b. EDUCATION SAVINGS ACCOUNTS ACT

#### 53A-17b-101. Title.

This chapter is known as the "Education Savings Accounts Act."

Section ~~{17}~~4. Section 53A-17b-102 is enacted to read:

#### 53A-17b-102. Purpose of education savings accounts.

Education savings accounts are created as a means of funding high school students' education for the following purpose:

(1) to allow a parent or guardian to customize education to meet the learning needs and interests of each individual child while providing greater flexibility in the use of education dollars to best suit a child's individual needs;

(2) to provide access to the best teachers and coursework available, regardless of residential location; and

(3) to nurture a dynamic education system that is prepared to adapt to new modes of delivering instruction in the future while fostering an expanded range of innovative learning alternatives.

Section ~~{18}~~5. Section 53A-17b-103 is enacted to read:

53A-17b-103. Education savings ~~{accounts created for students in grades 9 through 12 -- Amount deposited -- Permitted uses of account money.~~

~~— {1} account pilot project.~~

(1) A pilot project is established for the 2013-14 and 2014-15 school years to evaluate the use of education savings accounts as a means of funding high school students' education.

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(2) (a) The State Board of Education shall ~~create~~ establish an education savings account for a student ~~in grades 9 through 12.~~

~~(2) who opts to participate in the pilot project.~~

(b) The maximum number of education savings accounts that may exist for any year of the pilot project is 2,500.

(3) A student may opt to participate in the pilot project if:

(a) the student is enrolled in grade 11 or 12 in a public school; and

(b) (i) the student is age 18 or older; or

(ii) the student is younger than age 18 and the student's parent or guardian consents to the student's participation in the pilot project.

(4) (a) The State Board of Education shall make rules specifying procedures and criteria for a student to obtain an education savings account for use during the pilot project.

(b) The rules shall:

(i) impose a deadline for applying for an education savings account;

(ii) provide for a lottery to select students who may obtain an education savings account, if the number of applicants who apply by the application deadline exceeds the maximum number of education savings accounts that may exist pursuant to Subsection (2); and

(iii) allow a student who obtains an education savings account in the first year of the pilot project to continue to use it in the second year of the pilot project.

(5) (a) The Legislature shall ~~annually~~ appropriate money to the State Board of Education for an equal per pupil allocation for each student ~~participating in grades 9 through 12~~ the pilot project.

(b) From money appropriated under Subsection (~~2~~5)(a), the State Board of Education shall deposit an amount equal to the per pupil allocation in the education savings account of each student ~~participating in grades 9 through 12~~ the pilot project.

(c) For fiscal year ~~2012-13~~ 2013-14, the per pupil allocation is \$6,400.

~~(3)~~6) Money in an education savings account may earn interest.

~~(4)~~7) In accordance with procedures established by the State Board of Education in rule, a student's parent or legal guardian or a student, if the student is age 18 or older, may authorize the use of money in an education savings account to pay for:

(a) course fees for courses provided by a Utah school district or charter school;

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(b) course fees for online courses offered through the Statewide Online Education Program created in Chapter 15, Part 12, Statewide Online Education Program Act;

(c) course fees for courses provided by an entity under contract with the State Board of Education pursuant to Section ~~{53A-8b-109}~~53A-17b-109;

(d) course fees for courses provided by an institution of higher education listed in Section 53B-2-101;

(e) course fees for courses provided by a private, nonprofit college or university in the state under contract with the State Board of Regents pursuant to Section ~~{53A-8b-109}~~53A-17b-109; and

(f) fees, deposits, or other charges required of a student's or the student's parent or guardian as a condition for student participation in:

(i) a course provided by an entity listed in Subsections ~~{4}7~~(a) through (e); or

(ii) an activity, class, or program provided, sponsored, or supported by or through a public school or school district.

~~{5}8~~ Money in an education savings account at the end of a fiscal year shall remain in the account and may be expended for a use described in Subsection ~~{4}7~~ in a subsequent fiscal year.

~~{6}9~~ (a) The State Board of Education shall close an education savings account 10 years after the account is opened.

(b) Money remaining in an education savings account upon closure shall lapse to the Education Fund.

~~{7}10~~ The State Board of Education shall provide for:

(a) electronic invoicing of course fees and other fees for payment from an education savings account;

(b) electronic payment of course fees and other fees from deposits to an education savings account; and

(c) online electronic savings accounts where a student and the student's parent or legal guardian can monitor activity and balances in the student's account.

Section ~~{19}6~~. Section **53A-17b-104** is enacted to read:

**53A-17b-104. Course fees for courses offered by a school ~~{districts}~~district or charter ~~{schools}~~school.**

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(1) A public school shall charge a course fee for each course a student ~~participating in grades 9 through 12;~~ ~~the pilot project~~ takes at the school.

