

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

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**LONG TITLE**

**General Description:**

This bill establishes a private online course choice program.

**Highlighted Provisions:**

This bill:

- ▶ establishes standards for educational software 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

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **53F-4-501**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 1

34 **53F-4-503**, as last amended by Laws of Utah 2024, Chapter 24

35 **53F-4-505**, as last amended by Laws of Utah 2024, Chapter 24

36 **53F-4-507**, as last amended by Laws of Utah 2024, Chapter 24

37 **53F-4-511**, as last amended by Laws of Utah 2024, Chapter 24

38 **53F-4-512**, as last amended by Laws of Utah 2024, Chapter 24

39 **53F-4-514**, as last amended by Laws of Utah 2024, Chapter 24

40 **53F-4-516**, as last amended by Laws of Utah 2024, Chapter 24

41 ENACTS:

42 **53F-4-209**, Utah Code Annotated 1953

43 **53F-4-519**, Utah Code Annotated 1953

44 **53F-6-501**, Utah Code Annotated 1953



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

47 Section 1. Section **53F-4-209** is enacted to read:

48 **53F-4-209 . Neutrality and integrity in educational software procurement.**

49 (1) As used in this section:

50 (a) "Educational entity" means:

51 (i) the state board; or

52 (ii) a local education agency governing board.

53 (b) "Computer software" means a set of computer programs, procedures, and associated  
54 documentation concerned with computer data or with the operation of a computer,  
55 computer program, or computer network.

56 (c) "Total cost of ownership" means the sum of all costs borne by the educational entity  
57 during the useful life of the software, including costs for acquisition, installation,  
58 training, data conversion, integration, maintenance, upgrades, and technical support.

59 (2) The Legislature finds that:

60 (a) the state board and local education agency governing boards have access to a broad  
61 variety of software products;

62 (b) these boards should evaluate software based on performance, value, cost, and

- 63            licensing terms; and
- 64            (c) neutral software procurement practices promote competition, reduce costs, and
- 65            provide better educational outcomes.
- 66    (3) An educational entity shall:
- 67            (a) base software procurement decisions on performance and value criteria, including
- 68            quality, functionality, security, reliability, interoperability, and total cost of
- 69            ownership;
- 70            (b) maintain neutrality with respect to:
- 71            (i) whether a for-profit or non-profit entity provides the software; and
- 72            (ii) the licensing model under which a provider offers the software; and
- 73            (c) retain the ability to install or run software on hardware that the educational entity
- 74            chooses.
- 75    (4) An educational entity may not:
- 76            (a) express or imply preferences for specific software licensing models;
- 77            (b) express or imply preferences for specific software products; or
- 78            (c) circumvent procurement rules when acquiring or installing software.
- 79    (5) Notwithstanding Subsection (5), an educational entity may consider the effect of
- 80            specific licensing terms in software procurement decisions, including terms governing:
- 81            (a) availability of software source code;
- 82            (b) rights and restrictions regarding software modification;
- 83            (c) redistribution rights;
- 84            (d) warranties; and
- 85            (e) intellectual property indemnification.
- 86    (6) An educational entity shall interpret and apply this section in concert with all applicable
- 87            provisions of Title 63G, Chapter 6a, Utah Procurement Code.

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

89            **53F-4-501 . Definitions.**

90            As used in this part:

- 91    (1) "Authorized online course provider" means the entities listed in Subsection 53F-4-504
- 92            (1).
- 93    (2)(a) "Certified online course provider" means a provider that the state board approves
- 94            to offer courses through the Statewide Online Education Program.
- 95            (b) "Certified online course provider" does not include an entity described in
- 96            Subsections 53F-4-504(1)(a) through (c).

