

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 and home school online course choice program.

Highlighted Provisions:

This bill:

- removes references to a contractor from the Statewide Online Education Program statute;
- creates an online course choice program specifically for private and home 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;
- 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

31 **53F-4-511**, as last amended by Laws of Utah 2024, Chapter 24
 32 **53F-4-512**, as last amended by Laws of Utah 2024, Chapter 24
 33 **53F-4-514**, as last amended by Laws of Utah 2024, Chapter 24
 34 **53F-4-516**, as last amended by Laws of Utah 2024, Chapter 24
 35 **53F-6-401**, as last amended by Laws of Utah 2024, Chapter 26

36 ENACTS:

37 **53F-6-501**, Utah Code Annotated 1953

38

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

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

41 **53F-4-501 . Definitions.**

42 As used in this part:

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

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

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

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

50 (4)~~(a)~~ "Eligible student" means a student who:

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

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

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

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

57 ~~[(b) "Eligible student" does not include a scholarship student as defined in Section~~
 58 ~~53F-6-401.]~~

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

61 ~~[(6)] (5) "High school" means grade 9, 10, 11, or 12.~~

62 ~~[(7)] (6) "Middle school" means, only for purposes of student eligibility to participate in the~~
 63 ~~Statewide Online Education Program, grade 6, 7, or 8.~~

64 ~~[(8)] (7) "Online course" means a course of instruction offered by the Statewide Online~~

65 Education Program through the use of digital technology, regardless of whether the
 66 student participates in the course at home, at school, at another location, or any
 67 combination of these.

68 [(9)] (8) "Plan for college and career readiness" means the same as that term is defined in
 69 Section 53E-2-304.

70 [(10)] (9) "Primary LEA of enrollment" or "primary LEA" means the LEA in which an
 71 eligible student is enrolled for courses other than online courses offered through the
 72 Statewide Online Education Program.

73 [(11)] (10) "Released-time" means a period of time during the regular school day a student
 74 is excused from school at the request of the student's parent pursuant to rules of the state
 75 board.

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

79 Section 2. Section **53F-4-503** is amended to read:

80 **53F-4-503 . Option to enroll in online courses offered through the Statewide**
 81 **Online Education Program.**

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

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

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

90 (3) Notwithstanding Subsection (2):

- 91 (a) a student's primary LEA of enrollment may allow an eligible student to enroll in
 92 online courses for more than the number of credits specified in Subsection (2); or
- 93 (b) upon the request of an eligible student, the state board ~~[or, in relation to a student
 94 who attends a private school or home school, the state board's contractor,]~~ may allow
 95 the student to enroll in online courses for more than the number of credits specified in
 96 Subsection (2), if the online courses better meet the academic goals of the student.

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

- 98 (a) in conjunction with the student and the student's parent, is responsible for preparing

- 99 and implementing a plan for college and career readiness for the eligible student, as
100 provided in Section 53E-2-304; and
- 101 (b) shall assist an eligible student in scheduling courses in accordance with the student's
102 plan for college and career readiness, graduation requirements, and the student's
103 post-secondary plans.
- 104 (5) An eligible student's primary LEA of enrollment may not:
- 105 (a) impose restrictions on a student's selection of an online course that fulfills graduation
106 requirements and is consistent with the student's plan for college and career readiness
107 or post-secondary plans; or
- 108 (b) give preference to an online course or authorized online course provider.
- 109 (6) The state board, [~~or, in relation to a student who attends a private school or home~~
110 ~~school, the state board's contractor,~~] including an employee of the state board [~~or the~~
111 ~~state board's contractor,~~] , may not give preference to an online course or authorized
112 online course provider.
- 113 (7)(a) Except as provided in Subsection (7)(b), a person may not provide an inducement
114 or incentive to a [~~public school~~] student to participate in the Statewide Online
115 Education Program.
- 116 (b) For purposes of Subsection (7)(a):
- 117 (i) "Inducement or incentive" does not mean:
- 118 (A) instructional materials or software necessary to take an online course; or
119 (B) access to a computer or digital learning device for the purpose of taking an
120 online course.
- 121 (ii) "Person" does not include a relative of the [~~public school~~] eligible student.
- 122 (8) The state board shall coordinate with the Utah System of Higher Education to study
123 funding structures and access barriers related to concurrent enrollment for the Statewide
124 Online Education Program and provide recommendations to the Education Interim
125 Committee no later than the November 2024 meeting.
- 126 (9) Subject to legislative appropriations [~~and for an eligible student who is enrolled at a~~
127 ~~public school~~], the state board shall provide Statewide Online Education Program
128 academic counseling that:
- 129 (a) may advise an eligible student or an eligible student's parent regarding an online
130 course enrollment including how an online course relates to graduation requirements
131 described in Section 53E-4-204 and administrative rule;
- 132 (b) provides the training described in Section 53F-4-514;