(2) (a) A course fee shall be based upon the cost of providing a course, including an appropriate amount of overhead costs.

(b) A course fee may be set at the average cost of providing a course.

(~~2~~3) A local school board or charter school governing board shall establish course fees and publish the course fee schedule on the school district's or charter school's website.

(~~3~~4) The total course fees for a student ~~participating in grades 9 through 12;~~ ~~the pilot project~~ who takes a full course load throughout the school year in a single school district or charter school may not exceed the amount of money deposited ~~to~~ ~~in~~ the student's education savings account for the school year.

(~~4~~5) In accordance with procedures established by the State Board of Education in rule, a course fee charged by a public school shall be paid from deposits made to an education savings account under Section 53A-17b-103.

Section ~~20~~7. Section **53A-17b-105** is enacted to read:

**53A-17b-105. Preference for or restrictions on courses prohibited -- Differentiated diplomas.**

(1) Neither the State Board of Education, staff of the State Board of Education, a school district, nor a charter school may impose restrictions or give preference to any course provider that is authorized to offer a course that a student may take using money in an education savings account.

(2) A school district or a charter school may specify course requirements for a differentiated diploma, but may not specify from which course provider a required course must be taken.

Section ~~21~~8. Section **53A-17b-106** is enacted to read:

**53A-17b-106. Eligibility to participate in an extracurricular activity.**

(1) A student is eligible to participate in an extracurricular activity at a school where the student takes one or more courses.

(2) A student who is not a full-time student at a school is eligible to participate in an extracurricular activity consistent with eligibility standards applied to a full-time student.

(3) A school district or public school may not impose additional requirements on a

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part-time student to participate in an extracurricular activity that are not imposed on a full-time student.

Section ~~{22}~~9. Section **53A-17b-107** is enacted to read:

### **53A-17b-107. Campus hours.**

A school district or charter school may not impose restrictions on campus hours that limit a student's ability to customize a course schedule with multiple course providers.

Section ~~{23}~~10. Section **53A-17b-108** is enacted to read:

### **53A-17b-108. Accelerated high school completion.**

(1) The State Board of Education shall make rules to allow a student to complete high school graduation requirements, and exit high school, up to one or more years early, in accordance with the student's education/occupation plan (SEOP).

(2) The rules adopted under Subsection (1) shall allow the student to withdraw money the student is otherwise eligible to receive over ~~the four-year~~the two-year pilot project period in a shorter period of time.

Section ~~{24}~~11. Section **53A-17b-109** is enacted to read:

**53A-17b-109. Courses provided under contract with State Board of Education or State Board of Regents.**

(1) (a) The State Board of Education may establish a program in which the State Board of Education contracts with a private entity located in Utah to provide courses to high school students who use money in an education savings account to pay for the courses.

(b) A State Board of Education program established under Subsection (1) shall be consistent with Utah Constitution Article X, Sections 1 and 2.

(2) (a) The State Board of Regents may establish a program in which the State Board of Regents contracts with a private, nonprofit college or university in the state to provide courses to students who use money in an education savings account to pay for the courses.

(b) A State Board of Regents program established under Subsection (1) shall be consistent with Utah Constitution Article X, Section 1.

(c) A private, nonprofit college or university in the state under contract with the State Board of Regents pursuant to Subsection (2)(a) must be accredited by the Northwest Association of Schools and Colleges.

Section ~~{25}~~ **Repealer.**

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- ~~— This bill repeals:~~
- ~~— Section 53A-15-1208, Course credit acknowledgement.~~
- ~~— Section 53A-15-1209, Online course credit hours included in daily membership --~~  
**Limitation.**
- ~~— Section 53A-17a-113, Weighted pupil units for career and technical education programs -- Funding of approved programs -- Performance measures -- Qualifying criteria.~~
- ~~— Section 53A-17a-114, Career and technical education program alternatives.~~
- ~~— Section 53A-17a-116, Weighted pupil units for career and technical education set-aside programs.~~
- ~~— Section 53A-17a-120.5, Appropriation for concurrent enrollment.~~
- ~~— Section 53A-17a-131.15, State contribution for the Electronic High School.~~
- ~~— Section 26. Effective date.~~
- ~~— This bill takes effect on July 1, 2012.~~

### Legislative Review Note

~~— as of 1-30-12 6:13 PM~~

~~Office of Legislative Research and General Counsel;~~ 12. Section 53A-17b-110 is enacted to read:

**53A-17b-110. State Board of Education report.**

The State Board of Education shall:

- (1) make periodic reports to the Education Interim Committee on the pilot project established under this chapter; and
- (2) by the committee's November 2013 and 2014 meetings, make recommendations for the implementation of education savings accounts.