

1 **ONLINE EDUCATION AMENDMENTS**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Bradley G. Last**

5 Senate Sponsor: _____

6

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies requirements for providing online courses to students.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ specifies the purpose of the Electronic High School;
- 13 ▶ provides that the Electronic High School may only offer courses required for high
14 school graduation or that fulfill core curriculum course requirements;
- 15 ▶ requires a school district or charter school to offer online courses at the grades 9
16 through 12 level and online concurrent enrollment courses to students enrolled in
17 the school district or charter school in grades 11 and 12;
- 18 ▶ allows a school district or charter school to develop and teach online courses, and to
19 ensure a wide selection of high quality online courses are offered;
- 20 ▶ requires a school district or charter school to contract with an entity for online
21 course content or online course instruction;
- 22 ▶ allows a school district or charter school to form a consortium with other school
23 districts or charter schools for the purpose of contracting with an entity for online
24 course content or online course instruction;
- 25 ▶ allows a student the option to enroll in online courses for a certain number of course
26 credits each year;
- 27 ▶ provides that online course credit hours are included in daily membership, except a



- 28 student may not count as more than one FTE, unless the student intends to complete high
29 school graduation requirements and exit high school early;
- 30 ▶ provides that a student enrolled in an online course may not take more than a full
31 course load unless:
 - 32 • the student intends to complete high school graduation requirements and exit
33 high school early; or
 - 34 • if allowed by local school board or charter school governing board policy;
 - 35 ▶ provides for the administration of statewide assessments to students enrolled in
36 online courses;
 - 37 ▶ repeals provisions relating to the Statewide Online Education Program; and
 - 38 ▶ makes technical amendments.

39 **Money Appropriated in this Bill:**

40 None

41 **Other Special Clauses:**

42 This bill takes effect on July 1, 2012.

43 **Utah Code Sections Affected:**

44 AMENDS:

45 **53A-15-1002 (Effective 07/01/12)**, as last amended by Laws of Utah 2011, Chapter
46 419

47 **53A-15-1003**, as enacted by Laws of Utah 2006, Chapter 227

48 **53A-15-1006 (Effective 07/01/12)**, as last amended by Laws of Utah 2011, Chapter
49 419

50 ENACTS:

51 **53A-15-1002.5**, Utah Code Annotated 1953

52 **53A-15-1301**, Utah Code Annotated 1953

53 **53A-15-1302**, Utah Code Annotated 1953

54 **53A-15-1303**, Utah Code Annotated 1953

55 **53A-15-1304**, Utah Code Annotated 1953

56 **53A-15-1305**, Utah Code Annotated 1953

57 **53A-15-1306**, Utah Code Annotated 1953

58 **53A-15-1307**, Utah Code Annotated 1953

59 **53A-15-1308**, Utah Code Annotated 1953

60 REPEALS:

61 **53A-15-1201**, as enacted by Laws of Utah 2011, Chapter 419

62 **53A-15-1202**, as enacted by Laws of Utah 2011, Chapter 419

63 **53A-15-1203**, as enacted by Laws of Utah 2011, Chapter 419

64 **53A-15-1204**, as enacted by Laws of Utah 2011, Chapter 419

65 **53A-15-1205**, as enacted by Laws of Utah 2011, Chapter 419

66 **53A-15-1206**, as enacted by Laws of Utah 2011, Chapter 419

67 **53A-15-1207**, as enacted by Laws of Utah 2011, Chapter 419

68 **53A-15-1208**, as enacted by Laws of Utah 2011, Chapter 419

69 **53A-15-1209**, as enacted by Laws of Utah 2011, Chapter 419

70 **53A-15-1210**, as enacted by Laws of Utah 2011, Chapter 419

71 **53A-15-1211**, as enacted by Laws of Utah 2011, Chapter 419

72 **53A-15-1212**, as enacted by Laws of Utah 2011, Chapter 419

73 **53A-15-1213**, as enacted by Laws of Utah 2011, Chapter 419

74 **53A-15-1214**, as enacted by Laws of Utah 2011, Chapter 419

75 **53A-15-1215**, as enacted by Laws of Utah 2011, Chapter 419



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

78 Section 1. Section **53A-15-1002 (Effective 07/01/12)** is amended to read:

79 **53A-15-1002 (Effective 07/01/12). Definitions.**

80 As used in this part:

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

82 (2) "Electronic High School" means a rigorous program offering grade 9 through 12
83 level online courses [~~through the Statewide Online Education Program~~] and coordinated by the
84 board.