- 133 (c) provides technical support to an LEA, school-based counselor, eligible student, or
134 eligible student's parent;
- 135 (d) assists in gathering information, reports, and data an LEA requests; and
- 136 (e) directs an eligible student or an eligible student's parent to a school-specific
137 counselor for advice regarding an online course enrollment in relation to an LEA, or
138 school-specific graduation requirement and all other counseling services.
- 139 (10) If an eligible student has an IEP or Section 504 accommodation plan:
- 140 (a) the eligible student's primary LEA:
- 141 (i) shall:
- 142 (A) forward a copy of the relevant portions of the eligible student's existing IEP or
143 Section 504 accommodation plan to the authorized online course provider in
144 accordance with federal law and guidelines; and
- 145 (B) ensure the authorized online course provider is provided an eligible student's
146 updated IEP when revisions are made;
- 147 (ii) may:
- 148 (A) ensure the eligible student's IEP team and the authorized online course
149 provider review a course enrollment for compliance with requirements
150 described in Subsection (1); and
- 151 (B) as needed, coordinate additional IEP team reviews with the authorized online
152 course provider to ensure appropriate services, supports, and accommodations
153 are in place for the eligible student; and
- 154 (b) the authorized online course provider:
- 155 (i) shall implement an eligible student's IEP or Section 504 accommodation plan; and
- 156 (ii) may seek assistance from the primary LEA to implement an eligible student's IEP
157 or Section 504 accommodation plan.
- 158 (11) The state board shall create a model cooperative agreement between a primary LEA
159 and an authorized online course provider for use when the primary LEA determines that
160 an authorized online course provider would best provide IEP services, including a
161 requirement that the eligible student's primary LEA provide funding for the IEP services.
- 162 (12) If the program lacks sufficient legislative appropriations to fund the enrollment in
163 online courses for all eligible students who do not have a primary LEA of enrollment,
164 the state board [~~or, in relation to a student who attends a private school or home school,~~
165 ~~the state board's contractor,~~] shall prioritize funding the enrollment of an eligible student
166 who intends to graduate from high school during the school year in which the student

167 enrolls in an online course.

168 [~~(13) No later than April 1, 2025, and in accordance with Title 63G, Chapter 6a, Utah~~
 169 ~~Procurement Code, the state board shall use funds the state board expends to administer~~
 170 ~~to the Statewide Online Education Program for students who attend private school or~~
 171 ~~home school to alternatively contract with a private entity:]~~

172 [~~(a) that has demonstrated an expertise or ability to administer a statewide program to~~
 173 ~~deliver education services to students who attend private school or home school; and]~~

174 [~~(b) to administer the portion of the Statewide Online Education Program that is designated~~
 175 ~~for students who attend private school or home school, including providing an~~
 176 ~~enrollment platform or tool separate from the enrollment tool or platform the state board~~
 177 ~~provides for the program.]~~

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

182 Section 3. Section **53F-4-505** is amended to read:

183 **53F-4-505 . Payment for an online course.**

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

186 (a) \$200 for the following courses, except a concurrent enrollment course:

187 (i) financial literacy;

188 (ii) health;

189 (iii) fitness for life; and

190 (iv) computer literacy;

191 (b) \$200 for driver education;

192 (c) \$250 for a course that meets core standards for Utah public schools in fine arts or
 193 career and technical education, except a concurrent enrollment course;

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

195 (i) a course that meets core standards for Utah public schools requirements in social
 196 studies, except a concurrent enrollment course; and

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

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

199 (i) a course that meets core standards for Utah public schools requirements for
 200 language arts, mathematics, or science; and

- 201 (ii) a concurrent enrollment course; and
- 202 (f) \$250 for a course not described in Subsections (1)(a) through (e).
- 203 (2) If a course meets the requirements of more than one course fee category described in
- 204 Subsection (1), the course fee shall be the lowest of the applicable course fee categories.
- 205 (3) The online course fees described in Subsection (1) shall be adjusted each school year in
- 206 accordance with the percentage change in value of the weighted pupil unit from the
- 207 previous school year.
- 208 (4) An authorized online course provider shall receive payment for an online course as
- 209 follows:
- 210 (a) for a .5 credit online course, 50% of the online course fee after the withdrawal period
- 211 described in Section 53F-4-506;
- 212 (b) for a 1 credit online course, 25% of the online course fee after the withdrawal period
- 213 described in Section 53F-4-506 and 25% of the online course fee upon the beginning
- 214 of the second .5 credit of the online course; and
- 215 (c) if a student completes a 1 credit online course within 12 months or a .5 credit course
- 216 within nine weeks following the end of a traditional semester, 50% of the online
- 217 course fee.
- 218 (5)(a) If a student fails to complete a 1 credit course within 12 months or a .5 credit
- 219 course within nine weeks following the end of a traditional semester, the student may
- 220 continue to be enrolled in the course until the student graduates from high school.
- 221 (b) To encourage an authorized online course provider to provide remediation to a
- 222 student who remains enrolled in an online course pursuant to Subsection (5)(a) and
- 223 avoid the need for credit recovery, an authorized online course provider shall receive
- 224 a payment equal to 30% of the online course fee if the student completes the online
- 225 course:
- 226 (i) for a high school online course, before the student graduates from high school; or
- 227 (ii) for a middle school online course, before the student completes middle school.
- 228 (6) Notwithstanding the online course fees prescribed in Subsections (1) through (3), a
- 229 school district or charter school may:
- 230 (a) negotiate a fee with an authorized online course provider for an amount up to the
- 231 amount prescribed in Subsections (1) through (3); and
- 232 (b) pay the negotiated fee instead of the fee prescribed in Subsections (1) through (3).
- 233 (7) An authorized online course provider who contracts with a vendor for the acquisition of
- 234 online course content or online course instruction may negotiate the payment for the

