

Kirk A. Cullimore proposes the following substitute bill:

Course Choice Empowerment

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kirk A. Cullimore

House Sponsor: Jefferson Moss

LONG TITLE

General Description:

This bill establishes a private online course choice program.

Highlighted Provisions:

This bill:

- establishes standards for educational software and hardware procurement;
- removes references to a contractor from the Statewide Online Education Program statute;
- creates an online course choice program specifically for private school students;
- requires the program be administered by an independent program manager contracted by the State Board of Education;
- allows eligible students to earn credits through online courses, including courses in blended-learning environments;
- establishes a contract administrator role to oversee program implementation;
- authorizes the state board to contract with multiple entities for different program functions;
- provides for state oversight while maintaining program independence;
- creates transition provisions if program manager contracts end;
- requires separate funding from public education programs;
- requires the program manager to:
 - approve and oversee course providers;
 - approve and oversee courses offered;
 - establish payment structure for courses; and
 - annually report on program performance; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:****53F-4-501**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 1**53F-4-503**, as last amended by Laws of Utah 2024, Chapter 24**53F-4-505**, as last amended by Laws of Utah 2024, Chapter 24**53F-4-507**, as last amended by Laws of Utah 2024, Chapter 24**53F-4-511**, as last amended by Laws of Utah 2024, Chapter 24**53F-4-512**, as last amended by Laws of Utah 2024, Chapter 24**53F-4-514**, as last amended by Laws of Utah 2024, Chapter 24**53F-4-516**, as last amended by Laws of Utah 2024, Chapter 24**ENACTS:****53F-4-209**, Utah Code Annotated 1953**53F-4-519**, Utah Code Annotated 1953**53F-6-501**, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **53F-4-209** is enacted to read:

53F-4-209 . Neutrality and integrity in educational software and hardware procurement.

(1) As used in this section:(a) "Educational entity" means:(i) the state board; or(ii) a local education agency governing board.(b) "Computer software" means a set of computer programs, procedures, and associated documentation concerned with computer data or with the operation of a computer, computer program, or computer network.(c) "Total cost of ownership" means the sum of all costs borne by the educational entity during the useful life of the software and hardware, including costs for acquisition, installation, training, data conversion, integration, maintenance, upgrades, and technical support.(2) The Legislature finds that:(a) the state board and local education agency governing boards have access to a broad

variety of software and hardware products;

(b) these boards should evaluate software and hardware based on performance, value, cost, and licensing terms; and

(c) neutral software and hardware procurement practices promote competition, reduce costs, and provide better educational outcomes.

(3) An educational entity shall:

(a) base software and hardware procurement decisions on performance and value criteria, including quality, functionality, security, reliability, interoperability, and total cost of ownership;

(b) maintain neutrality with respect to:

(i) whether a for-profit or non-profit entity provides the software and hardware; and

(ii) the licensing model under which a provider offers the software and hardware; and

(c) retain the ability to install or run software and hardware on hardware that the educational entity chooses.

(4) An educational entity may not:

(a) express or imply preferences for specific software and hardware licensing models;

(b) express or imply preferences for specific software and hardware products; or

(c) circumvent procurement rules when acquiring or installing software and hardware.

(5) Notwithstanding Subsection ~~H~~ → [(5)] (4) ← ~~H~~, an educational entity may consider the effect of

specific licensing terms in software and hardware procurement decisions, including terms governing:

(a) availability of software and hardware source code;

(b) rights and restrictions regarding software and hardware modification;

(c) redistribution rights;

(d) warranties; and

(e) intellectual property indemnification.

(6) An educational entity shall interpret and apply this section in concert with all applicable provisions of Title 63G, Chapter 6a, Utah Procurement Code.

Section 2. Section **53F-4-501** is amended to read:

53F-4-501 . Definitions.

As used in this part:

(1) "Authorized online course provider" means the entities listed in Subsection 53F-4-504

(1).

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

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

(3) "Credit" means credit for a high school course, or the equivalent for a middle school course, as determined by the state board.

(4)[(a)] "Eligible student" means a student who:

[(i)] (a) ~~[who]~~ intends to take a course for middle school or high school credit; and

[(ii)(A) ~~who is enrolled in an LEA in Utah;~~]

~~[(B) who attends a private school or home school and whose custodial parent is a resident of Utah; or]~~

~~[(C) who is an exchange student residing in Utah and enrolled in an LEA or private school in Utah.]~~

(b) is:

(i) enrolled in an LEA in Utah; or

(ii) a home school student in accordance with Section 53G-6-204, whose custodial parent is a resident of Utah.

~~[(b) "Eligible student" does not include a scholarship student as defined in Section 53F-6-401.]~~

[(5) "Exchange student" means a student sponsored by an agency approved by an LEA or private school governing board or a student who has an F-1, J-1, or J-2 visa.]

[(6)] (5) "High school" means grade 9, 10, 11, or 12.

[(7)] (6) "Middle school" means, only for purposes of student eligibility to participate in the Statewide Online Education Program, grade 6, 7, or 8.