- 97 (3) "Credit" means credit for a high school course, or the equivalent for a middle school  
 98 course, as determined by the state board.
- 99 (4)~~(a)~~ "Eligible student" means a student who:
- 100 ~~[(i) (a) [who]intends to take a course for middle school or high school credit; and~~  
 101 ~~[(ii)(A) who is enrolled in an LEA in Utah;]~~  
 102 ~~[(B) who attends a private school or home school and whose custodial parent is a~~  
 103 ~~resident of Utah; or]~~  
 104 ~~[(C) who is an exchange student residing in Utah and enrolled in an LEA or~~  
 105 ~~private school in Utah.]~~
- 106 (b) is:
- 107 (i) enrolled in an LEA in Utah; or  
 108 (ii) a home school student in accordance with Section 53G-6-204, whose custodial  
 109 parent is a resident of Utah.
- 110 ~~[(b) "Eligible student" does not include a scholarship student as defined in Section~~  
 111 ~~53F-6-401.]~~
- 112 ~~[(5) "Exchange student" means a student sponsored by an agency approved by an LEA or~~  
 113 ~~private school governing board or a student who has an F-1, J-1, or J-2 visa.]~~
- 114 ~~[(6) (5) "High school" means grade 9, 10, 11, or 12.~~
- 115 ~~[(7) (6) "Middle school" means, only for purposes of student eligibility to participate in the~~  
 116 ~~Statewide Online Education Program, grade 6, 7, or 8.~~
- 117 ~~[(8) (7) "Online course" means a course of instruction offered by the Statewide Online~~  
 118 ~~Education Program through the use of digital technology, regardless of whether the~~  
 119 ~~student participates in the course at home, at school, at another location, or any~~  
 120 ~~combination of these.~~
- 121 ~~[(9) (8) "Plan for college and career readiness" means the same as that term is defined in~~  
 122 ~~Section 53E-2-304.~~
- 123 ~~[(10) (9) "Primary LEA of enrollment" or "primary LEA" means the LEA in which an~~  
 124 ~~eligible student is enrolled for courses other than online courses offered through the~~  
 125 ~~Statewide Online Education Program.~~
- 126 ~~[(11) (10) "Released-time" means a period of time during the regular school day a student~~  
 127 ~~is excused from school at the request of the student's parent pursuant to rules of the state~~  
 128 ~~board.~~
- 129 ~~[(12) "State board's contractor" means the private entity described in Section 53F-4-503~~  
 130 ~~with which the state board contracts to administer the portion of the Statewide Online~~

131 ~~Education Program designated for a student who attends private school or home school.]~~

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

133 **53F-4-503 . Option to enroll in online courses offered through the Statewide**  
 134 **Online Education Program.**

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

138 (a) the student meets the course prerequisites;

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

140 (c) the online course is aligned with the student's plan for college and career readiness.

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

143 (3) Notwithstanding Subsection (2):

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

146 (b) upon the request of an eligible student, the state board ~~[or, in relation to a student~~  
 147 ~~who attends a private school or home school, the state board's contractor,]~~ may allow  
 148 the student to enroll in online courses for more than the number of credits specified in  
 149 Subsection (2), if the online courses better meet the academic goals of the student.

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

151 (a) in conjunction with the student and the student's parent, is responsible for preparing  
 152 and implementing a plan for college and career readiness for the eligible student, as  
 153 provided in Section 53E-2-304; and

154 (b) shall assist an eligible student in scheduling courses in accordance with the student's  
 155 plan for college and career readiness, graduation requirements, and the student's  
 156 post-secondary plans.

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

158 (a) impose restrictions on a student's selection of an online course that fulfills graduation  
 159 requirements and is consistent with the student's plan for college and career readiness  
 160 or post-secondary plans; or

