

STUDENT ACCESS TO ONLINE COURSES

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kim F. Coleman

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions of the Statewide Online Education Program Act.

Highlighted Provisions:

This bill:

- ▶ amends provisions authorizing an eligible student to enroll in an online course;
- ▶ removes a limitation on the number of online credits an eligible student may enroll in;
- ▶ requires a primary LEA of enrollment to provide physical space and technology for an eligible student to access an online course under certain conditions; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

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

REPEALS:

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



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

Section 1. 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 eligible student meets the course prerequisites;

(b) the online course is open for enrollment; and

~~[(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.]~~

(c) (i) the eligible student's school:

(A) offers the course but the course is full at the same specific time that the eligible student intends to enroll; or

(B) does not offer the course but the same or similar course is offered as an online course; or

(ii) the student desires to take the course.

(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~~] in the 2016-17 school year, six credits[~~-~~]; and

(f) beginning with the 2017-18 school year, an unlimited number of credits subject to Section [53A-15-1209](#).

~~[(3) Notwithstanding Subsection (2):]~~

59 ~~[(a) a student's primary LEA of enrollment may allow an eligible student to enroll in~~
 60 ~~online courses for more than the number of credits specified in Subsection (2); or]~~

61 ~~[(b) upon the request of an eligible student, the State Board of Education may allow the~~
 62 ~~student to enroll in online courses for more than the number of credits specified in Subsection~~
 63 ~~(2), if the online courses better meet the academic goals of the student.]~~

64 ~~[(4)]~~ (3) An eligible student's primary LEA of enrollment:

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

68 (b) shall assist an eligible student in scheduling courses in accordance with the
 69 student's SEOP, graduation requirements, and the student's post-secondary plans~~[-]; and~~

70 (c) if the primary LEA of enrollment has a campus, shall provide physical space and
 71 the technology necessary for the eligible student to access an online course if the eligible
 72 student intends to access the online course on a campus of the primary LEA of enrollment.

73 (5) An eligible student's primary LEA of enrollment may not:

74 (a) impose restrictions on a student's selection of an online course ~~[that fulfills~~
 75 ~~graduation requirements and is consistent with the student's SEOP or post-secondary plans]; or~~

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

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

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

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

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

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

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

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

88 Section 2. Section 53A-15-1208 is amended to read:

89 **53A-15-1208. Course credit acknowledgement.**

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

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

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

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

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

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

106 (c) ~~(f)~~ A primary LEA of enrollment may ~~[only]~~ not reject a course credit
107 acknowledgement ~~[if:]~~.

108 ~~[(A) the online course is not aligned with the student's SEOP;]~~

109 ~~[(B) the online course is not consistent with the student's IEP, if the student has an
110 IEP;]~~

111 ~~[(C) the online course is not consistent with the student's international baccalaureate
112 program, if the student participates in an international baccalaureate program; or]~~

113 ~~[(D) the number of online course credits exceeds the maximum allowed for the year as
114 provided in Section 53A-15-1204.]~~

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

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

118 (i) the student does not meet course prerequisites; or

119 (ii) the course is not open for enrollment.

120 (e) A primary LEA of enrollment or online course provider shall submit an acceptance

121 or rejection of a course credit acknowledgement to the State Board of Education within 72
122 business hours of the receipt of a course credit acknowledgement from the State Board of
123 Education pursuant to Subsection (3)(b).

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

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

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

136 (i) [(†)] Upon acceptance of a course credit acknowledgement, the primary LEA of
137 enrollment shall notify the student of the acceptance and the start date for the online course as
138 established under Section [53A-15-1206.5](#).

139 ~~[(ii) Upon rejection of a course credit acknowledgement, the primary LEA of
140 enrollment shall notify the student of the rejection and provide an explanation of the rejection.]~~

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

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

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

152 Section 3. **Repealer.**
153 This bill repeals:
154 Section **53A-15-1214**, Review by legislative auditor general.
155 Section 4. **Effective date.**
156 This bill takes effect on July 1, 2017.

Legislative Review Note
Office of Legislative Research and General Counsel