

SB0080S01 compared with SB0080

~~text~~ shows text that was in SB0080 but was deleted in SB0080S01.

text shows text that was not in SB0080 but was inserted into SB0080S01.

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Senator Howard A. Stephenson proposes the following substitute bill:

STATEWIDE ONLINE EDUCATION AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ provides that a student's participation in the Statewide Online Education Program is not considered dual enrollment;
- ▶ allows an institution within the state system of higher education to offer a secondary school level course or a concurrent enrollment course through the Statewide Online Education Program;
- ▶ provides that the website for the Statewide Online Education Program includes:
 - a directory of available online courses with the online course provider listed for each course; and

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- a registration page where a parent or guardian may submit an online course request;
- ▶ specifies procedures for course registration, the payment of online course fees, and services for a student with a disability that are applicable to a private school or home school student enrolled in the program; and
- ▶ makes technical amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-15-1202, as last amended by Laws of Utah 2012, Chapter 238

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

53A-15-1204, as last amended by Laws of Utah 2012, Chapter 238

53A-15-1205, as last amended by Laws of Utah 2012, Chapter 238

53A-15-1207, as last amended by Laws of Utah 2012, Chapter 238

53A-15-1208, as last amended by Laws of Utah 2012, Chapter 238

~~{ **53A-15-1209**, as last amended by Laws of Utah 2012, Chapter 238~~

{ **53A-15-1212**, as last amended by Laws of Utah 2012, Chapter 238

53B-2a-106, as last amended by Laws of Utah 2009, Chapter 346

ENACTS:

53A-15-1211.3, Utah Code Annotated 1953

53A-15-1218, Utah Code Annotated 1953

53B-16-108, Utah Code Annotated 1953

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

Section 1. Section **53A-15-1202** is amended to read:

53A-15-1202. Definitions.

As used in this part:

(1) "District school" means a public school under the control of a local school board

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elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.

(2) (a) "Eligible student" means:

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

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

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

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

(b) "Eligible student" includes a student in a grade below grade 9 if the student's primary LEA of enrollment allows the student to take a course required for high school graduation.

(3) "Individualized education program" or "IEP" means a written statement for a student with a disability that is developed, reviewed, and revised in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

~~(3)~~ (4) "LEA" means a local education agency in Utah that has administrative control and direction for public education.

~~(4)~~ (5) "Online course" means a course of instruction offered by the Statewide Online Education Program through the use of digital technology.

~~(5)~~ (6) "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)~~ (7) "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.

(8) "Student education/occupation plan" or "SEOP" has the meaning defined in Section 53A-1a-106.

Section 2. Section **53A-15-1203** is amended to read:

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

(1) The Statewide Online Education Program is created to enable an eligible student to earn high school graduation credit through the completion of publicly funded online courses.

(2) Pursuant to Utah Constitution, Article X, Section 2, the Statewide Online

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Education Program is designated as a program of the public education system.

(3) A student's participation in the Statewide Online Education Program is not considered dual enrollment under Section 53A-11-102.5.

~~[(3)]~~ (4) The purposes of an online school are to:

(a) provide a student with access to online learning options regardless of where the student attends school, whether a public, private, or home school;

(b) provide high quality learning options for a student regardless of language, residence, family income, or special needs;

(c) provide online learning options to allow a student to acquire the knowledge and technology skills necessary in a digital world;

(d) utilize the power and scalability of technology to customize education so that a student may learn in the student's own style preference and at the student's own pace;

(e) utilize technology to remove the constraints of traditional classroom learning, allowing a student to access learning virtually at any time and in any place and giving the student the flexibility to take advantage of the student's peak learning time;

(f) provide personalized learning, where a student can spend as little or as much time as the student needs to master the material;

(g) provide greater access to self-paced programs enabling a high achieving student to accelerate academically, while a struggling student may have additional time and help to gain competency;

(h) allow a student to customize the student's schedule to better meet the student's academic goals;

(i) provide quality learning options to better prepare a student for post-secondary education and vocational or career opportunities; and

(j) allow a student to have an individualized educational experience.