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

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

- 165 online course provider.
- 166 (7)(a) Except as provided in Subsection (7)(b), a person may not provide an inducement  
167 or incentive to a ~~[public school]~~ student to participate in the Statewide Online  
168 Education Program.
- 169 (b) For purposes of Subsection (7)(a):
- 170 (i) "Inducement or incentive" does not mean:
- 171 (A) instructional materials or software necessary to take an online course; or  
172 (B) access to a computer or digital learning device for the purpose of taking an  
173 online course.
- 174 (ii) "Person" does not include a relative of the ~~[public school]~~ eligible student.
- 175 (8) The state board shall coordinate with the Utah System of Higher Education to study  
176 funding structures and access barriers related to concurrent enrollment for the Statewide  
177 Online Education Program and provide recommendations to the Education Interim  
178 Committee no later than the November 2024 meeting.
- 179 (9) Subject to legislative appropriations~~[-and for an eligible student who is enrolled at a  
180 public school]~~, the state board shall provide Statewide Online Education Program  
181 academic counseling that:
- 182 (a) may advise an eligible student or an eligible student's parent regarding an online  
183 course enrollment including how an online course relates to graduation requirements  
184 described in Section 53E-4-204 and administrative rule;
- 185 (b) provides the training described in Section 53F-4-514;
- 186 (c) provides technical support to an LEA, school-based counselor, eligible student, or  
187 eligible student's parent;
- 188 (d) assists in gathering information, reports, and data an LEA requests; and  
189 (e) directs an eligible student or an eligible student's parent to a school-specific  
190 counselor for advice regarding an online course enrollment in relation to an LEA, or  
191 school-specific graduation requirement and all other counseling services.
- 192 (10) If an eligible student has an IEP or Section 504 accommodation plan:
- 193 (a) the eligible student's primary LEA:
- 194 (i) shall:
- 195 (A) forward a copy of the relevant portions of the eligible student's existing IEP or  
196 Section 504 accommodation plan to the authorized online course provider in  
197 accordance with federal law and guidelines; and  
198 (B) ensure the authorized online course provider is provided an eligible student's

- 199 updated IEP when revisions are made;
- 200 (ii) may:
- 201 (A) ensure the eligible student's IEP team and the authorized online course
- 202 provider review a course enrollment for compliance with requirements
- 203 described in Subsection (1); and
- 204 (B) as needed, coordinate additional IEP team reviews with the authorized online
- 205 course provider to ensure appropriate services, supports, and accommodations
- 206 are in place for the eligible student; and
- 207 (b) the authorized online course provider:
- 208 (i) shall implement an eligible student's IEP or Section 504 accommodation plan; and
- 209 (ii) may seek assistance from the primary LEA to implement an eligible student's IEP
- 210 or Section 504 accommodation plan.
- 211 (11) The state board shall create a model cooperative agreement between a primary LEA
- 212 and an authorized online course provider for use when the primary LEA determines that
- 213 an authorized online course provider would best provide IEP services, including a
- 214 requirement that the eligible student's primary LEA provide funding for the IEP services.
- 215 (12) If the program lacks sufficient legislative appropriations to fund the enrollment in
- 216 online courses for all eligible students who do not have a primary LEA of enrollment,
- 217 the state board ~~[or, in relation to a student who attends a private school or home school,~~
- 218 ~~the state board's contractor,]~~ shall prioritize funding the enrollment of an eligible student
- 219 who intends to graduate from high school during the school year in which the student
- 220 enrolls in an online course.
- 221 ~~[(13) No later than April 1, 2025, and in accordance with Title 63G, Chapter 6a, Utah~~
- 222 ~~Procurement Code, the state board shall use funds the state board expends to administer~~
- 223 ~~to the Statewide Online Education Program for students who attend private school or~~
- 224 ~~home school to alternatively contract with a private entity:]~~
- 225 ~~[(a) that has demonstrated an expertise or ability to administer a statewide program to~~
- 226 ~~deliver education services to students who attend private school or home school; and]~~
- 227 ~~[(b) to administer the portion of the Statewide Online Education Program that is~~
- 228 ~~designated for students who attend private school or home school, including~~
- 229 ~~providing an enrollment platform or tool separate from the enrollment tool or~~
- 230 ~~platform the state board provides for the program.]~~
- 231 ~~[(14) The state board's contractor described in Subsection (13) may use a percentage of the~~
- 232 ~~appropriation for home school and private school students that is equal to the proportion~~

233 of the state board's administrative cost in relation to the appropriation for students  
234 enrolled in an LEA.]

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

236 **53F-4-505 . Payment for an online course.**

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

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

240 (i) financial literacy;

241 (ii) health;

242 (iii) fitness for life; and

243 (iv) computer literacy;

244 (b) \$200 for driver education;

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

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

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

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

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

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

254 (ii) a concurrent enrollment course; and

255 (f) \$250 for a course not described in Subsections (1)(a) through (e).