85 ~~[(3) "Eligible student" has the meaning defined in Section 53A-15-1202.]~~

86 ~~[(4)]~~ (3) "Home-schooled student" means a student:

87 (a) who attends a home school;

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

89 (c) attends no more than two regularly scheduled classes or courses in a public school

90 per semester.

91 [~~5~~] (4) "Open-entry, open-exit" means:

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

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

98 Section 2. Section **53A-15-1002.5** is enacted to read:

99 **53A-15-1002.5. Electronic High School created -- Purpose.**

100 The Electronic High School is created:

101 (1) to provide an opportunity for a student who has failed a course to retake the course
102 and earn course credit;

103 (2) to allow a student to complete high school graduation requirements, and exit high
104 school, early;

105 (3) to allow a student to take a course online so that the student has greater flexibility
106 in scheduling courses during the regular school day; and

107 (4) to allow a home-schooled or private school student in Utah to take a course within
108 the Utah high school core curriculum.

109 Section 3. Section **53A-15-1003** is amended to read:

110 **53A-15-1003. Courses and credit.**

111 (1) The Electronic High School may only offer courses required for high school
112 graduation or that fulfill core curriculum course requirements established by the State Board of
113 Education.

114 [~~1~~] (2) The Electronic High School shall:

115 (a) offer courses in an open-entry, open-exit format; and

116 (b) offer core curriculum courses that are in conformance with course standards and
117 objectives established by the board.

118 [~~2~~] (3) Public schools shall:

119 (a) accept all credits awarded to students by the Electronic High School; and

120 (b) apply credits awarded for a core curriculum course toward the fulfillment of core

121 curriculum requirements.

122 Section 4. Section **53A-15-1006 (Effective 07/01/12)** is amended to read:

123 **53A-15-1006 (Effective 07/01/12). Student fees or tuition.**

124 ~~[(1) (a) The Electronic High School shall receive payment for an eligible student's~~
125 ~~enrollment in an online course as provided by Sections 53A-15-1206 through 53A-15-1208.]~~

126 ~~[(b) For fiscal year 2012-13, a private or home school student whose custodial parent~~
127 ~~or legal guardian is a resident of Utah may enroll in an Electronic High School course subject~~
128 ~~to the availability of funds appropriated by the Legislature for that purpose.]~~

129 ~~[(2) A student whose custodial parent or legal guardian is not a resident of Utah may~~
130 ~~enroll in an Electronic High School course for a fee set by the board, provided that the course~~
131 ~~can accommodate additional students.]~~

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

134 (2) Nonresident students may enroll in Electronic High School courses for a fee set by
135 the board, provided that the course can accommodate additional students.

136 Section 5. Section **53A-15-1301** is enacted to read:

137 **Part 13. Online Education Act**

138 **53A-15-1301. Title.**

139 This part is known as the "Online Education Act."

140 Section 6. Section **53A-15-1302** is enacted to read:

141 **53A-15-1302. Definitions.**

142 As used in this part, "online course" means a course of instruction offered pursuant to
143 this part through the use of digital technology.

144 Section 7. Section **53A-15-1303** is enacted to read:

145 **53A-15-1303. School districts and charter schools required to offer online courses**
146 **to students in grades 9 through 12.**

147 (1) A school district or charter school shall offer online courses at the grades 9 through
148 12 level and online concurrent enrollment courses to students enrolled in the school district or
149 charter school in grades 11 and 12.

150 (2) Online courses offered by a school district or charter school shall include:

151 (a) courses required for high school graduation and other courses that fulfill core

152 curriculum requirements established by the State Board of Education; and

153 (b) courses that are otherwise unavailable to students of the school district or charter
154 school and which may enhance students' preparation for college and careers, including:

155 (i) mathematics courses more advanced than those required for high school graduation;

156 (ii) advanced placement courses;

157 (iii) for students in grades 11 and 12, concurrent enrollment courses;

158 (iv) foreign language courses; and

159 (v) career and technology courses.

160 Section 8. Section **53A-15-1304** is enacted to read:

161 **53A-15-1304. School districts and charter schools may develop and teach online**
162 **courses -- Requirement to contract for online course content or online course instruction.**

163 (1) A school district or charter school may develop, and the school district's or charter
164 school's employees may teach, online courses required to be offered under Section
165 53A-15-1303.

