

Kirk A. Cullimore proposes the following substitute bill:

Course Choice Empowerment

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kirk A. Cullimore

House Sponsor: Jefferson Moss

LONG TITLE

General Description:

This bill establishes a private online course choice program.

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

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 134 **53F-4-503**, as last amended by Laws of Utah 2024, Chapter 2435 **53F-4-505**, as last amended by Laws of Utah 2024, Chapter 2436 **53F-4-507**, as last amended by Laws of Utah 2024, Chapter 2437 **53F-4-511**, as last amended by Laws of Utah 2024, Chapter 2438 **53F-4-512**, as last amended by Laws of Utah 2024, Chapter 2439 **53F-4-514**, as last amended by Laws of Utah 2024, Chapter 2440 **53F-4-516**, as last amended by Laws of Utah 2024, Chapter 24

41 ENACTS:

42 **53F-4-209**, Utah Code Annotated 195343 **53F-4-519**, Utah Code Annotated 195344 **53F-6-501**, Utah Code Annotated 1953

45

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 and hardware**49 **procurement.**50 (1) As used in this section:51 (a) "Educational entity" means:52 (i) the state board; or53 (ii) a local education agency governing board.54 (b) "Computer software" means a set of computer programs, procedures, and associated55 documentation concerned with computer data or with the operation of a computer,56 computer program, or computer network.57 (c) "Total cost of ownership" means the sum of all costs borne by the educational entity58 during the useful life of the software and hardware, including costs for acquisition,59 installation, training, data conversion, integration, maintenance, upgrades, and60 technical support.61 (2) The Legislature finds that:62 (a) the state board and local education agency governing boards have access to a broad

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

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

92 **53F-4-501 . Definitions.**

93 As used in this part:

- 94 (1) "Authorized online course provider" means the entities listed in Subsection 53F-4-504
- 95 (1).
- 96 (2)(a) "Certified online course provider" means a provider that the state board approves

97 to offer courses through the Statewide Online Education Program.

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

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

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

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

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

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

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

109 (b) is:

110 (i) enrolled in an LEA in Utah; or

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

113 [(b) "Eligible student" does not include a scholarship student as defined in Section
114 53F-6-401.]

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

117 [(6)] (5) "High school" means grade 9, 10, 11, or 12.

118 [(7)] (6) "Middle school" means, only for purposes of student eligibility to participate in the
119 Statewide Online Education Program, grade 6, 7, or 8.

120 [(8)] (7) "Online course" means a course of instruction offered by the Statewide Online
121 Education Program through the use of digital technology, regardless of whether the
122 student participates in the course at home, at school, at another location, or any
123 combination of these.

124 [(9)] (8) "Plan for college and career readiness" means the same as that term is defined in
125 Section 53E-2-304.

126 [(10)] (9) "Primary LEA of enrollment" or "primary LEA" means the LEA in which an
127 eligible student is enrolled for courses other than online courses offered through the
128 Statewide Online Education Program.

129 [(11)] (10) "Released-time" means a period of time during the regular school day a student
130 is excused from school at the request of the student's parent pursuant to rules of the state

131 board.

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

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

136 **53F-4-503 . Option to enroll in online courses offered through the Statewide**
 137 **Online Education Program.**

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

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

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

146 (3) Notwithstanding Subsection (2):

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

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

- 154 (a) in conjunction with the student and the student's parent, is responsible for preparing
 155 and implementing a plan for college and career readiness for the eligible student, as
 156 provided in Section 53E-2-304; and
- 157 (b) shall assist an eligible student in scheduling courses in accordance with the student's
 158 plan for college and career readiness, graduation requirements, and the student's
 159 post-secondary plans.

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

- 161 (a) impose restrictions on a student's selection of an online course that fulfills graduation
 162 requirements and is consistent with the student's plan for college and career readiness
 163 or post-secondary plans; or
- 164 (b) give preference to an online course or authorized online course provider.

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

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

233 ~~platform the state board provides for the program.]~~

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

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

239 **53F-4-505 . Payment for an online course.**

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

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

243 (i) financial literacy;

244 (ii) health;

245 (iii) fitness for life; and

246 (iv) computer literacy;

247 (b) \$200 for driver education;

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

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

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

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

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

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

257 (ii) a concurrent enrollment course; and

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

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

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

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

266 (a) for a .5 credit online course, 50% of the online course fee after the withdrawal period