256 (2) If a course meets the requirements of more than one course fee category described in  
257 Subsection (1), the course fee shall be the lowest of the applicable course fee categories.

258 (3) The online course fees described in Subsection (1) shall be adjusted each school year in  
259 accordance with the percentage change in value of the weighted pupil unit from the  
260 previous school year.

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

263 (a) for a .5 credit online course, 50% of the online course fee after the withdrawal period  
264 described in Section 53F-4-506;

265 (b) for a 1 credit online course, 25% of the online course fee after the withdrawal period  
266 described in Section 53F-4-506 and 25% of the online course fee upon the beginning



- 267 of the second .5 credit of the online course; and
- 268 (c) if a student completes a 1 credit online course within 12 months or a .5 credit course  
269 within nine weeks following the end of a traditional semester, 50% of the online  
270 course fee.
- 271 (5)(a) If a student fails to complete a 1 credit course within 12 months or a .5 credit  
272 course within nine weeks following the end of a traditional semester, the student may  
273 continue to be enrolled in the course until the student graduates from high school.
- 274 (b) To encourage an authorized online course provider to provide remediation to a  
275 student who remains enrolled in an online course pursuant to Subsection (5)(a) and  
276 avoid the need for credit recovery, an authorized online course provider shall receive  
277 a payment equal to 30% of the online course fee if the student completes the online  
278 course:
- 279 (i) for a high school online course, before the student graduates from high school; or  
280 (ii) for a middle school online course, before the student completes middle school.
- 281 (6) Notwithstanding the online course fees prescribed in Subsections (1) through (3), a  
282 school district or charter school may:
- 283 (a) negotiate a fee with an authorized online course provider for an amount up to the  
284 amount prescribed in Subsections (1) through (3); and
- 285 (b) pay the negotiated fee instead of the fee prescribed in Subsections (1) through (3).
- 286 (7) An authorized online course provider who contracts with a vendor for the acquisition of  
287 online course content or online course instruction may negotiate the payment for the  
288 vendor's service independent of the fees specified in Subsections (1) through (3).
- 289 (8) The state board [~~or, in relation to a student who attends a private school or home school,~~  
290 ~~the state board's contractor,~~] may not remove a student from an online course if the  
291 student is eligible for continued enrollment in the online course under Subsection (5).
- 292 (9) Upon request by a primary LEA, the state board shall provide an itemized report to the  
293 primary LEA showing the deduction described in Subsection 53F-4-508(2) by student  
294 and course enrolled.

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

296 **53F-4-507 . Direction to deduct funds and make payments -- Plan for the**  
297 **payment of online courses taken by home school students.**

- 298 (1)[~~(a)~~] Subject to future budget constraints, the Legislature shall adjust the  
299 appropriation for the Statewide Online Education Program based on[~~;~~]  
300 [~~(i)~~]

- 301           (a) the anticipated increase of eligible home school [~~and private school~~] students  
 302           enrolled in the Statewide Online Education Program; and  
 303           [(ii)]
- 304           (b) the value of the weighted pupil unit.
- 305           ~~[(b) The state board shall, if the state board contracts with a private entity under  
 306           Subsection 53F-4-503(9), delegate to the state board's contractor the management of  
 307           the funds appropriated for the Statewide Online Education Program for students who  
 308           attend private school or home school.]~~
- 309       (2) Notwithstanding Subsection (1) and subject to future budget constraints, the Legislature  
 310       shall:
- 311           (a) consider enrollment projections provided by the authorized online course providers  
 312           to account for enrollment growth during the appropriations process; and
- 313           (b) provide a supplemental appropriation to adequately fund the Statewide Online  
 314           Education Program when the enrollment amount exceeds the projected enrollment  
 315           amounts provided by the authorized online course providers[~~; and~~] .
- 316           ~~[(c) in the fiscal year beginning July 1, 2025, keep all other appropriations for the  
 317           Statewide Online Education Program separate from the appropriations described in  
 318           Section 53F-4-518.]~~
- 319       (3)(a) The state board shall deduct money from funds allocated to the student's primary  
 320       LEA of enrollment under Chapter 2, State Funding -- Minimum School Program, to  
 321       pay for online course fees.
- 322           (b) Money shall be deducted under Subsection (3)(a) in the amount and at the time an  
 323           authorized online course provider qualifies to receive payment for an online course  
 324           provided to a [public education] student, not to exceed 90 days after qualification, as  
 325           provided in Subsection 53F-4-505(4).
- 326           ~~[(c) The state board or, in relation to a student who attends a private school or home  
 327           school, the state board's contractor, shall deduct money from funds allocated for  
 328           course fees for a private school or home school student in the amount and at the time  
 329           an authorized online course provider qualifies to receive payment for an online  
 330           course, not to exceed 90 days after qualification.]~~
- 331       (4) From money deducted under Subsection (3), the state board [~~or, in relation to a student  
 332       who attends a private school or home school, the state board's contractor,~~] shall make  
 333       payments to the student's authorized online course provider as provided in Section  
 334       53F-4-505.