[(8)] (7) "Online course" means a course of instruction offered by the Statewide Online Education Program through the use of digital technology, regardless of whether the student participates in the course at home, at school, at another location, or any combination of these.

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

[(10)] (9) "Primary LEA of enrollment" or "primary LEA" means the LEA in which an eligible student is enrolled for courses other than online courses offered through the Statewide Online Education Program.

[(11)] (10) "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 pursuant to rules of the state board.

~~[(12) "State board's contractor" means the private entity described in Section 53F-4-503 with which the state board contracts to administer the portion of the Statewide Online Education Program designated for a student who attends private school or home school.]~~

Section 3. Section **53F-4-503** is amended to read:

53F-4-503 . Option to enroll in online courses offered through the Statewide Online Education Program.

(1) Subject to Subsections (2), (9), and (12), ~~and[, for a public education student,]~~ with the advice of a school counselor at a student's primary LEA, an eligible student may enroll in an online course offered through the Statewide Online Education Program if:

- (a) the student meets the course prerequisites;
- (b) the course is open for enrollment; and
- (c) the online course is aligned with the student's plan for college and career readiness.

(2) An eligible student may enroll in online courses totaling up to six credits per school year.

(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 ~~[or, in relation to a student who attends a private school or home school, the state board's contractor,]~~ 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, is responsible for preparing and implementing a plan for college and career readiness for the eligible student, as provided in Section 53E-2-304; and
- (b) shall assist an eligible student in scheduling courses in accordance with the student's plan for college and career readiness, 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 plan for college and career readiness or post-secondary plans; or

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

(6) The state board, ~~[or, in relation to a student who attends a private school or home school, the state board's contractor,]~~including an employee of the state board~~[-or the state board's contractor,]~~ , may not give preference to an online course or authorized 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]~~ eligible student.

(8) The state board shall coordinate with the Utah System of Higher Education to study funding structures and access barriers related to concurrent enrollment for the Statewide Online Education Program and provide recommendations to the Education Interim Committee no later than the November 2024 meeting.

(9) Subject to legislative appropriations~~[-and for an eligible student who is enrolled at a public school]~~, the state board shall provide Statewide Online Education Program academic counseling that:

(a) may advise an eligible student or an eligible student's parent regarding an online course enrollment including how an online course relates to graduation requirements described in Section 53E-4-204 and administrative rule;

(b) provides the training described in Section 53F-4-514;

(c) provides technical support to an LEA, school-based counselor, eligible student, or eligible student's parent;

(d) assists in gathering information, reports, and data an LEA requests; and

(e) directs an eligible student or an eligible student's parent to a school-specific counselor for advice regarding an online course enrollment in relation to an LEA, or school-specific graduation requirement and all other counseling services.

(10) If an eligible student has an IEP or Section 504 accommodation plan:

(a) the eligible student's primary LEA:

(i) shall:

- (A) forward a copy of the relevant portions of the eligible student's existing IEP or Section 504 accommodation plan to the authorized online course provider in accordance with federal law and guidelines; and
- (B) ensure the authorized online course provider is provided an eligible student's updated IEP when revisions are made;
- (ii) may:
- (A) ensure the eligible student's IEP team and the authorized online course provider review a course enrollment for compliance with requirements described in Subsection (1); and
- (B) as needed, coordinate additional IEP team reviews with the authorized online course provider to ensure appropriate services, supports, and accommodations are in place for the eligible student; and
- (b) the authorized online course provider:
- (i) shall implement an eligible student's IEP or Section 504 accommodation plan; and
- (ii) may seek assistance from the primary LEA to implement an eligible student's IEP or Section 504 accommodation plan.
- (11) The state board shall create a model cooperative agreement between a primary LEA and an authorized online course provider for use when the primary LEA determines that an authorized online course provider would best provide IEP services, including a requirement that the eligible student's primary LEA provide funding for the IEP services.
- (12) If the program lacks sufficient legislative appropriations to fund the enrollment in online courses for all eligible students who do not have a primary LEA of enrollment, the state board ~~[or, in relation to a student who attends a private school or home school, the state board's contractor,]~~ shall prioritize funding the enrollment of an eligible student who intends to graduate from high school during the school year in which the student enrolls in an online course.
- ~~[(13) No later than April 1, 2025, and in accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state board shall use funds the state board expends to administer to the Statewide Online Education Program for students who attend private school or home school to alternatively contract with a private entity:]~~
- ~~[(a) that has demonstrated an expertise or ability to administer a statewide program to deliver education services to students who attend private school or home school; and]~~
- ~~[(b) to administer the portion of the Statewide Online Education Program that is designated for students who attend private school or home school, including~~

providing an enrollment platform or tool separate from the enrollment tool or platform the state board provides for the program.]

[(14) The state board's contractor described in Subsection (13) may use a percentage of the appropriation for home school and private school students that is equal to the proportion of the state board's administrative cost in relation to the appropriation for students enrolled in an LEA.]