- 235 vendor's service independent of the fees specified in Subsections (1) through (3).
 236 (8) The state board ~~[or, in relation to a student who attends a private school or home school,~~
 237 ~~the state board's contractor,]~~ may not remove a student from an online course if the
 238 student is eligible for continued enrollment in the online course under Subsection (5).
 239 (9) Upon request by a primary LEA, the state board shall provide an itemized report to the
 240 primary LEA showing the deduction described in Subsection 53F-4-508(2) by student
 241 and course enrolled.

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

243 **53F-4-507 . Direction to deduct funds and make payments -- Plan for the**
 244 **payment of online courses taken by private and home school students.**

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

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

249 ~~[(ii)]~~ the value of the weighted pupil unit.

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

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

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

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

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

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

267 (b) Money shall be deducted under Subsection (3)(a) in the amount and at the time an
 268 authorized online course provider qualifies to receive payment for an online course

269 provided to a [public education] student, not to exceed 90 days after qualification, as
 270 provided in Subsection 53F-4-505(4).

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

276 (4) From money deducted under Subsection (3), the state board ~~[or, in relation to a student
 277 who attends a private school or home school, the state board's contractor,]~~ shall make
 278 payments to the student's authorized online course provider as provided in Section
 279 53F-4-505.

280 Section 5. Section **53F-4-511** is amended to read:

281 **53F-4-511 . Report on performance of authorized online course providers.**

282 (1) The state board, in collaboration with authorized online course providers, ~~[and, if
 283 applicable, the state board's contractor,]~~ shall develop a report on the performance of
 284 authorized online course providers, which may be used to evaluate the Statewide Online
 285 Education Program and assess the quality of an authorized online course provider..

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

287 (a) scores aggregated by test on statewide assessments administered under Title 53E,
 288 Chapter 4, Part 3, Assessments, taken by students at the end of an online course
 289 offered through the Statewide Online Education Program;

290 (b) the percentage of the authorized online course provider's students who complete
 291 online courses within the applicable time period specified in Subsection 53F-4-505
 292 (4)(c);

293 (c) the percentage of the authorized online course provider's students who complete
 294 online courses after the applicable time period specified in Subsection 53F-4-505
 295 (4)(c) and before the student graduates from high school; and

296 (d) the pupil-teacher ratio for the combined online courses of the authorized online
 297 course provider.

298 (3) The state board shall post a report on the performance of an authorized online course
 299 provider on the Statewide Online Education Program's website described in Section
 300 53F-4-512.

301 Section 6. Section **53F-4-512** is amended to read:

302 **53F-4-512 . Dissemination of information on the Statewide Online Education**

303 **Program.**

- 304 (1) The state board shall develop a website for the Statewide Online Education Program
 305 which shall include:
- 306 (a) a description of the Statewide Online Education Program, including its purposes;
 - 307 (b) notwithstanding Subsection (2), information on who is eligible to enroll, and how an
 308 eligible student may enroll, in an online course;
 - 309 (c) a directory of authorized online course providers;
 - 310 (d) a link to a course catalog for each authorized online course provider; and
 - 311 (e) a report on the performance of authorized online course providers as required by
 312 Section 53F-4-511.
- 313 (2) An authorized online course provider shall provide the following information on the
 314 authorized online course provider's website:
- 315 (a) a description of the Statewide Online Education Program, including its purposes;
 - 316 (b) information on who is eligible to enroll, and how an eligible student may enroll, in
 317 an online course;
 - 318 (c) a course catalog;
 - 319 (d) scores aggregated by test on statewide assessments administered under Title 53E,
 320 Chapter 4, Part 3, Assessments, taken by students at the end of an online course
 321 offered through the Statewide Online Education Program;
 - 322 (e) the percentage of an authorized online course provider's students who complete
 323 online courses within the applicable time period specified in Subsection 53F-4-505
 324 (4)(c);
 - 325 (f) the percentage of an authorized online course provider's students who complete
 326 online courses after the applicable time period specified in Subsection 53F-4-505
 327 (4)(c) and before the student graduates from high school; and
 - 328 (g) the authorized online course provider's pupil-teacher ratio for the online courses
 329 combined.