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

336 **53F-4-511 . Report on performance of authorized online course providers.**

- 337 (1) The state board, in collaboration with authorized online course providers, [~~and, if~~  
338 ~~applicable, the state board's contractor, ]shall develop a report on the performance of  
339 authorized online course providers, which may be used to evaluate the Statewide Online  
340 Education Program and assess the quality of an authorized online course provider. ]~~
- 341 (2) A report on the performance of an authorized online course provider shall include:
- 342 (a) scores aggregated by test on statewide assessments administered under Title 53E,  
343 Chapter 4, Part 3, Assessments, taken by students at the end of an online course  
344 offered through the Statewide Online Education Program;
- 345 (b) the percentage of the authorized online course provider's students who complete  
346 online courses within the applicable time period specified in Subsection 53F-4-505  
347 (4)(c);
- 348 (c) the percentage of the authorized online course provider's students who complete  
349 online courses after the applicable time period specified in Subsection 53F-4-505  
350 (4)(c) and before the student graduates from high school; and
- 351 (d) the pupil-teacher ratio for the combined online courses of the authorized online  
352 course provider.
- 353 (3) The state board shall post a report on the performance of an authorized online course  
354 provider on the Statewide Online Education Program's website described in Section  
355 53F-4-512.

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

357 **53F-4-512 . Dissemination of information on the Statewide Online Education**  
358 **Program.**

- 359 (1) The state board shall develop a website for the Statewide Online Education Program  
360 which shall include:
- 361 (a) a description of the Statewide Online Education Program, including its purposes;  
362 (b) notwithstanding Subsection (2), information on who is eligible to enroll, and how an  
363 eligible student may enroll, in an online course;
- 364 (c) a directory of authorized online course providers;
- 365 (d) a link to a course catalog for each authorized online course provider; and
- 366 (e) a report on the performance of authorized online course providers as required by  
367 Section 53F-4-511.
- 368 (2) An authorized online course provider shall provide the following information on the

- 369 authorized online course provider's website:
- 370 (a) a description of the Statewide Online Education Program, including its purposes;
- 371 (b) information on who is eligible to enroll, and how an eligible student may enroll, in
- 372 an online course;
- 373 (c) a course catalog;
- 374 (d) scores aggregated by test on statewide assessments administered under Title 53E,
- 375 Chapter 4, Part 3, Assessments, taken by students at the end of an online course
- 376 offered through the Statewide Online Education Program;
- 377 (e) the percentage of an authorized online course provider's students who complete
- 378 online courses within the applicable time period specified in Subsection 53F-4-505
- 379 (4)(c);
- 380 (f) the percentage of an authorized online course provider's students who complete
- 381 online courses after the applicable time period specified in Subsection 53F-4-505
- 382 (4)(c) and before the student graduates from high school; and
- 383 (g) the authorized online course provider's pupil-teacher ratio for the online courses
- 384 combined.