Section 3. 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) (a) Subject to the course limitations provided in Subsection (2) and except as provided in Subsection (1)(b), an eligible student may enroll in an online course offered through the Statewide Online Education Program if:

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~~[(a)]~~ (i) the student meets the course prerequisites;

~~[(b)]~~ (ii) the course is open for enrollment;

~~[(c)]~~ (iii) the online course is aligned with the student's student education/occupation plan (SEOP);

~~[(d)]~~ (iv) the online course is consistent with the student's [~~individual education plan~~] individualized education program (IEP), if the student has an IEP; and

~~[(e)]~~ (v) the online course is consistent with the student's international baccalaureate program, if the student is participating in an international baccalaureate program.

(b) The requirement of Subsection (1)(a)(iii) does not apply to a private school or home school student.

(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

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graduation requirements and is consistent with the student's SEOP or post-secondary plans; or

(b) give preference to an online course or online course provider.

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

(7) (a) Except as provided in Subsection (7)(b), a person may not provide an inducement or incentive to a public school student to participate in the Statewide Online Education Program.

(b) For purposes of Subsection (7)(a):

(i) "Inducement or incentive" does not mean:

(A) instructional materials or software necessary to take an online course; or

(B) access to a computer or digital learning device for the purpose of taking an online course.

(ii) "Person" does not include a relative of the public school student.

Section 4. 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 2011-12 school year,~~] a charter school or district school created exclusively for the purpose of serving students online; [~~and~~]

(2) [~~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[-]; and

(3) a program of an institution of higher education [listed in Section 53B-2-101](#) that:

(a) offers secondary school level courses or concurrent enrollment courses; and

(b) is created exclusively for the purpose of serving students online.

Section 5. Section **53A-15-1207** is amended to read:

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

(1) (a) The State Board of Education shall deduct money from funds allocated to the student's primary LEA of enrollment under Chapter 17a, Minimum School Program Act, to pay for online course fees.

(b) Money shall be deducted under Subsection (1) in the amount and at the time an

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online course provider qualifies to receive payment for an online course as provided in Subsection 53A-15-1206(4).

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

~~[(3) The Legislature shall establish a plan, which shall take effect beginning on July 1, 2013, for the payment of online courses taken by a private school or home school student.]~~

(3) From money appropriated for the participation of private school and home school students in the Statewide Online Education Program, the State Board of Education shall make payments to a private school or home school student's online course provider as provided in Section 53A-15-1206.

Section 6. Section **53A-15-1208** is amended to read:

53A-15-1208. Course credit acknowledgment for a public school student.

(1) A student's primary LEA of enrollment and the student's online course provider shall enter into a course credit acknowledgment 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 acknowledgment for a public school student shall provide that:

(a) the online course provider shall receive a payment in the amount provided under Section 53A-15-1206; and

(b) the student's primary LEA of enrollment acknowledges that the State Board of Education will deduct funds allocated to the LEA under Chapter 17a, Minimum School Program Act, in the amount and at the time the online course provider qualifies to receive payment for the online course as provided in Subsection 53A-15-1206(4).

(3) (a) A course credit acknowledgment for a public school student may originate with either an online course provider or primary LEA of enrollment.

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

(c) (i) A primary LEA of enrollment may only reject a course credit acknowledgment if:

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- (A) the online course is not aligned with the student's SEOP;
- (B) the online course is not consistent with the student's IEP, if the student has an IEP;
- (C) the online course is not consistent with the student's international baccalaureate program, if the student participates in an international baccalaureate program; or
- (D) the number of online course credits exceeds the maximum allowed for the year as provided in Section 53A-15-1204.

(ii) Verification of alignment of an online course with a student's SEOP does not require a meeting with the student.

(d) An online course provider may only reject a course credit acknowledgment if:

- (i) the student does not meet course prerequisites; or
- (ii) the course is not open for enrollment.

(e) A primary LEA of enrollment or online course provider shall submit an acceptance or rejection of a course credit acknowledgment to the State Board of Education within 72 business hours of the receipt of a course credit acknowledgment from the State Board of Education pursuant to Subsection (3)(b).

(f) If an online course provider accepts a course credit acknowledgment, the online course provider shall forward to the primary LEA of enrollment the online course start date as established under Section 53A-15-1206.5.

