

**STATEWIDE ONLINE EDUCATION PROGRAM AMENDMENTS**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Howard A. Stephenson**

House Sponsor: Bradley M. Daw

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**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



- 28 released-time class would result in the student being counted as more than one FTE;
- 29       ▶ permits a student taking an online course to take more than a full course load if
- 30 allowed under local school board or charter school governing board policy;
- 31       ▶ modifies requirements for reports on the performance of an online course provider;
- 32       ▶ provides for a declaration of intent to enroll in an online course and changes to a
- 33 high school course schedule;
- 34       ▶ provides for reporting of noncompliance, and enforcement of compliance, with
- 35 requirements of the Statewide Online Education Program; and
- 36       ▶ makes technical changes.

**37 Money Appropriated in this Bill:**

38       None

**39 Other Special Clauses:**

40       None

**41 Utah Code Sections Affected:**

42 **AMENDS:**

- 43       **53A-15-1202**, as enacted by Laws of Utah 2011, Chapter 419
- 44       **53A-15-1204**, as enacted by Laws of Utah 2011, Chapter 419
- 45       **53A-15-1206**, as enacted by Laws of Utah 2011, Chapter 419
- 46       **53A-15-1207**, as enacted by Laws of Utah 2011, Chapter 419
- 47       **53A-15-1208**, as enacted by Laws of Utah 2011, Chapter 419
- 48       **53A-15-1209**, as enacted by Laws of Utah 2011, Chapter 419
- 49       **53A-15-1211**, as enacted by Laws of Utah 2011, Chapter 419
- 50       **53A-15-1212**, as enacted by Laws of Utah 2011, Chapter 419

51 **ENACTS:**

- 52       **53A-15-1201.5**, Utah Code Annotated 1953
- 53       **53A-15-1206.5**, Utah Code Annotated 1953
- 54       **53A-15-1212.5**, Utah Code Annotated 1953
- 55       **53A-15-1216**, Utah Code Annotated 1953

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

58       Section 1. Section **53A-15-1201.5** is enacted to read:

59 **53A-15-1201.5. Program name.**

60 (1) The program created under this part shall be known as the "Statewide Online  
61 Education Program."

62 (2) The program name, "Statewide Online Education Program," shall be used in the  
63 dissemination of information on the program.

64 Section 2. Section **53A-15-1202** is amended to read:

65 **53A-15-1202. Definitions.**

66 As used in this part:

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

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

72 [~~(3) "Charter high school" means a charter school in which only students in grades 9,~~  
73 ~~10, 11, or 12 are enrolled.]~~

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

77 [(5)] (1) "District school" means a public school under the control of a local school  
78 board elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local  
79 School Boards.

80 [(6)] (2) "Eligible student" means:

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

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

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

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

85 [(7)] (3) "LEA" means a local education agency in Utah that has administrative control  
86 and direction for public education.

87 [(8)] (4) "Online course" means a course of instruction offered by the Statewide Online  
88 Education Program through the use of digital technology.

89 [(9)] (5) "Primary LEA of enrollment" means the LEA in which an eligible student is

90 enrolled for courses other than online courses offered through the Statewide Online Education  
91 Program.

92 (6) "Released-time" means a period of time during the regular school day a student is  
93 excused from school at the request of the student's parent or guardian pursuant to rules of the  
94 State Board of Education.

95 Section 3. Section **53A-15-1204** is amended to read:

96 **53A-15-1204. Option to enroll in online courses offered through the Statewide**  
97 **Online Education Program.**

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

- 100 (a) the student meets the course prerequisites; and
- 101 (b) the course is open for enrollment.

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

- 104 (a) in the 2011-12 and 2012-13 school years, two credits;
- 105 (b) in the 2013-14 school year, three credits;
- 106 (c) in the 2014-15 school year, four credits;
- 107 (d) in the 2015-16 school year, five credits; and
- 108 (e) beginning with the 2016-17 school year, six credits.

109 (3) Notwithstanding Subsection (2):

- 110 (a) a student's primary LEA of enrollment may allow an eligible student to enroll in  
111 online courses for more than the number of credits specified in Subsection (2); or
- 112 (b) upon the request of an eligible student, the State Board of Education may allow the  
113 student to enroll in online courses for more than the number of credits specified in Subsection  
114 (2), if the online courses better meet the academic goals of the student.