Section 4. Section **53F-4-505** is amended to read:

53F-4-505 . Payment for an 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 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 standards for Utah public schools 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 standards for Utah public schools 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 standards for Utah public schools 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) 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.

(4) An authorized online course provider shall receive payment for an online course as follows:

- (a) for a .5 credit online course, 50% of the online course fee after the withdrawal period described in Section 53F-4-506;
- (b) for a 1 credit online course, 25% of the online course fee after the withdrawal period described in Section 53F-4-506 and 25% of the online course fee upon the beginning of the second .5 credit of the online course; and
- (c) if a student completes a 1 credit online course within 12 months or a .5 credit course within nine weeks following the end of a traditional semester, 50% of the online course fee.

- (5)(a) If a student fails to complete a 1 credit course within 12 months or a .5 credit course within nine weeks following the end of a traditional semester, the student may continue to be enrolled in the course until the student graduates from high school.
- (b) To encourage an authorized online course provider to provide remediation to a student who remains enrolled in an online course pursuant to Subsection (5)(a) and avoid the need for credit recovery, an authorized online course provider shall receive a payment equal to 30% of the online course fee if the student completes the online course:
- (i) for a high school online course, before the student graduates from high school; or
- (ii) for a middle school online course, before the student completes middle 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 authorized 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 authorized online course provider 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).
- (8) The state board ~~[or, in relation to a student who attends a private school or home school, the state board's contractor,]~~ may not remove a student from an online course if the student is eligible for continued enrollment in the online course under Subsection (5).
- (9) Upon request by a primary LEA, the state board shall provide an itemized report to the primary LEA showing the deduction described in Subsection 53F-4-508(2) by student and course enrolled.

Section 5. Section **53F-4-507** is amended to read:

53F-4-507 . Direction to deduct funds and make payments -- Plan for the

payment of online courses taken by home school students.

(1)[(a)] Subject to future budget constraints, the Legislature shall adjust the appropriation for the Statewide Online Education Program based on[:]

[(i)]

(a) the anticipated increase of eligible home school ~~[and private school]~~ students enrolled in the Statewide Online Education Program; and

[(ii)]

(b) the value of the weighted pupil unit.

~~[(b) The state board shall, if the state board contracts with a private entity under Subsection 53F-4-503(9), delegate to the state board's contractor the management of the funds appropriated for the Statewide Online Education Program for students who attend private school or home school.]~~

(2) Notwithstanding Subsection (1) and subject to future budget constraints, the Legislature shall:

(a) consider enrollment projections provided by the authorized online course providers to account for enrollment growth during the appropriations process; and

(b) provide a supplemental appropriation to adequately fund the Statewide Online Education Program when the enrollment amount exceeds the projected enrollment amounts provided by the authorized online course providers~~[: and]~~ .

~~[(c) in the fiscal year beginning July 1, 2025, keep all other appropriations for the Statewide Online Education Program separate from the appropriations described in Section 53F-4-518.]~~

(3)(a) The state board shall deduct money from funds allocated to the student's primary LEA of enrollment under Chapter 2, State Funding -- Minimum School Program, to pay for online course fees.

(b) Money shall be deducted under Subsection (3)(a) in the amount and at the time an authorized online course provider qualifies to receive payment for an online course provided to a ~~[public education]~~ student, not to exceed 90 days after qualification, as provided in Subsection 53F-4-505(4).

~~[(c) The state board or, in relation to a student who attends a private school or home school, the state board's contractor, shall deduct money from funds allocated for course fees for a private school or home school student in the amount and at the time an authorized online course provider qualifies to receive payment for an online course, not to exceed 90 days after qualification.]~~

- (4) From money deducted under Subsection (3), the state board ~~[or, in relation to a student who attends a private school or home school, the state board's contractor,]~~ shall make payments to the student's authorized online course provider as provided in Section 53F-4-505.

Section 6. Section **53F-4-511** is amended to read:

53F-4-511 . Report on performance of authorized online course providers.

- (1) The state board, in collaboration with authorized online course providers, ~~[and, if applicable, the state board's contractor,]~~ shall develop a report on the performance of authorized online course providers, which may be used to evaluate the Statewide Online Education Program and assess the quality of an authorized online course provider..
- (2) A report on the performance of an authorized online course provider shall include:
- (a) scores aggregated by test on statewide assessments administered under Title 53E, Chapter 4, Part 3, Assessments, taken by students at the end of an online course offered through the Statewide Online Education Program;
 - (b) the percentage of the authorized online course provider's students who complete online courses within the applicable time period specified in Subsection 53F-4-505 (4)(c);
 - (c) the percentage of the authorized online course provider's students who complete online courses after the applicable time period specified in Subsection 53F-4-505 (4)(c) and before the student graduates from high school; and
 - (d) the pupil-teacher ratio for the combined online courses of the authorized online course provider.
- (3) The state board shall post a report on the performance of an authorized online course provider on the Statewide Online Education Program's website described in Section 53F-4-512.

