{deleted text} shows text that was in SB0178 but was deleted in SB0178S01. inserted text shows text that was not in SB0178 but was inserted into SB0178S01.

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.

Senator Howard A. Stephenson proposes the following substitute bill:

STATEWIDE ONLINE EDUCATION PROGRAM AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: _Howard A. Stephenson

House Sponsor: <u>Bradley M. Daw</u>

LONG TITLE

General Description:

This bill modifies provisions related to the Statewide Online Education Program.

Highlighted Provisions:

This bill:

- requires the program name, "Statewide Online Education Program," to be used in the dissemination of information on the program;
- provides that 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;
- modifies the fees paid to an online course provider for an online course;
- provides for a bonus to an online course provider for a student attaining a certain score on an advanced placement test, International Baccalaureate test, or

end-of-course achievement test administered pursuant to the Utah Performance Assessment System for Students (U-PASS);

}

modifies the date when an online course provider receives payment for an online course;

- prescribes when a student may withdraw from an online course;
- prescribes procedures for the completion of a course credit acknowledgement;
- prohibits a student who enrolls in an online course from being 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;
- permits a student taking an online course to take more than a full course load if allowed under local school board or charter school governing board policy;
- modifies requirements for reports on the performance of an online course provider;
- provides for a declaration of intent to enroll in an online course and changes to a high school course schedule;
- provides for reporting of noncompliance, and enforcement of compliance, with requirements of the Statewide Online Education Program;
- <u>delays the Electronic High School's participation in the Statewide Online Education</u> <u>Program and provides for an audit of the Electronic High School; and</u>
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

{ None} This bill provides revisor instructions.

Utah Code Sections Affected:

AMENDS:

53A-15-1202, as enacted by Laws of Utah 2011, Chapter 419
53A-15-1204, as enacted by Laws of Utah 2011, Chapter 419
<u>53A-15-1205</u>, as enacted by Laws of Utah 2011, Chapter 419
53A-15-1206, as enacted by Laws of Utah 2011, Chapter 419

- **53A-15-1207**, as enacted by Laws of Utah 2011, Chapter 419
- **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-15-1211, as enacted by Laws of Utah 2011, Chapter 419

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

ENACTS:

53A-15-1008, Utah Code Annotated 1953

53A-15-1201.5, Utah Code Annotated 1953

53A-15-1206.5, Utah Code Annotated 1953

53A-15-1212.5, Utah Code Annotated 1953

53A-15-1216, Utah Code Annotated 1953

53A-15-1217, Utah Code Annotated 1953

Uncodified Material Affected:

AMENDS UNCODIFIED MATERIAL:

Uncodified Section 20, Laws of Utah 2011, Chapter 419

This uncodified section affects Sections 53A-15-1002 (Superseded 07/01/12),

53A-15-1002 (Effective 07/01/12), 53A-15-1006 (Superseded 07/01/12), and 53A-15-1006

(Effective 07/01/12).

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

Section 1. Section {53A-15-1201.5}<u>53A-15-1008</u> is enacted to read:

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

(1) The legislative auditor general shall conduct a performance audit of the Electronic

High School.

(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

<u>programs.</u>

Section 2. Section 53A-15-1201.5 is enacted to read:

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.

Section $\frac{2}{2}$. 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.

[(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.

(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.

Section $\{3\}$ <u>4</u>. Section **53A-15-1204** is amended to read:

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; [and]

(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.

Section 5. Section 53A-15-1205 is amended to read:

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

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

(1) beginning with the [2012-13] 2013-14 school year, the Electronic High School established in Part 10, Electronic High School Act;

(2) beginning with the 2011-12 school year, a charter school or district school created exclusively for the purpose of serving students online; and

(3) beginning with the 2011-12 school year, an LEA program, approved by the LEA's governing board, that is created exclusively for the purpose of serving students online.

Section <u>{4}6</u>. 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) 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 core curriculum 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 curriculum requirements 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 curriculum 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 curriculum 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.

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

(a) for a [one semester] <u>.5 credit</u> online course, 50% of the online course fee [upon the student enrolling in the online course] after the withdrawal period described in Section 53A-15-1206.5;

(b) for a [full-year] <u>1 credit</u> online course, 25% of the online course fee [upon the student enrolling in the online course] after the withdrawal period described in Section <u>53A-15-1206.5</u> and 25% of the online course fee upon the beginning of the second [semester] <u>.5 credit of the online course</u>; and

(c) if a student completes a [full-year] <u>1 credit</u> online course within 12 months or a

[one-semester] <u>.5 credit</u> course within nine weeks following the end of [the] <u>a traditional</u> semester, 50% of the online course fee.

[(3)] (5) (a) If a student fails to complete a [one-year] <u>1 credit</u> course within 12 months or a [one-semester] <u>.5 credit</u> course within nine weeks following the end of [the] <u>a traditional</u> 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)] (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 {shall receive a bonus in the amount of:

(a) \$100 for each student who receives a score of 3 or higher on an advanced placement end-of-course exam;

(b) \$100 for each student who receives a score of 4 or higher on an International Baccalaureate end-of-course exam; and

(c) \$50 for each student who receives a score within the highest level of proficiency on an end-of-course achievement test administered under the Utah Performance Assessment System for Students (U-PASS).