385 ~~[(3) The state board's contractor shall provide on the contractor's website information~~

386 ~~regarding enrollment and participation by a private school or home school student~~

387 ~~through the contractor.]~~

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

389 **53F-4-514 . State board -- Rulemaking -- Fees.**

- 390 (1) Notwithstanding Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state
- 391 board shall provide a delayed effective date that is after the school year has ended for a
- 392 change to an administrative rule related to the Statewide Online Education Program if
- 393 the change would require an authorized online course provider to make program changes
- 394 during the school year.
- 395 (2) The state board shall make rules in accordance with this part and Title 63G, Chapter 3,
- 396 Utah Administrative Rulemaking Act, that establish:
- 397 (a) a course credit acknowledgement form and procedures for completing and
- 398 submitting to the state board ~~[or, in relation to a student who attends a private school~~
- 399 ~~or home school, the state board's contractor,]~~a course credit acknowledgement;
- 400 (b) procedures for the administration of a statewide assessment to a student enrolled in
- 401 an online course; ~~[and]~~
- 402 (c) protocols for an online course provider to obtain approval to become a certified

- 403 online course provider, including:
- 404 (i) the application procedure for an online course provider to obtain approval to
- 405 become a certified online course provider; and
- 406 (ii) the standards that a certified online course provider and any online course the
- 407 certified online course provider offers shall meet;
- 408 (d) in accordance with Title 53E, Chapter 4, Academic Standards, Assessments, and
- 409 Materials, criteria for an authorized online course provider to submit for approval an
- 410 online course that does not have an existing state board course code; and
- 411 (e) ~~[no later than July 1, 2024, a]~~ a process within existing systems at the state board ~~[or,~~
- 412 ~~in relation to a student who attends a private school or home school, the state board's~~
- 413 ~~contractor,]~~ to allow a certified online course provider access to an educator's
- 414 licensing, endorsement, certification, and assignment information if the educator is
- 415 teaching an online course for the certified online course provider;
- 416 (f) in consultation with the authorized online course providers, the parameters for
- 417 conducting a site visit including:
- 418 (i) a definition for the term, site visit;
- 419 (ii) the minimum amount of time required for:
- 420 (A) notice to an authorized online course provider of a site visit; and
- 421 (B) an authorized online course provider to prepare for a site visit;
- 422 (iii) the documents, data, and artifacts subject to inspection during a site visit; and
- 423 (iv) a process to ensure a site visit allows for observation of instruction without
- 424 interfering with the instruction;
- 425 (g) annual mandatory training for relevant staff at a primary LEA that includes:
- 426 (i) program requirements for a primary LEA including reporting requirements and
- 427 methods;
- 428 (ii) uses of resources and tools to ensure adequate monitoring of an eligible student's
- 429 progress;
- 430 (iii) federal and state requirements for accommodating enrollments that involve
- 431 special education;
- 432 (iv) appropriate circumstances and methodologies for reducing an eligible student's
- 433 schedule; and
- 434 (v) other components the state board determines are necessary~~[-and]~~ .
- 435 (3)(a) When establishing the standards described in Subsection (2)(c)(ii) the state board
- 436 shall:

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

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

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

485 **53F-4-516 . Report of noncompliance -- Action to ensure compliance.**

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

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

492 **53F-4-519 . Home school student access to online courses.**

493 Subject to legislative appropriations and Subsection 53F-4-514(2), and notwithstanding  
 494 Subsections 53F-4-509(2) and (3), the state board shall

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

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

501 **Part 5. Utah Private Course Choice Empowerment**

502 **53F-6-501 . Utah Private Course Choice Empowerment program.**

- 503 (1) As used in this section:
- 504 (a) "Authorized online course provider" or "provider" means a provider approved by the