Section 7. Section **53F-4-512** is amended to read:

53F-4-512 . Dissemination of information on the Statewide Online Education Program.

- (1) The state board 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) notwithstanding Subsection (2), information on who is eligible to enroll, and how an eligible student may enroll, in an online course;
 - (c) a directory of authorized online course providers;

- (d) a link to a course catalog for each authorized online course provider; and
- (e) a report on the performance of authorized online course providers as required by Section 53F-4-511.
- (2) An authorized online course provider shall provide the following information on the authorized 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 Title 53E, Chapter 4, Part 3, Assessments, taken by students at the end of an online course offered through the Statewide Online Education Program;
- (e) the percentage of an authorized online course provider's students who complete online courses within the applicable time period specified in Subsection 53F-4-505(4)(c);
- (f) the percentage of an authorized online course provider's students who complete online courses after the applicable time period specified in Subsection 53F-4-505(4)(c) and before the student graduates from high school; and
- (g) the authorized online course provider's pupil-teacher ratio for the online courses combined.

~~[(3) The state board's contractor shall provide on the contractor's website information regarding enrollment and participation by a private school or home school student through the contractor.]~~

Section 8. Section **53F-4-514** is amended to read:

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

- (1) Notwithstanding Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall provide a delayed effective date that is after the school year has ended for a change to an administrative rule related to the Statewide Online Education Program if the change would require an authorized online course provider to make program changes during the school year.
- (2) The state board shall make rules in accordance with this part and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish:
- (a) a course credit acknowledgement form and procedures for completing and submitting to the state board ~~[or, in relation to a student who attends a private school~~

- 402 ~~or home school, the state board's contractor,]~~ a course credit acknowledgement;
- 403 (b) procedures for the administration of a statewide assessment to a student enrolled in
- 404 an online course; ~~[and]~~
- 405 (c) protocols for an online course provider to obtain approval to become a certified
- 406 online course provider, including:
- 407 (i) the application procedure for an online course provider to obtain approval to
- 408 become a certified online course provider; and
- 409 (ii) the standards that a certified online course provider and any online course the
- 410 certified online course provider offers shall meet;
- 411 (d) in accordance with Title 53E, Chapter 4, Academic Standards, Assessments, and
- 412 Materials, criteria for an authorized online course provider to submit for approval an
- 413 online course that does not have an existing state board course code; and
- 414 (e) ~~[no later than July 1, 2024, a]~~ a process within existing systems at the state board ~~[or,~~
- 415 ~~in relation to a student who attends a private school or home school, the state board's~~
- 416 ~~contractor,]~~ to allow a certified online course provider access to an educator's
- 417 licensing, endorsement, certification, and assignment information if the educator is
- 418 teaching an online course for the certified online course provider;
- 419 (f) in consultation with the authorized online course providers, the parameters for
- 420 conducting a site visit including:
- 421 (i) a definition for the term, site visit;
- 422 (ii) the minimum amount of time required for:
- 423 (A) notice to an authorized online course provider of a site visit; and
- 424 (B) an authorized online course provider to prepare for a site visit;
- 425 (iii) the documents, data, and artifacts subject to inspection during a site visit; and
- 426 (iv) a process to ensure a site visit allows for observation of instruction without
- 427 interfering with the instruction;
- 428 (g) annual mandatory training for relevant staff at a primary LEA that includes:
- 429 (i) program requirements for a primary LEA including reporting requirements and
- 430 methods;
- 431 (ii) uses of resources and tools to ensure adequate monitoring of an eligible student's
- 432 progress;
- 433 (iii) federal and state requirements for accommodating enrollments that involve
- 434 special education;
- 435 (iv) appropriate circumstances and methodologies for reducing an eligible student's

- 436 schedule; and
- 437 (v) other components the state board determines are necessary[; and] .
- 438 (3)(a) When establishing the standards described in Subsection (2)(c)(ii) the state board
- 439 shall:
- 440 (i) establish rules and minimum standards regarding accreditation;
- 441 (ii) require an online course to be aligned with the core standards described in
- 442 Section 53E-4-202;
- 443 (iii) require proof that a national organization responsible for college athletics
- 444 endorses:
- 445 (A) the certified online course provider; or
- 446 (B) the online course that a certified online course provider offers;
- 447 (iv) permit an open-entry, open-exit method of instructional delivery that allows a
- 448 student the flexibility to:
- 449 (A) schedule in response to individual needs or requirements;
- 450 (B) demonstrate competency when the student has mastered knowledge and skills;
- 451 (C) begin or end study at any time; and
- 452 (D) progress through course material at the student's own pace; and
- 453 (v) except as provided in Subsection (5), require an individual who teaches a course
- 454 for a certified online course provider to hold a teaching license issued by the state
- 455 board.
- 456 (b) When establishing the standards described in Subsection (2)(c)(ii), the state board
- 457 may not:
- 458 (i) specify a minimum duration for an online course;
- 459 (ii) specify a minimum amount of time that a student must spend in an online course;
- 460 or
- 461 (iii) limit the class size of an online course.
- 462 (4) No later than January 31, 2026, the state board shall create a communication dashboard
- 463 for the program [~~and only related to eligible students enrolled in a public school~~]that
- 464 may include:
- 465 (a) a counselor contact list for an eligible student that is accessible to an authorized
- 466 online course provider; and
- 467 (b) progress monitoring fields that are accessible to the primary LEA, the eligible
- 468 student's counselor, and the eligible student's parent containing:
- 469 (i) grade progress reporting of an eligible student by an authorized online course