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

333 Section 7. Section **53F-4-514** is amended to read:

334 **53F-4-514 . State board -- Rulemaking -- Fees.**

- 335 (1) Notwithstanding Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state
 336 board shall provide a delayed effective date that is after the school year has ended for a

337 change to an administrative rule related to the Statewide Online Education Program if
338 the change would require an authorized online course provider to make program changes
339 during the school year.

340 (2) The state board shall make rules in accordance with this part and Title 63G, Chapter 3,
341 Utah Administrative Rulemaking Act, that establish:

342 (a) a course credit acknowledgement form and procedures for completing and
343 submitting to the state board ~~[or, in relation to a student who attends a private school~~
344 ~~or home school, the state board's contractor,]~~ a course credit acknowledgement;

345 (b) procedures for the administration of a statewide assessment to a student enrolled in
346 an online course; ~~[and]~~

347 (c) protocols for an online course provider to obtain approval to become a certified
348 online course provider, including:

349 (i) the application procedure for an online course provider to obtain approval to
350 become a certified online course provider; and

351 (ii) the standards that a certified online course provider and any online course the
352 certified online course provider offers shall meet;

353 (d) in accordance with Title 53E, Chapter 4, Academic Standards, Assessments, and
354 Materials, criteria for an authorized online course provider to submit for approval an
355 online course that does not have an existing state board course code; and

356 (e) ~~[no later than July 1, 2024, a]~~ a process within existing systems at the state board ~~[or,~~
357 ~~in relation to a student who attends a private school or home school, the state board's~~
358 ~~contractor,]~~ to allow a certified online course provider access to an educator's
359 licensing, endorsement, certification, and assignment information if the educator is
360 teaching an online course for the certified online course provider;

361 (f) in consultation with the authorized online course providers, the parameters for
362 conducting a site visit including:

363 (i) a definition for the term, site visit;

364 (ii) the minimum amount of time required for:

365 (A) notice to an authorized online course provider of a site visit; and

366 (B) an authorized online course provider to prepare for a site visit;

367 (iii) the documents, data, and artifacts subject to inspection during a site visit; and

368 (iv) a process to ensure a site visit allows for observation of instruction without
369 interfering with the instruction;

370 (g) annual mandatory training for relevant staff at a primary LEA that includes:

- 371 (i) program requirements for a primary LEA including reporting requirements and
372 methods;
- 373 (ii) uses of resources and tools to ensure adequate monitoring of an eligible student's
374 progress;
- 375 (iii) federal and state requirements for accommodating enrollments that involve
376 special education;
- 377 (iv) appropriate circumstances and methodologies for reducing an eligible student's
378 schedule; and
- 379 (v) other components the state board determines are necessary[; and] .
- 380 (3)(a) When establishing the standards described in Subsection (2)(c)(ii) the state board
381 shall:
- 382 (i) establish rules and minimum standards regarding accreditation;
- 383 (ii) require an online course to be aligned with the core standards described in
384 Section 53E-4-202;
- 385 (iii) require proof that a national organization responsible for college athletics
386 endorses:
- 387 (A) the certified online course provider; or
- 388 (B) the online course that a certified online course provider offers;
- 389 (iv) permit an open-entry, open-exit method of instructional delivery that allows a
390 student the flexibility to:
- 391 (A) schedule in response to individual needs or requirements;
- 392 (B) demonstrate competency when the student has mastered knowledge and skills;
- 393 (C) begin or end study at any time; and
- 394 (D) progress through course material at the student's own pace; and
- 395 (v) except as provided in Subsection (5), require an individual who teaches a course
396 for a certified online course provider to hold a teaching license issued by the state
397 board.
- 398 (b) When establishing the standards described in Subsection (2)(c)(ii), the state board
399 may not:
- 400 (i) specify a minimum duration for an online course;
- 401 (ii) specify a minimum amount of time that a student must spend in an online course;
- 402 or
- 403 (iii) limit the class size of an online course.
- 404 (4) No later than January 31, 2026, the state board shall create a communication dashboard

405 for the program [~~and only related to eligible students enrolled in a public school~~]that
406 may include:

- 407 (a) a counselor contact list for an eligible student that is accessible to an authorized
408 online course provider; and
- 409 (b) progress monitoring fields that are accessible to the primary LEA, the eligible
410 student's counselor, and the eligible student's parent containing:
- 411 (i) grade progress reporting of an eligible student by an authorized online course
412 provider;
- 413 (ii) an ability to flag a student that is at-risk of failing an online course; and
- 414 (iii) other relevant capabilities the state board determines to be necessary in
415 consultation with LEA users of the dashboard.
- 416 (5) If an individual possesses a provider-specific license described in Section 53E-6-201,
417 the state board may not prohibit the individual from teaching an online course for an
418 authorized online course provider while the individual is in the process of obtaining an
419 endorsement or additional license issued by the state board.
- 420 (6) The state board may establish a fee, in accordance with Section 63J-1-504, in an amount
421 to pay the costs to the state board of the application approval process and the monitoring
422 of a certified online course provider's compliance with the standards described in
423 Subsection (2)(c)(ii).
- 424 (7)(a) Fee revenue collected in accordance with Subsection (6) shall be:
- 425 (i) deposited into the Uniform School Fund as a dedicated credit; and
- 426 (ii) used to pay the costs to the state board of reviewing certified online course
427 providers' applications and compliance with the standards described in Subsection
428 (2)(c)(ii).