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

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

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

- 121 (5) An eligible student's primary LEA of enrollment may not:
- 122 (a) impose restrictions on a student's selection of an online course that fulfills
- 123 graduation requirements and is consistent with the student's SEOP or post-secondary plans; or
- 124 (b) give preference to an online course or online course provider.

125 (6) The State Board of Education, including an employee of the State Board of  
 126 Education, may not give preference to an online course or online course provider.

127 Section 4. Section **53A-15-1206** is amended to read:

128 **53A-15-1206. Payment for an online course.**

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

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

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

132 (1) For the 2012-13 school year, the fee for a .5 credit online course or .5 credit of a 1  
 133 credit online course is:

134 (a) \$200 for the following core curriculum courses, except a concurrent enrollment  
 135 course:

136 (i) financial literacy;

137 (ii) health;

138 (iii) fitness for life; and

139 (iv) computer literacy;

140 (b) \$200 for driver education;

141 (c) \$250 for a course that meets core curriculum requirements in fine arts or career and  
 142 technical education, except a concurrent enrollment course;

143 (d) \$300 for the following courses:

144 (i) a course that meets core curriculum requirements in social studies, except a  
 145 concurrent enrollment course; and

146 (ii) a world language course, except a concurrent enrollment course;

147 (e) \$350 for the following courses:

148 (i) a course that meets core curriculum requirements for language arts, mathematics, or  
 149 science; and

150 (ii) a concurrent enrollment course; and

151 (f) \$250 for a course not described in Subsections (1)(a) through (e).

152 (2) If a course meets the requirements of more than one course fee category described  
153 in Subsection (1), the course fee shall be the lowest of the applicable course fee categories.

154 (3) Beginning with the 2013-14 school year, the online course fees described in  
155 Subsection (1) shall be adjusted each school year in accordance with the percentage change in  
156 value of the weighted pupil unit from the previous school year.

157 [~~2~~] (4) An online learning provider shall receive payment for an online course as  
158 follows:

159 (a) for a [~~one semester~~] .5 credit online course, 50% of the online course fee [~~upon the~~  
160 ~~student enrolling in the online course~~] after the withdrawal period described in Section  
161 53A-15-1206.5;

162 (b) for a [~~full-year~~] 1 credit online course, 25% of the online course fee [~~upon the~~  
163 ~~student enrolling in the online course~~] after the withdrawal period described in Section  
164 53A-15-1206.5 and 25% of the online course fee upon the beginning of the second [~~semester~~  
165 .5 credit of the online course; and

166 (c) if a student completes a [~~full-year~~] 1 credit online course within 12 months or a  
167 [~~one-semester~~] .5 credit course within nine weeks following the end of [~~the~~] a traditional  
168 semester, 50% of the online course fee.

169 [~~3~~] (5) (a) If a student fails to complete a [~~one-year~~] 1 credit course within 12 months  
170 or a [~~one-semester~~] .5 credit course within nine weeks following the end of [~~the~~] a traditional  
171 semester, the student may continue to be enrolled in the course until the student graduates from  
172 high school.

173 (b) To encourage an online course provider to provide remediation to a student who  
174 remains enrolled in an online course pursuant to Subsection [~~3~~] (5)(a) and avoid the need for  
175 credit recovery, an online course provider shall receive a payment equal to 30% of the online  
176 course fee if the student completes the online course before the student graduates from high  
177 school.

178 (6) An online course provider shall receive a bonus in the amount of:

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

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

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

186 Section 5. Section **53A-15-1206.5** is enacted to read:

187 **53A-15-1206.5. Withdrawal from an online course.**

188 (1) An online course provider shall establish a start date for an online course, including  
189 a start date for the second .5 credit of a 1 credit online course.

190 (2) Except as provided in Subsection (3), a student may withdraw from an online  
191 course:

192 (a) within 10 school calendar days of the start date, if the student enrolls in an online  
193 course on or before the start date established pursuant to Subsection (1); or

194 (b) within 10 school calendar days of enrolling in the online course, if the student  
195 enrolls in an online course after the start date established pursuant to Subsection (1).

196 (3) (a) A student may withdraw from a 1 credit online course within 10 school calendar  
197 days of the start date of the second .5 credit of the online course.