- 470 provider;
- 471 (ii) an ability to flag a student that is at-risk of failing an online course; and
- 472 (iii) other relevant capabilities the state board determines to be necessary in
- 473 consultation with LEA users of the dashboard.
- 474 (5) If an individual possesses a provider-specific license described in Section 53E-6-201,
- 475 the state board may not prohibit the individual from teaching an online course for an
- 476 authorized online course provider while the individual is in the process of obtaining an
- 477 endorsement or additional license issued by the state board.
- 478 (6) The state board may establish a fee, in accordance with Section 63J-1-504, in an amount
- 479 to pay the costs to the state board of the application approval process and the monitoring
- 480 of a certified online course provider's compliance with the standards described in
- 481 Subsection (2)(c)(ii).
- 482 (7)(a) Fee revenue collected in accordance with Subsection (6) shall be:
- 483 (i) deposited into the Uniform School Fund as a dedicated credit; and
- 484 (ii) used to pay the costs to the state board of reviewing certified online course
- 485 providers' applications and compliance with the standards described in Subsection
- 486 (2)(c)(ii).

487 Section 9. Section **53F-4-516** is amended to read:

488 **53F-4-516 . Report of noncompliance -- Action to ensure compliance.**

- 489 (1) The state superintendent shall report to the state board any report of noncompliance of
- 490 this part made to a staff member of the state board~~[or, in relation to a student who~~
- 491 ~~attends a private school or home school, the state board's contractor]~~.
- 492 (2) The state board ~~[and, if applicable, the state board's contractor,]~~ shall take appropriate
- 493 action to ensure compliance with this part.

494 Section 10. Section **53F-4-519** is enacted to read:

495 **53F-4-519 . Home school student access to online courses.**

496 Subject to legislative appropriations and Subsection 53F-4-514(2), and notwithstanding

497 Subsections 53F-4-509(2) and (3), the state board shall

- 498 (1) use funds from an appropriation for the Statewide Online Education Program to pay for
- 499 an online course fee described in Section 53F-4-505 for a home school student whose
- 500 custodial parent is a resident of Utah; and
- 501 (2) allocate funds for online course fees for home school students on a first-come,
- 502 first-served basis until the appropriated funds are fully expended.

503 Section 11. Section **53F-6-501** is enacted to read:

Part 5. Utah Private Course Choice Empowerment

53F-6-501 . Utah Private Course Choice Empowerment program.

(1) As used in this section:

- (a) "Authorized online course provider" or "provider" means a provider approved by the program manager to offer online courses through the program.
- (b) "Blended learning" means an education model that:

 - (i) combines in-person and online or digital instruction and learning activities;
 - (ii) allows students to receive instruction through:

 - (A) direct, in-person interaction with an instructor;
 - (B) digital or online content and activities; or
 - (C) a combination of both in-person and online methods;
 - (iii) may include hybrid teaching formats where:

 - (A) some students participate in-person while others participate remotely; or
 - (B) instruction alternates between in-person and online delivery; and
 - (iv) provides students flexibility in time, place, path, or pace of learning.
- (c) "Contract administrator" means the state board's appointed Deputy Superintendent of Operations that ensures the program manager meets contractual obligations.
- (d) "Contract oversight and compliance" means the oversight and coordination functions performed by the Department of Operations contract administrator, including:

 - (i) establishing and maintaining program standards within a contract with a program manager;
 - (ii) determining operational requirements and structures;
 - (iii) procuring and managing contracts for program services and standards;
 - (iv) ensuring program integrity through direct or contracted oversight;
 - (v) coordinating program functions and contracted services with a program manager; and
 - (vi) maintaining appropriate separation between government oversight and independent program operations.
- (e) "Contracted entity" means an organization that:

 - (i) contracts with the state board to perform duties and functions necessary for program administration and operations;
 - (ii) is not affiliated with any international organization;
 - (iii) does not harvest data for the purpose of reproducing or distributing the data to other entities;