<u>Section 5</u>}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).

Section 7. Section 53A-15-1206.5 is enacted to read:

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 <u>{10}20</u> 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 $\frac{10}{20}$ 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 $\frac{10}{20}$ 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 online course as described in Subsection 53A-15-1206(4).

Section {6}8. Section {53A-15-1207}<u>53A-15-1208</u> is amended to read:

53A-15-1207. State Board of Education to deduct funds and make payments --Remaining balance to lapse into Uniform School Fund -- Plan for the payment of online courses taken by private and home school students.

(1) (a) Upon the receipt of a course credit acknowledgment described in Section 53A-15-1208, the State Board of Education shall deduct an amount equal to the online course fee described in Section 53A-15-1206 from funds allocated to the student's primary LEA of enrollment under Chapter 17a, Minimum School Program Act.

(b) Upon receiving verification that an online course provider qualifies for a bonus as provided in Subsection 53A-15-1206(6), the State Board of Education shall deduct an amount equal to the bonus described in Subsection 53A-15-1206(6) from funds allocated to the student's primary LEA of enrollment under Chapter 17a, Minimum School Program Act.

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

(4) 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. Section 7. Section **53A-15-1208** is amended to read:

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-15-1207; and

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

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

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

(3) (a) A course credit acknowledgement may originate with either an online course provider or 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 LEA of enrollment for course selection verification or the online course provider for acceptance.

(c) (i) An 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

 $(\frac{B}{D})$ 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) An 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 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 LEA of enrollment for the purpose of assisting a student with future online course selection.

(h) If an 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) (i) Upon acceptance of a course credit acknowledgement, the 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 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 LEA of enrollment shall forward the IEP or description of 504 accommodations to the online course provider within 72 business hours after the LEA of enrollment receives notice that the online course provider accepted the course credit acknowledgement.

Section $\frac{8}{9}$. Section 53A-15-1209 is amended to read:

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.

[(3)] (4) Except as provided in Subsection [(4)] (5), a student enrolled in an online course may earn no more credits in a [semester] 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 [a high school classroom] the student's primary LEA of enrollment.

[(4)] (5) A student enrolled in an online course may earn more credits in a [semester] year than the number of credits a student may earn <u>in a year</u> by taking a full course load during the regular school day in [a high school classroom] 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.

Section (9)<u>10</u>. Section **53A-15-1211** is amended to read:

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

(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); [and]

(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

[(c)] (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.

Section $\frac{10}{11}$. Section 53A-15-1212 is amended to read:

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 [catalogue] catalog;

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

(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); [and]

(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

[(f)] (g) the online learning provider's pupil-teacher ratio for the online courses combined.

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

[(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; and]

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

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

Section <u>{11}12</u>. Section **53A-15-1212.5** is enacted to read:

<u>53A-15-1212.5.</u> Declaration of intent to enroll in an online course -- Adding or dropping an online course.

(1) To provide an LEA and online course providers with estimates of online course enrollment, a declaration of intent to enroll in online courses pursuant to Section 53A-15-1204 may take place during the high school course registration period designated by the LEA.

(2) Notwithstanding Subsection (1), a student may enroll in an online course at any time during a calendar year if:

(a) the online course is open for enrollment;

(b) the student meets the course prerequisites;

(c) the online course is aligned with the student's SEOP;

(d) the student is enrolled in online courses for no more than the total number of credits as provided in Section 53A-15-1205; and

(e) the student does not take more than a full course load for the year as provided in Section 53A-15-1209.

(3) (a) Except as provided in Subsection (3)(b), a student may drop a traditional classroom course within 10 school calendar days of the start of the traditional classroom course.

(b) If a student's high school counselor is not able to process a request to enroll in an online course within 10 school calendar days of the start of the traditional classroom course, the deadline for dropping the course and enrolling in an online course shall be extended to the earliest possible date the counselor can accommodate the schedule change.

Section $\frac{12}{13}$. Section 53A-15-1216 is enacted to read:

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.

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Legislative Review Note

as of 2-10-12 8:40 AM

Section 14. Section 53A-15-1217 is enacted to read:

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.

Section 15. Uncodified Section 20, Laws of Utah 2011, Chapter 419 is amended to read:

Section 20. Effective date.

<u>This bill takes effect on July 1, 2011, except the amendments to Sections 53A-15-1002</u> and 53A-15-1006 take effect on July 1, [2012] 2013.

Section 16. Revisor instructions.

<u>The Legislature intends that the Office of Legislative Research and General Counsel, in</u> preparing the Utah Code database for publication, change the effective date in Sections 53A-15-1002 (Superseded 07/01/12), 53A-15-1002 (Effective 07/01/12), 53A-15-1006 (Superseded 07/01/12), and 53A-15-1006 (Effective 07/01/12) from July 1, 2012 to July 1, 2013.