(g) If an online course provider rejects a course credit acknowledgment, the online course provider shall include an explanation which the State Board of Education shall forward to the primary LEA of enrollment for the purpose of assisting a student with future online course selection.

(h) If a primary LEA of enrollment does not submit an acceptance or rejection of a course credit acknowledgment to the State Board of Education within 72 business hours of the receipt of a course credit acknowledgment from the State Board of Education pursuant to Subsection (3)(b), the State Board of Education shall consider the course credit acknowledgment accepted.

(i) (i) Upon acceptance of a course credit acknowledgment, the primary LEA of enrollment shall notify the student of the acceptance and the start date for the online course as established under Section 53A-15-1206.5.

(ii) Upon rejection of a course credit acknowledgment, the primary LEA of enrollment

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shall notify the student of the rejection and provide an explanation of the rejection.

(j) If the online course student has an individual education plan (IEP) or 504 accommodations, the primary LEA of enrollment shall forward the IEP or description of 504 accommodations to the online course provider within 72 business hours after the primary LEA of enrollment receives notice that the online course provider accepted the course credit acknowledgment.

(4) (a) A primary LEA of enrollment may not reject a course credit acknowledgment, because the LEA is negotiating, or intends to negotiate, an online course fee with the online course provider pursuant to Subsection 53A-15-1206(6).

(b) If a primary LEA of enrollment negotiates an online course fee with an online course provider before the start date of an online course, a course credit acknowledgment may be amended to reflect the negotiated online course fee.

Section 7. Section ~~{53A-15-1209}~~ 53A-15-1211.3 is ~~{amended to read:~~

~~——— 53A-15-1209. Online course credit hours included in daily membership --
Limitation -- Exception for a private school or home school student.~~

~~——— (1) Subject to Subsection (2) and except as provided in Subsection (6), a student's primary LEA of enrollment shall include online course credit hours in calculating daily membership.~~

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

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

~~——— (4) Except as provided in Subsection (5), a student enrolled in an online course may earn no more credits in a year than the number of credits a student may earn in a year by taking a full course load during the regular school day in the student's primary LEA of enrollment.~~

~~——— (5) A student enrolled in an online course may earn more credits in a year than the number of credits a student may earn in a year by taking a full course load during the regular school day in the student's primary LEA of enrollment:~~

~~——— (a) if the student intends to complete high school graduation requirements, and exit~~

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~~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.~~

~~(6) A public school may not include online course credit hours of a private school or home school student in calculating daily membership.~~

~~Section 8. Section 53A-15-1211.3 is enacted to read:~~

~~†enacted to read:~~

53A-15-1211.3. Course credit acknowledgment for a private school or home school student.

(1) The terms of a course credit acknowledgment for a private school or home school student include:

(a) the online course provider shall acknowledge that the online course provider is responsible for the instruction of the student in a specified online course; and

(b) the online course provider shall receive a payment in the amount provided under Section 53A-15-1206.

(2) A course credit acknowledgment for a private school or home school student may originate with either an online course provider or the student's parent or guardian.

(3) An online course provider may only reject a course credit acknowledgment if:

(a) the private school or home school student does not meet course prerequisites; or

(b) the course is not open for enrollment.

(4) If an online course provider accepts a course credit acknowledgment for a private school or home school student, the online course provider shall notify the student's parent or guardian of the online course start date as established under Section 53A-15-1206.5.

(5) If an online course provider rejects a course credit acknowledgment for a private school or home school student, the online course provider shall notify the student's parent or guardian and include an explanation for the purpose of assisting the student with future online course selection.

Section ~~{9}~~8. 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:

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(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 available online courses with the online course [providers] provider listed for each online course;

(d) a link to ~~[a course catalog for]~~ each online course ~~[provider]~~ provider's website;
[and]

(e) a report on the performance of online course providers as required by Section 53A-15-1211[-]; and

(f) a registration page for a parent or guardian to submit an online course request, which the State Board of Education shall forward to a student's primary LEA of enrollment and the online course provider for verification and execution.

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

(a) a description of the Statewide Online Education Program, including its purposes;
(b) information on who is eligible to enroll, and how an eligible student may enroll, in an online course;

(c) a course catalog;

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

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

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

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

Section ~~10}9~~. Section **53A-15-1218** is enacted to read:

53A-15-1218. Services to a private school or home school student with a disability.