- (iv) has no involvement in guiding or directing any curriculum or curriculum standards; and
- (v) performs the specific duties and functions assigned in the contract with the state board.
- (f) "Department of Operations" means the section of the state board that oversees financial operations, procurement operations, data and statistics operations, school land trust, and information technology operations for the state board.
- (g) "Eligible student" means a student:
- (i) who attends a private school whose parent is a resident of Utah; or
- (ii) who is an exchange student residing in Utah and enrolled in a private school in Utah.
- (h) "Online course" means a course of instruction for grades 6 through 12 offered through the program using digital technology, including:
- (i) an exclusively online learning and instructional model; or
- (ii) blended learning models.
- (i) "Private school" means the same as term is defined in Section 53F-6-401.
- (j) "Program" means the Utah Private Course Choice Empowerment program created in this section.
- (k) "Program manager" means a contracted entity that, at the time of application, demonstrates the ability without external contracts to internally meet the qualifications specified in this section, that is contracted by the state board to administer the Utah Private Course Choice Empowerment program, including:
- (i) the ability to manage, distribute, and transact program funds;
- (ii) capacity to create and maintain a user-friendly website;
- (iii) the ability to verify a student's eligibility based on the requirements of this part;
- (iv) capacity to process provider payments and maintain financial records;
- (v) ability to track, monitor, and report program enrollment, participation, and outcomes at both provider and individual student levels; and
- (vi) maintenance of a publicly accessible provider list, including:
- (A) the capability to allow a student or a student's parent to rate, review, and share information about providers; and
- (B) appropriate links to a provider's course catalog.
- (2) The program is created to enable an eligible student to engage in taking online courses.
- (3) The purposes of the program are to:

- 572 (a) provide a student with access to online learning options regardless of where the
573 student attends school, including blending learning settings;
- 574 (b) provide digital learning options for a student regardless of language, residence,
575 family income, or special needs;
- 576 (c) utilize the power and scalability of technology to customize education so that a
577 student may learn in the student's own style preference and at the student's own pace;
- 578 (d) provide greater access to self-paced programs enabling a high achieving student to
579 accelerate academically, while a struggling student may have additional time and
580 help to gain competency;
- 581 (e) allow a student to customize the student's schedule to better meet the student's
582 academic goals;
- 583 (f) provide quality learning options to better prepare a student for post-secondary
584 education and career opportunities; and
- 585 (g) support flexible learning environments through blended learning options that
586 combine the benefits of both in-person and online instruction to enhance student
587 engagement and achievement.
- 588 (4) An eligible student may enroll in an online course offered through the program if:
589 (a) the student meets the course prerequisites; and
590 (b) the course is open for enrollment.
- 591 (5)(a) An eligible student may enroll in online courses up to the equivalent of six credits
592 per school year.
- 593 (b) Notwithstanding Subsection (5)(a), if an eligible student is also a scholarship student
594 as defined in Section 53F-6-401, the student may enroll in online courses up to the
595 equivalent of four credits per school year.
- 596 (6)(a) No later than April 1, 2025, the state board shall:
- 597 (i) in accordance with Title 63G, Chapter 6a, Utah Procurement Code, enter in an
598 agreement with one or more contracted entities to serve as a program manager for
599 the program, including management of the funds appropriated for the program;
- 600 (ii) ensure the initial contract is no more than a three-year contract with annual
601 renewal options subject to performance review and compliance with Title 63G,
602 Chapter 6a, Utah Procurement Code; and
- 603 (iii) ensure the contract:
- 604 (A) clearly delineates the specific duties and functions to be performed;
605 (B) ensures the efficiency and success of the program;

- 606 (C) maintains appropriate separation between program and contract administration
607 and direct educational services;
- 608 (D) preserves the independence of educational decisions made between parents
609 and providers; and
- 610 (E) does not impose any requirements on the program manager that are not
611 essential to the basic administration of the program or create restrictions,
612 directions, or mandates regarding instructional content or curriculum.
- 613 (b) The state board shall perform contract oversight and compliance through the contract
614 administrator, who shall:
- 615 (i) regulate and take enforcement action as necessary against a program manager in
616 accordance with the provisions of the state board's agreement with the program
617 manager;
- 618 (ii) ensure the program manager adheres to all contractual obligations;
- 619 (iii) review all program reports and financial records;
- 620 (iv) conduct regular compliance audits; and
- 621 (v) evaluate the program manager's performance annually.
- 622 (c) The state board shall not include a provision in any rule that creates or implies a
623 restriction, direction, or mandate regarding program administration, including student
624 enrollment, payments to providers, instructional content, or curriculum.
- 625 (d) The state board, in collaboration with the Contract administrator, may:
- 626 (i) distribute program functions among multiple contracted entities, including:
- 627 (A) program management functions;
- 628 (B) financial processing and payment functions;
- 629 (C) provider management functions; and
- 630 (D) other administrative functions as needed; and
- 631 (ii) ensure appropriate coordination between all contracted entities through clearly
632 defined roles and responsibilities in each contract.
- 633 (7)(a) The program manager shall:
- 634 (i) administer the program;
- 635 (ii) ensure an eligible student can navigate to all authorized online course providers'
636 enrollment platforms or tools for the program;
- 637 (iii) approve and oversee authorized online course providers;
- 638 (iv) establish guidelines for qualifying providers and courses;
- 639 (v) manage funds appropriated for the program;

