

Senator John D. Johnson proposes the following substitute bill:

**ONLINE EDUCATION PROGRAM REVISIONS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: John D. Johnson**

House Sponsor: Ryan D. Wilcox

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**LONG TITLE**

**General Description:**

This bill makes revisions related to online education.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ allows a certified online course provider that the State Board of Education (the state board) approves to offer courses directly through the Statewide Online Education Program;
- ▶ establishes the requirements for the state board to approve certified online course providers;
- ▶ authorizes the state board to make rules related to approving certified online course providers; and
- ▶ authorizes the state board to set fees to cover the costs of regulating certified online course providers.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **53F-4-501**, as last amended by Laws of Utah 2019, Chapter 186

29 **53F-4-504**, as last amended by Laws of Utah 2019, Chapter 186

30 **53F-4-514**, as last amended by Laws of Utah 2020, Chapter 408



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

32 Section 1. Section **53F-4-501** is amended to read:

33 **53F-4-501. Definitions.**

34 As used in this part:

35 (1) (a) "Certified online course provider" means a provider that the state board  
36 approves to offer courses through the Statewide Online Education Program.

37 (b) "Certified online course provider" does not include an entity described in  
38 Subsections 53F-4-504(1)(a) through (c).

39 [(1)] (2) "Eligible student" means:

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

41 (b) [~~beginning on July 1, 2013,~~] a student:

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

43 (ii) whose custodial parent is a resident of Utah.

44 [(2)] (3) "Online course" means a course of instruction offered by the Statewide Online  
45 Education Program through the use of digital technology.

46 [(3)] (4) "Plan for college and career readiness" means the same as that term is defined  
47 in Section 53E-2-304.

48 [(4)] (5) "Primary LEA of enrollment" means the LEA in which an eligible student is  
49 enrolled for courses other than online courses offered through the Statewide Online Education  
50 Program.

51 [(5)] (6) "Released-time" means a period of time during the regular school day a  
52 student is excused from school at the request of the student's parent pursuant to rules of the  
53 state board.

54 Section 2. Section **53F-4-504** is amended to read:

55 **53F-4-504. Authorized online course providers -- Certified online course**

57 providers.

58 (1) The following entities may offer online courses to eligible students through the  
59 Statewide Online Education Program:

60 [~~(1)~~] (a) a charter school or district school created exclusively for the purpose of  
61 serving students online;

62 [~~(2)~~] (b) an LEA program, approved by the LEA governing board, that is created  
63 exclusively for the purpose of serving students online; [~~and~~]

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

66 [~~(a)~~] (i) offers secondary school level courses; and

67 [~~(b)~~] (ii) is created exclusively for the purpose of serving students online[-]; and

68 (d) beginning in the 2021-2022 school year, a certified online course provider.

69 (2) The state board shall approve an online course provider as a certified online course  
70 provider if the online course provider:

71 (a) complies with the application procedures described in Subsection 53F-4-514;

72 (b) meets the standards described in Subsection 53F-4-514; and

73 (c) has prior experience offering online courses to secondary students.

74 (3) The state board may revoke the approval described in Subsection (2) if the state  
75 board finds that a certified online course provider is not complying with the requirements  
76 described in Subsection 53F-4-514.

77 Section 3. Section 53F-4-514 is amended to read:

78 **53F-4-514. State board -- Rulemaking -- Fees.**

79 (1) The state board shall make rules in accordance with this part and Title 63G,  
80 Chapter 3, Utah Administrative Rulemaking Act, that:

81 [~~(1)~~] (a) establish a course credit acknowledgement form and procedures for  
82 completing and submitting to the state board a course credit acknowledgement; [~~and~~]

83 [~~(2)~~] (b) establish procedures for the administration of a statewide assessment to a  
84 student enrolled in an online course[-]; and

85 (c) establish protocols for an online course provider to obtain approval to become a  
86 certified online course provider, including:

87 (i) the application procedure for an online course provider to obtain approval to

88 become a certified online course provider; and

89 (ii) the standards that a certified online course provider and any online course the  
90 certified online course provider offers shall meet.

91 (2) (a) When establishing the standards described in Subsection (1)(c)(ii), the state  
92 board shall:

93 (i) establish rules and minimum standards regarding accreditation;

94 (ii) require an online course to be aligned with the core standards described in Section  
95 [53E-4-202](#);

96 (iii) require proof that a national organization responsible for college athletics  
97 endorses:

98 (A) the certified online course provider; or

99 (B) the online course that a certified online course provider offers;

100 (iv) permit an open-entry, open-exit method of instructional delivery that allows a  
101 student the flexibility to:

102 (A) schedule in response to individual needs or requirements;

103 (B) demonstrate competency when the student has mastered knowledge and skills;

104 (C) begin or end study at any time; and

105 (D) progress through course material at the student's own pace; and

106 (v) require an individual who teaches a course for a certified online course provider to  
107 hold a teaching license issued by the state board.

108 (b) When establishing the standards described in Subsection (1)(c)(ii), the state board  
109 may not:

110 (i) specify a minimum duration for an online course;

111 (ii) specify a minimum amount of time that a student must spend in an online course;

112 or

113 (iii) limit the class size of an online course.

114 (3) The state board may establish a fee, in accordance with Section [63J-1-504](#), in an  
115 amount to pay the costs to the state board of the application approval process and the  
116 monitoring of a certified online course provider's compliance with the standards described in  
117 Subsection (1)(c)(ii).

118 (4) (a) Fee revenue collected in accordance with Subsection (3) shall be:

119           (b) deposited into the Uniform School Fund as a dedicated credit; and  
120           (c) used to pay the costs to the state board of reviewing certified online course  
121 providers' applications and compliance with the standards described in Subsection (1)(c)(ii).