429 Section 8. Section **53F-4-516** is amended to read:

430 **53F-4-516 . Report of noncompliance -- Action to ensure compliance.**

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

436 Section 9. Section **53F-6-401** is amended to read:

437 **53F-6-401 . Definitions.**

438 As used in this part:

- 439 (1) "Eligible student" means a student:
- 440 (a) who is eligible to participate in public school, in kindergarten, or grades 1 through 12;
- 441 (b) who is a resident of the state, including a child of a military service member, as that
- 442 term is defined in Section 53B-8-102;
- 443 (c) who, during the school year for which the student is applying for a scholarship
- 444 account:
- 445 (i) does not receive a scholarship under:
- 446 (A) the Carson Smith Scholarship Program established in Section 53F-4-302; or
- 447 (B) the Carson Smith Opportunity Scholarship Program established in Section
- 448 53E-7-402; and
- 449 (ii) is not enrolled in[;] an LEA upon receiving the scholarship[;] ;
- 450 [~~(A) an LEA; or~~]
- 451 [~~(B) the Statewide Online Education Program to participate in a course with~~
- 452 ~~funding provided under Title 53F, Chapter 4, Part 5, Statewide Online~~
- 453 ~~Education Program, which does not include participation in a course by an~~
- 454 ~~entity as described in Subsection 53F-6-409(7);]~~
- 455 (d) whose eligibility is not suspended or disqualified under Section 53F-6-401; and
- 456 (e) who completes, to maintain eligibility, the portfolio requirement described in
- 457 Subsection 53F-6-402(3)(d).
- 458 (2) "Federal poverty level" means the United States poverty level as defined by the most
- 459 recently revised poverty income guidelines published by the United States Department
- 460 of Health and Human Services in the Federal Register.
- 461 (3)(a) "Home-based scholarship student" means a student who:
- 462 (i) is eligible to participate in public school, in kindergarten or grades 1 through 12;
- 463 (ii) is excused from enrollment in an LEA in accordance with Section 53G-6-204 to
- 464 attend a home school; and
- 465 (iii) receives a benefit of scholarship funds.
- 466 (b) "Home-based scholarship student" does not mean a home school student who does
- 467 not receive a scholarship under the program.
- 468 (4) "Parent" means:
- 469 (a) the same as that term is defined in Section 53E-1-102; and
- 470 (b) a foster parent who has initiated a process to adopt the foster child.
- 471 (5) "Program manager" means an organization that:
- 472 (a) is qualified as tax exempt under Section 501(c)(3), Internal Revenue Code;

- 473 (b) is not affiliated with any international organization;
- 474 (c) does not harvest data for the purpose of reproducing or distributing the data to other
475 entities;
- 476 (d) has no involvement in guiding or directing any curriculum or curriculum standards;
- 477 (e) does not manage or otherwise administer a scholarship under:
- 478 (i) the Carson Smith Scholarship Program established in Section 53F-4-302; or
- 479 (ii) the Carson Smith Opportunity Scholarship Program established in Section
480 53E-7-402; and
- 481 (f) an agreement with the state board recognizes as a program manager, in accordance
482 with this part.
- 483 (6)(a) "Program manager employee" means an individual working for the program
484 manager in a position in which the individual's salary, wages, pay, or compensation,
485 including as a contractor, is paid from scholarship funds.
- 486 (b) "Program manager employee" does not include:
- 487 (i) an individual who volunteers for the program manager or for a qualifying provider;
- 488 (ii) an individual who works for a qualifying provider; or
- 489 (iii) a qualifying provider.
- 490 (7) "Program manager officer" means:
- 491 (a) a member of the board of a program manager; or
- 492 (b) the chief administrative officer of a program manager.
- 493 (8)(a) "Qualifying provider" means one of the following entities:
- 494 (i) an eligible school that the program manager approves in accordance with Section
495 53F-6-408; or
- 496 (ii) an eligible service provider that the program manager approves in accordance
497 with Section 53F-6-409.
- 498 (b) "Qualifying provider" does not include:
- 499 (i) a parent of a home-based scholarship student or a home school student solely in
500 relation to the parent's child; or
- 501 (ii) any other individual that does not meet the requirements described in Subsection
502 (8)(a).
- 503 (9) "Relative" means a father, mother, husband, wife, son, daughter, sister, brother, uncle,
504 aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,
505 sister-in-law, son-in-law, or daughter-in-law.
- 506 (10) "Scholarship account" means the account to which a program manager allocates funds