- 640 (vi) make payments to authorized online course providers that may not include
641 transaction fees of any kind;
- 642 (vii) as described in Subsection (19), provide an annual report on the performance of
643 the program to the Education Interim Committee; and
- 644 (viii) ensure compliance with applicable laws and regulations.
- 645 (b) The program manager shall maintain detailed financial records subject to review by
646 the contract administrator, including:
- 647 (i) all course payments processed;
648 (ii) provider payment histories;
649 (iii) administrative costs; and
650 (iv) audit results.
- 651 (8) The state board may regulate and take enforcement action as necessary against a
652 program manager in accordance with the provisions of the state board's agreement with
653 the program manager.
- 654 (9)(a) If the state board determines that a program manager has violated a provision of
655 this part or a provision of the state board's agreement with the program manager, the
656 state board shall send written notice to the program manager explaining the violation
657 and the remedial action required to correct the violation.
- 658 (b) A program manager that receives a notice described in Subsection (9)(a) shall, no
659 later than 60 days after the day on which the program manager receives the notice,
660 correct the violation and report the correction to the state board.
- 661 (c)(i) If a program manager that receives a notice described in Subsection (9)(a) fails
662 to correct a violation in the time period described in Subsection (9)(b), the state
663 board may bar the program manager from further participation in the program.
- 664 (ii) A program manager may appeal a decision of the state board under Subsection
665 (9)(c)(i) in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- 666 (d) A program manager may not accept state funds while the program manager:
- 667 (i) is barred from participating in the program under Subsection (9)(c)(i); or
668 (ii) has an appeal pending under Subsection (9)(c)(ii).
- 669 (e) A program manager that has an appeal pending under Subsection (9)(c)(ii) may
670 continue to administer online courses during the pending appeal.
- 671 (10) The program manager shall approve online course providers to offer courses through
672 the program.
- 673 (11)(a) Subject to Subsection (11)(b), the program manager shall establish a process to

- 674 approve an entity as an authorized online course provider, including:
- 675 (i) the entity's demonstration of at least three years of experience in either:
- 676 (A) developing and delivering proprietary digital coursework for students; or
- 677 (B) successfully aggregating and managing third-party digital education providers
- 678 and courses for students;
- 679 (ii) the ability to provide a publicly available user-friendly website for an eligible
- 680 student, including:
- 681 (A) an accessible course enrollment system;
- 682 (B) comprehensive provider and course information; and
- 683 (C) program participation metrics;
- 684 (iii) verification that within the past five years, the entity:
- 685 (A) has not been subject to sanctions;
- 686 (B) has not undergone investigations;
- 687 (C) has not had adverse findings in malfeasance audits; and
- 688 (D) has not received other official censures in any state where it delivers digital
- 689 courses;
- 690 (iv) certification that the entity is not currently named in any lawsuit or ongoing civil
- 691 litigation in any state where the entity delivers digital courses; and
- 692 (v) the entity's demonstrated capacity to:
- 693 (A) evaluate and monitor course quality and content;
- 694 (B) verify instructor qualifications and experience;
- 695 (C) ensure instructor technical competency;
- 696 (D) conduct instructor background checks;
- 697 (E) provide regular professional development;
- 698 (F) implement student safety policies;
- 699 (G) maintain data privacy and security;
- 700 (H) enforce a learner code of conduct; and
- 701 (I) uphold academic integrity standards.
- 702 (b) In accordance with Subsection (13), the program manager shall allow all authorized
- 703 online course providers and courses the state board has approved up to July 1, 2024,
- 704 for the Statewide Online Education Program described in Title 53F, Chapter 4, Part
- 705 5, Statewide Online Education Program, to be offered to private school students.
- 706 (12) The program manager may revoke approval of an authorized online course provider
- 707 for non-compliance with program requirements described in this section or poor

performance as the program manager determines.

(13) The program manager shall establish a process for reviewing and approving courses to be offered through the program, including:

(a) submission of the following course information:

(i) course title;

(ii) course fee;

(iii) subject area;

(iv) if applicable, credits earned;

(b) description of course organization, including:

(i) modules, units, or chapters;

(ii) frequency of assessments; and

(iii) overall course length;

(c) course pacing information, including:

(i) recommended standard course pace progression;

(ii) expected weeks of study per semester of content; and

(iii) acknowledgment of a student's flexibility to adjust course pace;

(d) course withdrawal policy;

(e) final completion deadline for the course;

(f) summary description of course subject matter content;

(g) course prerequisites, if any;

(h) required course materials, including:

(i) technology requirements; and

(ii) tangible materials needed for course completion;

(i) alignment with any applicable:

(i) industry standards;

(ii) state board standards;

(iii) National Collegiate Athletic Association requirements; or

(iv) accreditation requirements;

(j) method of course instruction and delivery;

(k) description of instructional support, including:

(i) frequency of instructor-initiated one-on-one progress checks;

(ii) frequency of instructor-led tutoring;

(iii) availability of small-group tutoring;