166 (2) To ensure that a school district or charter school offers a wide selection of high
167 quality online courses, a school district or charter school shall contract with one or more
168 entities, excluding the Electronic High School established under Part 10, Electronic High
169 School Act, to provide online course content or teach online courses.

170 (3) A school district or charter school may form a consortium with other school
171 districts or charter schools for the purpose of contracting with an entity to provide online
172 course content or teach online courses.

173 Section 9. Section **53A-15-1305** is enacted to read:

174 **53A-15-1305. Option for students to enroll in online courses.**

175 (1) Subject to the course limitations provided in Subsection (2), a student may enroll in
176 an online course offered by the school district or charter school in which the student is enrolled,
177 if:

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

179 (b) the course is open for enrollment.

180 (2) A student may enroll in online courses for no more than the following number of
181 credits:

182 (a) in the 2012-13 school year, two credits;

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

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

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

186 (e) beginning in the 2016-17 school year, six credits.

187 (3) Notwithstanding Subsection (2), the school district or charter school in which a
188 student is enrolled may allow the student to enroll in online courses for more than the number
189 of credits specified in Subsection (2).

190 (4) A school district or charter school in which a student is enrolled:

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

194 (b) shall assist a student in scheduling courses in accordance with the student's SEOP,
195 graduation requirements, and the student's postsecondary plans.

196 (5) A school district or charter school may not:

197 (a) impose restrictions on a student's selection of an online course that fulfills
198 graduation requirements and is consistent with the student's education/occupation plan (SEOP)
199 or postsecondary plans; or

200 (b) give preference to an online course offered by the school district or charter school.

201 Section 10. Section **53A-15-1306** is enacted to read:

202 **53A-15-1306. Dissemination of information on online courses.**

203 A school district or charter school shall provide information both written and online on
204 the online courses offered by the school district or charter school, including:

205 (1) information on who may enroll, and how a student may enroll in an online course;

206 and

207 (2) a course catalogue.

208 Section 11. Section **53A-15-1307** is enacted to read:

209 **53A-15-1307. Online course credit hours included in daily membership --**

210 **Limitation.**

211 (1) Subject to Subsection (2), a student's school district or charter school shall include
212 online course credit hours in calculating daily membership.

213 (2) A student may not count as more than one FTE, unless the student intends to

214 complete high school graduation requirements, and exit high school, early, in accordance with
215 the student's education/occupation plan (SEOP).

216 (3) Except as provided in Subsection (4), a student enrolled in an online course may
217 earn no more credits in a semester than the number of credits a student may earn by taking a
218 full course load during the regular school day in the student's high school.

219 (4) A student enrolled in an online course may earn more credits in a semester than the
220 number of credits a student may earn by taking a full course load during the regular school day
221 in the student's high school:

222 (a) if the student intends to complete high school graduation requirements, and exit
223 high school, early, in accordance with the student's education/occupation plan (SEOP); or

224 (b) if allowed by local school board or charter school governing board policy.

225 Section 12. Section **53A-15-1308** is enacted to read:

226 **53A-15-1308. Administration of statewide assessments to students enrolled in**
227 **online courses.**

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

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

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

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

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

237 Section 13. **Repealer.**

238 This bill repeals:

239 Section **53A-15-1201, Title.**

240 Section **53A-15-1202, Definitions.**

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

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

- 245 Section 53A-15-1205, Authorized online course providers.
- 246 Section 53A-15-1206, Payment for an online course.
- 247 Section 53A-15-1207, State Board of Education to deduct funds and make
- 248 payments -- Remaining balance to lapse into Uniform School Fund -- Plan for the
- 249 payment of online courses taken by private and home school students.
- 250 Section 53A-15-1208, Course credit acknowledgement.
- 251 Section 53A-15-1209, Online course credit hours included in daily membership --
- 252 **Limitation.**
- 253 Section 53A-15-1210, Administration of statewide assessments to students enrolled
- 254 in online courses.
- 255 Section 53A-15-1211, Report on performance of online course providers.
- 256 Section 53A-15-1212, Dissemination of information on the Statewide Online
- 257 **Education Program.**
- 258 Section 53A-15-1213, State Board of Education -- Rulemaking.
- 259 Section 53A-15-1214, Review by legislative auditor general.
- 260 Section 53A-15-1215, Interim Study.
- 261 Section 14. **Effective date.**
- 262 This bill takes effect on July 1, 2012.

Legislative Review Note
as of 2-13-12 5:10 PM

Office of Legislative Research and General Counsel