- 507 for the payment of approved scholarship expenses in accordance with this part.
- 508 (11) "Scholarship expense" means an expense described in Section 53F-6-402 that a parent
509 or scholarship student incurs in the education of the scholarship student for a service or
510 goods that a qualifying provider provides, including:
- 511 (a) tuition and fees of a qualifying provider;
 - 512 (b) fees and instructional materials at a technical college;
 - 513 (c) tutoring services;
 - 514 (d) fees for after-school or summer education programs;
 - 515 (e) textbooks, curricula, or other instructional materials, including any supplemental
516 materials or associated online instruction that a curriculum or a qualifying provider
517 recommends;
 - 518 (f) educational software and applications;
 - 519 (g) supplies or other equipment related to a scholarship student's educational needs;
 - 520 (h) computer hardware or other technological devices that are intended primarily for a
521 scholarship student's educational needs;
 - 522 (i) fees for the following examinations, or for a preparation course for the following
523 examinations, that the program manager approves:
 - 524 (i) a national norm-referenced or standardized assessment described in Section
525 53F-6-410, an advanced placement examination, or another similar assessment;
 - 526 (ii) a state-recognized industry certification examination; and
 - 527 (iii) an examination related to college or university admission;
 - 528 (j) educational services for students with disabilities from a licensed or accredited
529 practitioner or provider, including occupational, behavioral, physical, audiology, or
530 speech-language therapies;
 - 531 (k) contracted services that the program manager approves and that an LEA provides,
532 including individual classes, after-school tutoring services, transportation, or fees or
533 costs associated with participation in extracurricular activities;
 - 534 (l) ride fees or fares for a fee-for-service transportation provider to transport the
535 scholarship student to and from a qualifying provider, not to exceed \$750 in a given
536 school year;
 - 537 (m) expenses related to extracurricular activities, field trips, educational supplements,
538 and other educational experiences; or
 - 539 (n) any other expense for a good or service that:
 - 540 (i) a parent or scholarship student incurs in the education of the scholarship student;

- 541 and
- 542 (ii) the program manager approves, in accordance with Subsection (5)(d).
- 543 (12) "Scholarship funds" means:
- 544 (a) funds that the Legislature appropriates for the program; and
- 545 (b) interest that scholarship funds accrue.
- 546 (13)(a) "Scholarship student" means an eligible student, including a home-based
- 547 scholarship student, for whom the program manager establishes and maintains a
- 548 scholarship account in accordance with this part.
- 549 (b) "Scholarship student" does not include a home school student who does not receive a
- 550 scholarship award under the program.
- 551 (14) "Utah Fits All Scholarship Program" or "program" means the scholarship program
- 552 established in Section 53F-6-402.

553 Section 10. Section **53F-6-501** is enacted to read:

554 **Part 5. Utah Home and Private Course Choice Empowerment**

555 **53F-6-501 . Utah Home and Private Course Choice Empowerment program.**

556 (1) As used in this section:

- 557 (a) "Authorized online course provider" or "provider" means a provider approved by the
- 558 program manager to offer online courses through the program.
- 559 (b) "Blended learning" means an education model that:
- 560 (i) combines in-person and online or digital instruction and learning activities;
- 561 (ii) allows students to receive instruction through:
- 562 (A) direct, in-person interaction with an instructor;
- 563 (B) digital or online content and activities; or
- 564 (C) a combination of both in-person and online methods;
- 565 (iii) may include hybrid teaching formats where:
- 566 (A) some students participate in-person while others participate remotely; or
- 567 (B) instruction alternates between in-person and online delivery; and
- 568 (iv) provides students flexibility in time, place, path, or pace of learning.
- 569 (c) "Eligible student" means a student:
- 570 (i) who attends a private school or home school and whose parent is a resident of
- 571 Utah; or
- 572 (ii) who is an exchange student residing in Utah and enrolled in a private school in
- 573 Utah.
- 574 (d) "Online course" means a course of instruction for grades 6 through 12 offered

- 575 through the program using digital technology, including:
576 (i) an exclusively online learning and instructional model; or
577 (ii) blended learning models.
- 578 (e) "Program" means the Utah Home and Private Course Choice Empowerment program
579 created in this section.
- 580 (f) "Program manager" means a for-profit or non-profit entity that, at the time of
581 application, demonstrates the ability without external contracts to internally meet the
582 qualifications specified in this section, that is contracted by the state board to
583 administer the Utah Home and Private Course Choice Empowerment program,
584 including:
- 585 (i) the ability to manage, distribute, and transact program funds;
586 (ii) capacity to create and maintain a user-friendly website;
587 (iii) the ability to verify a student's eligibility based on the requirements of this part;
588 (iv) capacity to process provider payments and maintain financial records;
589 (v) ability to track, monitor, and report program enrollment, participation, and
590 outcomes at both provider and individual student levels; and
591 (vi) maintenance of a publicly accessible provider list, including:
592 (A) the capability to allow a student or a student's parent to rate, review, and share
593 information about providers; and
594 (B) appropriate links to a provider's course catalog.
- 595 (2) The program is created to enable an eligible student to engage in taking online courses.
- 596 (3) The purposes of the program are to:
- 597 (a) provide a student with access to online learning options regardless of where the
598 student attends school, including blending learning settings;
599 (b) provide digital learning options for a student regardless of language, residence,
600 family income, or special needs;
601 (c) utilize the power and scalability of technology to customize education so that a
602 student may learn in the student's own style preference and at the student's own pace;
603 (d) provide greater access to self-paced programs enabling a high achieving student to
604 accelerate academically, while a struggling student may have additional time and
605 help to gain competency;
606 (e) allow a student to customize the student's schedule to better meet the student's
607 academic goals;
608 (f) provide quality learning options to better prepare a student for post-secondary