(iv) frequency of synchronous one-on-one instructor-led checks for a student's

- 742 understanding; and
- 743 (v) regular student interaction with educators;
- 744 (l) student-to-teacher ratio;
- 745 (m) for blended or hybrid format courses:
- 746 (i) a description of in-person instruction components; and
- 747 (ii) any waiver for online instructional support requirements when a student receives
- 748 real-time in-person instruction for a portion of the course; and
- 749 (n) prohibiting credit recovery courses or packet-based courses.
- 750 (14) The program manager shall ensure the review process described in Subsection (13):
- 751 (a) does not require an authorized online course provider to alter the provider's:
- 752 (i) creed;
- 753 (ii) practices;
- 754 (iii) admissions policies;
- 755 (iv) hiring practices; or
- 756 (v) curricula, including any religious course or course content;
- 757 (b) maintains an authorized online course provider's autonomy while accepting program
- 758 funds; and
- 759 (c) provides for a regular renewal of:
- 760 (i) a course approval; and
- 761 (ii) an authorized online course provider's authorization based on criteria, including:
- 762 (A) a course completion rate of at least 80%;
- 763 (B) reviews of the courses provided by a parent or eligible student; and
- 764 (C) if applicable, fidelity to the approval criteria described in Subsection (11).
- 765 (15) An authorized online course provider shall:
- 766 (a) for each course offered, establish reasonable:
- 767 (i) course lengths;
- 768 (ii) standardized completion deadlines that are the same for all courses offered by the
- 769 provider;
- 770 (iii) standardized withdrawal deadlines that are the same for all courses offered by the
- 771 provider; and
- 772 (iv) course fees;
- 773 (b) submit the information described in Subsections (13) and (15)(a) to the program
- 774 manager for approval;
- 775 (c) ensure the information described in Subsections (13) and (15)(a) are correctly posted

- 776 with each course listing; and
- 777 (d) report enrollment and withdrawal data to the program manager within five business
- 778 days.
- 779 (16) Subject to legislative appropriation, the program manager shall manage program funds
- 780 to administer the program, including:
- 781 (a) paying a course fee to an authorized online course provider as follows:
- 782 (i) 60% of the course fee paid upon an eligible student's enrollment; and
- 783 (ii) 40% of the course fee paid upon the eligible student's completion of the course;
- 784 (b) if the student does not complete the course by the deadline the authorized online
- 785 course provider establishes as described in Subsection (15), disqualifying an
- 786 authorized online course provider from receiving the 40% of the course fee as
- 787 described in Subsection (16)(a)(ii);
- 788 (c) processing payments to a provider within 30 days of relevant deadlines for
- 789 enrollment, withdrawal, or course completion; and
- 790 (d) establishing a payment structure for payments made to a provider that ensures no
- 791 transaction fees are passed on to the provider.
- 792 (17) Subject to legislative appropriation, the Legislature shall:
- 793 (a) provide funds for the program that are separate from funding for public education
- 794 programs; and
- 795 (b) adjust the appropriation based on anticipated enrollment increases in the program.
- 796 (18) The program manager may use a percentage of the appropriation described in
- 797 Subsection (17) for administrative costs as follows:
- 798 (a) up to 8% of the appropriation for administrative costs when the total annual
- 799 appropriation from the Legislature is \$10,000,000 or less; and
- 800 (b) up to 5% of the appropriation for administrative costs when the total annual
- 801 appropriation from the Legislature exceeds \$10,000,000.
- 802 (19) The program manager shall provide an annual report to the Education Interim
- 803 Committee regarding the performance of the program, including:
- 804 (a) number of students served;
- 805 (b) courses offered and completed;
- 806 (c) student progress and completion rates; and
- 807 (d) financial information and use of funds.
- 808 (20) The program manager shall establish a comprehensive system for monitoring
- 809 providers, including:

- (a) regular performance reviews based on:
 - (i) student completion rates;
 - (ii) student academic progress metrics;
 - (iii) instructor qualifications and performance;
 - (iv) course content quality and alignment; and
 - (v) technical system reliability;

- (b) annual compliance audits of:

- (i) financial records;
 - (ii) student data privacy practices; and
 - (iii) security protocols; and

- (c) regular provider site visits that occur at least once per academic year.

- (21) On or before July 1, 2025, and as frequently as necessary to maintain the information, the state board shall provide information on the state board's website, including:

- (a) information on the program manager, including the program manager's contact information; and

- (b) an overview of the program.

- (22) In the event of the expiration or termination of a program manager contract, or the inability of a program manager to perform required duties:

- (a) the Department of Operations shall serve as a temporary bridge program administrator solely during the time required to:

- (i) maintain essential program operations; and
 - (ii) complete the procurement process for selecting a new program manager;

- (b) the Department of Operations shall immediately initiate and complete the procurement process described in this section in an expedited manner;

- (c) the Department of Operations shall establish clear timelines and procedures for the transition process between the previous program manager to the Department of Operations to the new program manager; and

- (d) the Department of Operations shall provide proper notice to and coordinate with:

- (i) authorized online course providers;
 - (ii) parents;
 - (iii) the state board; and
 - (iv) other affected parties.

Section 12. **Effective Date.**

This bill takes effect on May 7, 2025.