- 505 program manager to offer online courses through the program.
- 506 (b) "Blended learning" means an education model that:
- 507 (i) combines in-person and online or digital instruction and learning activities;
- 508 (ii) allows students to receive instruction through:
- 509 (A) direct, in-person interaction with an instructor;
- 510 (B) digital or online content and activities; or
- 511 (C) a combination of both in-person and online methods;
- 512 (iii) may include hybrid teaching formats where:
- 513 (A) some students participate in-person while others participate remotely; or
- 514 (B) instruction alternates between in-person and online delivery; and
- 515 (iv) provides students flexibility in time, place, path, or pace of learning.
- 516 (c) "Contract administrator" means the state board's appointed Deputy Superintendent of
- 517 Operations that ensures the program manager meets contractual obligations.
- 518 (d) "Contract oversight and compliance" means the oversight and coordination functions
- 519 performed by the Department of Operations contract administrator, including:
- 520 (i) establishing and maintaining program standards within a contract with a program
- 521 manager;
- 522 (ii) determining operational requirements and structures;
- 523 (iii) procuring and managing contracts for program services and standards;
- 524 (iv) ensuring program integrity through direct or contracted oversight;
- 525 (v) coordinating program functions and contracted services with a program manager;
- 526 and
- 527 (vi) maintaining appropriate separation between government oversight and
- 528 independent program operations.
- 529 (e) "Contracted entity" means an organization that:
- 530 (i) contracts with the state board to perform duties and functions necessary for
- 531 program administration and operations;
- 532 (ii) is not affiliated with any international organization;
- 533 (iii) does not harvest data for the purpose of reproducing or distributing the data to
- 534 other entities;
- 535 (iv) has no involvement in guiding or directing any curriculum or curriculum
- 536 standards; and
- 537 (v) performs the specific duties and functions assigned in the contract with the state
- 538 board.



- 539 (f) "Department of Operations" means the section of the state board that oversees  
540 financial operations, procurement operations, data and statistics operations, school  
541 land trust, and information technology operations for the state board.
- 542 (g) Eligible student" means a student:  
543 (i) who attends a private school whose parent is a resident of Utah; or  
544 (ii) who is an exchange student residing in Utah and enrolled in a private school in  
545 Utah.
- 546 (h) "Online course" means a course of instruction for grades 6 through 12 offered  
547 through the program using digital technology, including:  
548 (i) an exclusively online learning and instructional model; or  
549 (ii) blended learning models.
- 550 (i) "Private school" means the same as term is defined in Section 53F-6-401.
- 551 (j) "Program" means the Utah Private Course Choice Empowerment program created in  
552 this section.
- 553 (k) "Program manager" means a contracted entity that, at the time of application,  
554 demonstrates the ability without external contracts to internally meet the  
555 qualifications specified in this section, that is contracted by the state board to  
556 administer the Utah Private Course Choice Empowerment program, including:  
557 (i) the ability to manage, distribute, and transact program funds;  
558 (ii) capacity to create and maintain a user-friendly website;  
559 (iii) the ability to verify a student's eligibility based on the requirements of this part;  
560 (iv) capacity to process provider payments and maintain financial records;  
561 (v) ability to track, monitor, and report program enrollment, participation, and  
562 outcomes at both provider and individual student levels; and  
563 (vi) maintenance of a publicly accessible provider list, including:  
564 (A) the capability to allow a student or a student's parent to rate, review, and share  
565 information about providers; and  
566 (B) appropriate links to a provider's course catalog.
- 567 (2) The program is created to enable an eligible student to engage in taking online courses.
- 568 (3) The purposes of the program are to:  
569 (a) provide a student with access to online learning options regardless of where the  
570 student attends school, including blending learning settings;  
571 (b) provide digital learning options for a student regardless of language, residence,  
572 family income, or special needs;