198 (b) An online course provider shall refund a payment received for the second .5 credit  
199 of an online course if a student withdraws from the online course pursuant to Subsection (3)(a).

200 (c) If a student withdraws from a 1 credit online course as provided in Subsection  
201 (3)(a), the online course provider shall receive payment for the student's completion of .5 credit  
202 of the 1 credit course in the same manner as an online course provider receives payment for a  
203 student's completion of a .5 online course as described in Subsection 53A-15-1206(4).

204 Section 6. Section **53A-15-1207** is amended to read:

205 **53A-15-1207. State Board of Education to deduct funds and make payments --**  
206 **Remaining balance to lapse into Uniform School Fund -- Plan for the payment of online**  
207 **courses taken by private and home school students.**

208 (1) (a) Upon the receipt of a course credit acknowledgment described in Section  
209 53A-15-1208, the State Board of Education shall deduct an amount equal to the online course  
210 fee described in Section 53A-15-1206 from funds allocated to the student's primary LEA of  
211 enrollment under Chapter 17a, Minimum School Program Act.

212 (b) Upon receiving verification that an online course provider qualifies for a bonus as  
213 provided in Subsection 53A-15-1206(6), the State Board of Education shall deduct an amount

214 equal to the bonus described in Subsection 53A-15-1206(6) from funds allocated to the  
215 student's primary LEA of enrollment under Chapter 17a, Minimum School Program Act.

216 (2) From money deducted under Subsection (1), the State Board of Education shall  
217 make payments to the student's online course provider as provided in Section 53A-15-1206.

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

220 (4) The Legislature shall establish a plan, which shall take effect beginning on July 1,  
221 2013, for the payment of online courses taken by a private school or home school student.

222 Section 7. Section **53A-15-1208** is amended to read:

223 **53A-15-1208. Course credit acknowledgement.**

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

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

229 (a) the online course provider shall receive a payment in the amount provided under  
230 Section 53A-15-1207; and

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

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

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

239 (3) (a) A course credit acknowledgement may originate with either an online course  
240 provider or LEA of enrollment.

241 (b) The originating entity shall submit the course credit acknowledgement to the State  
242 Board of Education who shall forward it to the LEA of enrollment for course selection  
243 verification or the online course provider for acceptance.

244 (c) (i) An LEA of enrollment may only reject a course credit acknowledgement if:



- 245 (A) the online course is not aligned with the student's SEOP; or  
246 (B) the number of online course credits exceeds the maximum allowed for the year as  
247 provided in Section 53A-15-1204.
- 248 (ii) Verification of alignment of an online course with a student's SEOP does not  
249 require a meeting with the student.
- 250 (d) An online course provider may only reject a course credit acknowledgement if:  
251 (i) the student does not meet course prerequisites; or  
252 (ii) the course is not open for enrollment.
- 253 (e) An LEA of enrollment or online course provider shall submit an acceptance or  
254 rejection of a course credit acknowledgement to the State Board of Education within 72  
255 business hours of the receipt of a course credit acknowledgement from the State Board of  
256 Education pursuant to Subsection (3)(b).
- 257 (f) If an online course provider accepts a course credit acknowledgement, the online  
258 course provider shall forward to the LEA of enrollment the online course start date as  
259 established under Section 53A-15-1206.5.
- 260 (g) If an online course provider rejects a course credit acknowledgement, the online  
261 course provider shall include an explanation which the State Board of Education shall forward  
262 to the LEA of enrollment for the purpose of assisting a student with future online course  
263 selection.
- 264 (h) If an LEA of enrollment does not submit an acceptance or rejection of a course  
265 credit acknowledgement to the State Board of Education within 72 business hours of the  
266 receipt of a course credit acknowledgement from the State Board of Education pursuant to  
267 Subsection (3)(b), the State Board of Education shall consider the course credit  
268 acknowledgement accepted.
- 269 (i) (i) Upon acceptance of a course credit acknowledgement, the LEA of enrollment  
270 shall notify the student of the acceptance and the start date for the online course as established  
271 under Section 53A-15-1206.5.
- 272 (ii) Upon rejection of a course credit acknowledgement, the LEA of enrollment shall  
273 notify the student of the rejection and provide an explanation of the rejection.
- 274 (j) If the online course student has an individual education plan (IEP) or 504  
275 accommodations, the LEA of enrollment shall forward the IEP or description of 504

276 accommodations to the online course provider within 72 business hours after the LEA of  
 277 enrollment receives notice that the online course provider accepted the course credit  
 278 acknowledgement.