A private school or home school student with a disability who enrolls in an online course, and who may need additional education services or accommodations, may request

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appropriate education services or accommodations through the student's school district of residence.

Section ~~{11}~~10. Section **53B-2a-106** is amended to read:

53B-2a-106. College campuses -- Duties.

(1) Each Utah College of Applied Technology college campus shall, within the geographic area served by the college campus:

(a) offer a non-credit post-secondary and secondary career and technical education curriculum;

(b) offer that curriculum at:

(i) low cost to adult students, as approved by the board of trustees; and

(ii) no tuition to secondary students;

(c) provide career and technical education that will result in:

(i) appropriate licensing, certification, or other evidence of completion of training; and

(ii) qualification for specific employment, with an emphasis on high demand, high wage, and high skill jobs in business and industry;

(d) develop cooperative agreements with school districts, charter schools, other higher education institutions, businesses, industries, and community and private agencies to maximize the availability of instructional facilities within the geographic area served by the college campus; and

(e) after consulting with school districts and charter schools within the geographic area served by the college campus:

(i) ensure that secondary students in the public education system have access to career and technical education at each college campus; and

(ii) prepare and submit an annual report to the Utah College of Applied Technology detailing:

(A) how the career and technical education needs of secondary students within the region are being met;

(B) what access secondary students within the region have to programs offered at college campuses;

(C) how the emphasis on high demand, high wage, high skill jobs in business and industry described in Subsection (1)(c)(ii) is being provided; and

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(D) student tuition and fees.

(2) A college campus may offer:

(a) a competency-based high school diploma approved by the State Board of Education in accordance with Section 53A-1-402;

(b) non-credit, basic instruction in areas such as reading, language arts, and mathematics that are necessary for student success in a chosen career and technical education or job-related program; ~~and~~

(c) non-credit courses of interest when similar offerings to the community are limited and courses are financially self-supporting~~[-];~~ and

(d) secondary school level courses ~~for concurrent enrollment courses~~ through the Statewide Online Education Program created in Title 53A, Chapter 15, Part 12, Statewide Online Education Program Act.

(3) ~~[A]~~ Except as provided in Subsection (2)(d), a college campus may not:

(a) offer courses other than non-credit career and technical education or the non-credit, basic instruction described in Subsections (2)(b) and (c);

(b) offer a degree;

(c) offer career and technical education or basic instruction outside the geographic area served by the college campus without a cooperative agreement between an affected institution, except as provided in Subsection (6);

(d) provide tenure or academic rank for its instructors; and

(e) participate in intercollegiate athletics.

(4) The mission of a college campus is limited to non-credit career and technical education and may not expand to include credit-based academic programs typically offered by community colleges or other institutions of higher education.

(5) A campus shall be recognized as a college campus of the Utah College of Applied Technology, and regional affiliation shall be retained and recognized through local designations such as "Bridgerland Applied Technology College: A Utah College of Applied Technology Campus."

(6) (a) A college campus may offer career and technical education or basic instruction outside the geographic area served by the college campus without a cooperative agreement, as required in Subsection (3)(c), if:

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(i) the career and technical education or basic instruction is specifically requested by:

- (A) an employer; or
- (B) a craft, trade, or apprenticeship program;

(ii) the college campus notifies the affected institution about the request; and

(iii) the affected institution is given an opportunity to make a proposal, prior to any contract being finalized or training being initiated by the college campus, to the employer, craft, trade, or apprenticeship program about offering the requested career and technical education or basic instruction, provided that the proposal shall be presented no later than one business week from the delivery of the notice described under Subsection (6)(b).

(b) The requirements under Subsection (6)(a)(iii) do not apply if there is a prior training relationship.

Section ~~{12}~~11. Section **53B-16-108** is enacted to read:

53B-16-108. Courses offered through the Statewide Online Education Program.

An institution of higher education listed in Section 53B-2-101 may offer secondary school level courses or concurrent enrollment courses through the Statewide Online Education Program created in Title 53A, Chapter 15, Part 12, Statewide Online Education Program Act.

†

Legislative Review Note

~~as of 3-3-14 7:40 AM~~

~~Office of Legislative Research and General Counsel~~