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

- 607           (E) does not impose any requirements on the program manager that are not  
608           essential to the basic administration of the program or create restrictions,  
609           directions, or mandates regarding instructional content or curriculum.
- 610       (b) The state board shall perform contract oversight and compliance through the contract  
611       administrator, who shall:
- 612           (i) regulate and take enforcement action as necessary against a program manager in  
613           accordance with the provisions of the state board's agreement with the program  
614           manager;
- 615           (ii) ensure the program manager adheres to all contractual obligations;
- 616           (iii) review all program reports and financial records;
- 617           (iv) conduct regular compliance audits; and
- 618           (v) evaluate the program manager's performance annually.
- 619       (c) The state board shall not include a provision in any rule that creates or implies a  
620       restriction, direction, or mandate regarding program administration, including student  
621       enrollment, payments to providers, instructional content, or curriculum.
- 622       (d) The state board, in collaboration with the Contract administrator, may:
- 623           (i) distribute program functions among multiple contracted entities, including:
- 624               (A) program management functions;
- 625               (B) financial processing and payment functions;
- 626               (C) provider management functions; and
- 627               (D) other administrative functions as needed; and
- 628           (ii) ensure appropriate coordination between all contracted entities through clearly  
629           defined roles and responsibilities in each contract.
- 630       (7)(a) The program manager shall:
- 631           (i) administer the program;
- 632           (ii) ensure an eligible student can navigate to all authorized online course providers'  
633           enrollment platforms or tools for the program;
- 634           (iii) approve and oversee authorized online course providers;
- 635           (iv) establish guidelines for qualifying providers and courses;
- 636           (v) manage funds appropriated for the program;
- 637           (vi) make payments to authorized online course providers that may not include  
638           transaction fees of any kind;
- 639           (vii) as described in Subsection (19), provide an annual report on the performance of  
640           the program to the Education Interim Committee; and

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

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

- 709            (i) course title;
- 710            (ii) course fee;
- 711            (iii) subject area;
- 712            (iv) if applicable, credits earned;
- 713            (b) description of course organization, including:
- 714            (i) modules, units, or chapters;
- 715            (ii) frequency of assessments; and
- 716            (iii) overall course length;
- 717            (c) course pacing information, including:
- 718            (i) recommended standard course pace progression;
- 719            (ii) expected weeks of study per semester of content; and
- 720            (iii) acknowledgment of a student's flexibility to adjust course pace;
- 721            (d) course withdrawal policy;
- 722            (e) final completion deadline for the course;
- 723            (f) summary description of course subject matter content;
- 724            (g) course prerequisites, if any;
- 725            (h) required course materials, including:
- 726            (i) technology requirements; and
- 727            (ii) tangible materials needed for course completion;
- 728            (i) alignment with any applicable:
- 729            (i) industry standards;
- 730            (ii) state board standards;
- 731            (iii) National Collegiate Athletic Association requirements; or
- 732            (iv) accreditation requirements;
- 733            (j) method of course instruction and delivery;
- 734            (k) description of instructional support, including:
- 735            (i) frequency of instructor-initiated one-on-one progress checks;
- 736            (ii) frequency of instructor-led tutoring;
- 737            (iii) availability of small-group tutoring;
- 738            (iv) frequency of synchronous one-on-one instructor-led checks for a student's
- 739            understanding; and
- 740            (v) regular student interaction with educators;
- 741            (l) student-to-teacher ratio;
- 742            (m) for blended or hybrid format courses;

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

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



- 811            (iv) course content quality and alignment; and  
812            (v) technical system reliability;  
813        (b) annual compliance audits of:  
814            (i) financial records;  
815            (ii) student data privacy practices; and  
816            (iii) security protocols; and  
817        (c) regular provider site visits that occur at least once per academic year.  
818        (21) On or before July 1, 2025, and as frequently as necessary to maintain the information,  
819        the state board shall provide information on the state board's website, including:  
820            (a) information on the program manager, including the program manager's contact  
821            information; and  
822            (b) an overview of the program.  
823        (22) In the event of the expiration or termination of a program manager contract, or the  
824        inability of a program manager to perform required duties:  
825            (a) the Department of Operations shall serve as a temporary bridge program  
826            administrator solely during the time required to:  
827            (i) maintain essential program operations; and  
828            (ii) complete the procurement process for selecting a new program manager;  
829            (b) the Department of Operations shall immediately initiate and complete the  
830            procurement process described in this section in an expedited manner;  
831            (c) the Department of Operations shall establish clear timelines and procedures for the  
832            transition process between the previous program manager to the Department of  
833            Operations to the new program manager; and  
834            (d) the Department of Operations shall provide proper notice to and coordinate with:  
835            (i) authorized online course providers;  
836            (ii) parents;  
837            (iii) the state board; and  
838            (iv) other affected parties.  
839        **Section 12. Effective Date.**  
840        This bill takes effect on May 7, 2025.