- 609 education and career opportunities; and
- 610 (g) support flexible learning environments through blended learning options that
611 combine the benefits of both in-person and online instruction to enhance student
612 engagement and achievement.
- 613 (4) An eligible student may enroll in an online course offered through the program if:
- 614 (a) the student meets the course prerequisites; and
- 615 (b) the course is open for enrollment.
- 616 (5) An eligible student may enroll in online courses up to the equivalent of six credits per
617 school year.
- 618 (6)(a) No later than July 1, 2025, the state board shall:
- 619 (i) contract with one or more private entities to serve as a program manager for the
620 program, including management of the funds appropriated for the program; and
621 (ii) ensure the initial contract is no more than a three-year contract with annual
622 renewal options subject to performance review and compliance with Title 63G,
623 Chapter 6a, Utah Procurement Code.
- 624 (b) The state board may regulate and take enforcement action as necessary against a
625 program manager in accordance with the provisions of the state board's agreement
626 with the program manager.
- 627 (c) The state board may not include a provision in any rule that creates or implies a
628 restriction, direction, or mandate regarding program administration, including student
629 enrollment, payments to providers, instructional content, or curriculum.
- 630 (7) The program manager shall:
- 631 (a) administer the program;
- 632 (b) ensure an eligible student can navigate to all authorized online course providers'
633 enrollment platforms or tools for the program;
- 634 (c) approve and oversee authorized online course providers;
- 635 (d) establish guidelines for qualifying providers and courses;
- 636 (e) manage funds appropriated for the program;
- 637 (f) make payments to authorized online course providers that may not include
638 transaction fees of any kind;
- 639 (g) as described in Subsection (17), provide an annual report on the performance of the
640 program to the Education Interim Committee; and
- 641 (h) ensure compliance with applicable laws and regulations.
- 642 (8) The program manager shall approve online course providers to offer courses through the

643 program.

644 (9)(a) Subject to Subsection (9)(b), the program manager shall establish a process to
645 approve an entity as an authorized online course provider, including:

646 (i) the entity's demonstration of at least three years of experience in either:

647 (A) developing and delivering proprietary digital coursework for students; or

648 (B) successfully aggregating and managing third-party digital education providers
649 and courses for students;

650 (ii) the ability to provide a publicly available user-friendly website for an eligible
651 student, including:

652 (A) an accessible course enrollment system;

653 (B) comprehensive provider and course information; and

654 (C) program participation metrics;

655 (iii) verification that within the past five years, the entity:

656 (A) has not been subject to sanctions;

657 (B) has not undergone investigations;

658 (C) has not had adverse findings in malfeasance audits; and

659 (D) has not received other official censures in any state where it delivers digital
660 courses;

661 (iv) certification that the entity is not currently named in any lawsuit or ongoing civil
662 litigation in any state where the entity delivers digital courses; and

663 (v) the entity's demonstrated capacity to:

664 (A) evaluate and monitor course quality and content;

665 (B) verify instructor qualifications and experience;

666 (C) ensure instructor technical competency;

667 (D) conduct instructor background checks;

668 (E) provide regular professional development;

669 (F) implement student safety policies;

670 (G) maintain data privacy and security;

671 (H) enforce a learner code of conduct; and

672 (I) uphold academic integrity standards.

673 (b) In accordance with Subsection (11), the program manager shall allow all authorized
674 online course providers and courses the state board has approved up to July 1, 2024,
675 for the Statewide Online Education Program described in Title 53F, Chapter 4, Part
676 5, Statewide Online Education Program, to be offered to private and home school

677 students.

678 (10) The program manager may revoke approval of an authorized online course provider
679 for non-compliance with program requirements described in this section or poor
680 performance as the program manager determines.