279 Section 8. Section **53A-15-1209** is amended to read:

280 **53A-15-1209. Online course credit hours included in daily membership --**  
 281 **Limitation.**

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

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

287 (3) A student who enrolls in an online course may not be counted in membership for a  
 288 released-time class, if counting the student in membership for a released-time class would  
 289 result in the student being counted as more than one FTE.

290 [~~(3)~~] (4) Except as provided in Subsection [~~(4)~~] (5), a student enrolled in an online  
 291 course may earn no more credits in a [~~semester~~] year than the number of credits a student may  
 292 earn in a year by taking a full course load during the regular school day in [~~a high school~~  
 293 ~~classroom~~] the student's primary LEA of enrollment.

294 [~~(4)~~] (5) A student enrolled in an online course may earn more credits in a [~~semester~~]  
 295 year than the number of credits a student may earn in a year by taking a full course load during  
 296 the regular school day in [~~a high school classroom~~] the student's primary LEA of enrollment:

297 (a) if the student intends to complete high school graduation requirements, and exit  
 298 high school, early, in accordance with the student's education/occupation plan (SEOP)[~~;~~]; or  
 299 (b) if allowed under local school board or charter school governing board policy.

300 Section 9. Section **53A-15-1211** is amended to read:

301 **53A-15-1211. Report on performance of online course providers.**

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

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

306 [~~(a) data on the performance of the online course provider's students on statewide~~

307 ~~assessments administered under Chapter 1, Part 6, Achievement Tests;]~~

308 (a) scores aggregated by test on statewide assessments administered under Chapter 1,  
309 Part 6, Achievement Tests, taken by students at the end of an online course offered through the  
310 Statewide Online Education Program;

311 (b) the percentage of the online course provider's students who complete online courses  
312 within the applicable time period specified in Subsection 53A-15-1206(4)(c); [and]

313 (c) the percentage of the online course provider's students who complete online courses  
314 after the applicable time period specified in Subsection 53A-15-1206(4)(c) and before the  
315 student graduates from high school; and

316 ~~[(e)]~~ (d) the pupil-teacher ratio for the combined online courses of the online course  
317 provider.

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

320 Section 10. Section **53A-15-1212** is amended to read:

321 **53A-15-1212. Dissemination of information on the Statewide Online Education**  
322 **Program.**

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

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

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

328 (c) a directory of online course providers;

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

330 (e) a report on the performance of online course providers as required by Section  
331 53A-15-1211.

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

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

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

337 (c) a course ~~[catalogue]~~ catalog;

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

340 (d) scores aggregated by test on statewide assessments administered under Chapter 1,  
341 Part 6, Achievement Tests, taken by students at the end of an online course offered through the  
342 Statewide Online Education Program;

343 (e) the percentage of an online course provider's students who complete online courses  
344 within the applicable time period specified in Subsection 53A-15-1206(4)(c); [and]

345 (f) the percentage of an online course provider's students who complete online courses  
346 after the applicable time period specified in Subsection 53A-15-1206(4)(c) and before the  
347 student graduates from high school; and

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

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

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

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

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

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

358 Section 11. Section **53A-15-1212.5** is enacted to read:

359 **53A-15-1212.5. Declaration of intent to enroll in an online course -- Adding or**  
360 **dropping an online course.**

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

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

366 (a) the online course is open for enrollment;

367 (b) the student meets the course prerequisites;

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

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

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

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

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

380 Section 12. Section **53A-15-1216** is enacted to read:

381 **53A-15-1216. Report of noncompliance -- Action to ensure compliance.**

382 (1) The state superintendent shall report to the State Board of Education any report of  
383 noncompliance of this part made to a member of the staff of the State Board of Education.

384 (2) The State Board of Education shall take appropriate action to ensure compliance  
385 with this part.

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**Legislative Review Note**

**as of 2-10-12 8:40 AM**

**Office of Legislative Research and General Counsel**