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

683 (a) submission of the following course information:

684 (i) course title;

685 (ii) course fee;

686 (iii) subject area;

687 (iv) if applicable, credits earned;

688 (b) description of course organization, including:

689 (i) modules, units, or chapters;

690 (ii) frequency of assessments; and

691 (iii) overall course length;

692 (c) course pacing information, including:

693 (i) recommended standard course pace progression;

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

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

696 (d) course withdrawal policy;

697 (e) final completion deadline for the course;

698 (f) summary description of course subject matter content;

699 (g) course prerequisites, if any;

700 (h) required course materials, including:

701 (i) technology requirements; and

702 (ii) tangible materials needed for course completion;

703 (i) alignment with any applicable:

704 (i) industry standards;

705 (ii) state board standards;

706 (iii) National Collegiate Athletic Association requirements; or

707 (iv) accreditation requirements;

708 (j) method of course instruction and delivery;

709 (k) description of instructional support, including:

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

- 711 (ii) frequency of instructor-led tutoring;
712 (iii) availability of small-group tutoring;
713 (iv) frequency of synchronous one-on-one instructor-led checks for a student's
714 understanding; and
715 (v) regular student interaction with educators;
716 (l) student-to-teacher ratio;
717 (m) for blended or hybrid format courses:
718 (i) a description of in-person instruction components; and
719 (ii) any waiver for online instructional support requirements when a student receives
720 real-time in-person instruction for a portion of the course; and
721 (n) prohibiting credit recovery courses or packet-based courses.
722 (12) The program manager shall ensure the review process described in Subsection (11):
723 (a) does not require an authorized online course provider to alter the provider's:
724 (i) creed;
725 (ii) practices;
726 (iii) admissions policies;
727 (iv) hiring practices; or
728 (v) curricula, including any religious course or course content;
729 (b) maintains an authorized online course provider's autonomy while accepting program
730 funds; and
731 (c) provides for a regular renewal of:
732 (i) a course approval; and
733 (ii) an authorized online course provider's authorization based on criteria, including:
734 (A) a course completion rate of at least 80%;
735 (B) reviews of the courses provided by a parent or eligible student; and
736 (C) if applicable, fidelity to the approval criteria described in Subsection (9).
737 (13) An authorized online course provider shall:
738 (a) for each course offered, establish reasonable:
739 (i) course lengths;
740 (ii) standardized completion deadlines that are the same for all courses offered by the
741 provider;
742 (iii) standardized withdrawal deadlines that are the same for all courses offered by the
743 provider; and
744 (iv) course fees;

- 745 (b) submit the information described in Subsections (11) and (13)(a) to the program
746 manager for approval;
- 747 (c) ensure the information described in Subsections (11) and (13)(a) are correctly posted
748 with each course listing; and
- 749 (d) report enrollment and withdrawal data to the program manager within five business
750 days.
- 751 (14) Subject to legislative appropriation, the program manager shall manage program funds
752 to administer the program, including:
- 753 (a) paying a course fee to an authorized online course provider as follows:
- 754 (i) 60% of the course fee paid upon an eligible student's enrollment; and
755 (ii) 40% of the course fee paid upon the eligible student's completion of the course;
- 756 (b) if the student does not complete the course by the deadline the authorized online
757 course provider establishes as described in Subsection (13), disqualifying an
758 authorized online course provider from receiving the 40% of the course fee as
759 described in Subsection (14)(a)(ii);
- 760 (c) processing payments to a provider within 30 days of relevant deadlines for
761 enrollment, withdrawal, or course completion; and
- 762 (d) establishing a payment structure for payments made to a provider that ensures no
763 transaction fees are passed on to the provider.
- 764 (15) Subject to legislative appropriation, the Legislature shall:
- 765 (a) provide funds for the program that are separate from funding for public education
766 programs; and
- 767 (b) adjust the appropriation based on anticipated enrollment increases in the program.
- 768 (16) The program manager may use a percentage of the appropriation described in
769 Subsection (15) for administrative costs as follows:
- 770 (a) up to 8% of the appropriation for administrative costs when the total annual
771 appropriation from the Legislature is \$10,000,000 or less; and
- 772 (b) up to 5% of the appropriation for administrative costs when the total annual
773 appropriation from the Legislature exceeds \$10,000,000.
- 774 (17) The program manager shall provide an annual report to the Education Interim
775 Committee regarding the performance of the program, including:
- 776 (a) number of students served;
- 777 (b) courses offered and completed;
- 778 (c) student progress and completion rates; and

- 779 (d) financial information and use of funds.
- 780 (18) The program manager shall establish a comprehensive system for monitoring
- 781 providers, including:
- 782 (a) regular performance reviews based on:
- 783 (i) student completion rates;
- 784 (ii) student academic progress metrics;
- 785 (iii) instructor qualifications and performance;
- 786 (iv) course content quality and alignment; and
- 787 (v) technical system reliability;
- 788 (b) annual compliance audits of:
- 789 (i) financial records;
- 790 (ii) student data privacy practices; and
- 791 (iii) security protocols; and
- 792 (c) regular provider site visits that occur at least once per academic year.
- 793 (19) On or before July 1, 2025, and as frequently as necessary to maintain the information,
- 794 the state board shall provide information on the state board's website, including:
- 795 (a) information on the program manager, including the program manager's contact
- 796 information; and
- 797 (b) an overview of the program.
- 798 Section 1. **Effective Date.**
- 799 This bill takes effect on May 7, 2025.