- 267 described in Section 53F-4-506;
- 268 (b) for a 1 credit online course, 25% of the online course fee after the withdrawal period
- 269 described in Section 53F-4-506 and 25% of the online course fee upon the beginning
- 270 of the second .5 credit of the online course; and
- 271 (c) if a student completes a 1 credit online course within 12 months or a .5 credit course
- 272 within nine weeks following the end of a traditional semester, 50% of the online
- 273 course fee.
- 274 (5)(a) If a student fails to complete a 1 credit course within 12 months or a .5 credit
- 275 course within nine weeks following the end of a traditional semester, the student may
- 276 continue to be enrolled in the course until the student graduates from high school.
- 277 (b) To encourage an authorized online course provider to provide remediation to a
- 278 student who remains enrolled in an online course pursuant to Subsection (5)(a) and
- 279 avoid the need for credit recovery, an authorized online course provider shall receive
- 280 a payment equal to 30% of the online course fee if the student completes the online
- 281 course:
- 282 (i) for a high school online course, before the student graduates from high school; or
- 283 (ii) for a middle school online course, before the student completes middle school.
- 284 (6) Notwithstanding the online course fees prescribed in Subsections (1) through (3), a
- 285 school district or charter school may:
- 286 (a) negotiate a fee with an authorized online course provider for an amount up to the
- 287 amount prescribed in Subsections (1) through (3); and
- 288 (b) pay the negotiated fee instead of the fee prescribed in Subsections (1) through (3).
- 289 (7) An authorized online course provider who contracts with a vendor for the acquisition of
- 290 online course content or online course instruction may negotiate the payment for the
- 291 vendor's service independent of the fees specified in Subsections (1) through (3).
- 292 (8) The state board [~~or, in relation to a student who attends a private school or home school,~~
- 293 ~~the state board's contractor,~~] may not remove a student from an online course if the
- 294 student is eligible for continued enrollment in the online course under Subsection (5).
- 295 (9) Upon request by a primary LEA, the state board shall provide an itemized report to the
- 296 primary LEA showing the deduction described in Subsection 53F-4-508(2) by student
- 297 and course enrolled.

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

299 **53F-4-507 . Direction to deduct funds and make payments -- Plan for the**

300 **payment of online courses taken by home school students.**

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

335 who attends a private school or home school, the state board's contractor,] shall make
 336 payments to the student's authorized online course provider as provided in Section
 337 53F-4-505.

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

339 **53F-4-511 . Report on performance of authorized online course providers.**

- 340 (1) The state board, in collaboration with authorized online course providers, [~~and, if~~
 341 ~~applicable, the state board's contractor,~~] shall develop a report on the performance of
 342 authorized online course providers, which may be used to evaluate the Statewide Online
 343 Education Program and assess the quality of an authorized online course provider. ₂
- 344 (2) A report on the performance of an authorized online course provider shall include:
- 345 (a) scores aggregated by test on statewide assessments administered under Title 53E,
 346 Chapter 4, Part 3, Assessments, taken by students at the end of an online course
 347 offered through the Statewide Online Education Program;
- 348 (b) the percentage of the authorized online course provider's students who complete
 349 online courses within the applicable time period specified in Subsection 53F-4-505
 350 (4)(c);
- 351 (c) the percentage of the authorized online course provider's students who complete
 352 online courses after the applicable time period specified in Subsection 53F-4-505
 353 (4)(c) and before the student graduates from high school; and
- 354 (d) the pupil-teacher ratio for the combined online courses of the authorized online
 355 course provider.
- 356 (3) The state board shall post a report on the performance of an authorized online course
 357 provider on the Statewide Online Education Program's website described in Section
 358 53F-4-512.

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

360 **53F-4-512 . Dissemination of information on the Statewide Online Education**
 361 **Program.**

- 362 (1) The state board shall develop a website for the Statewide Online Education Program
 363 which shall include:
- 364 (a) a description of the Statewide Online Education Program, including its purposes;
- 365 (b) notwithstanding Subsection (2), information on who is eligible to enroll, and how an
 366 eligible student may enroll, in an online course;
- 367 (c) a directory of authorized online course providers;
- 368 (d) a link to a course catalog for each authorized online course provider; and

- 369 (e) a report on the performance of authorized online course providers as required by
 370 Section 53F-4-511.
- 371 (2) An authorized online course provider shall provide the following information on the
 372 authorized online course provider's website:
- 373 (a) a description of the Statewide Online Education Program, including its purposes;
 374 (b) information on who is eligible to enroll, and how an eligible student may enroll, in
 375 an online course;
- 376 (c) a course catalog;
- 377 (d) scores aggregated by test on statewide assessments administered under Title 53E,
 378 Chapter 4, Part 3, Assessments, taken by students at the end of an online course
 379 offered through the Statewide Online Education Program;
- 380 (e) the percentage of an authorized online course provider's students who complete
 381 online courses within the applicable time period specified in Subsection 53F-4-505
 382 (4)(c);
- 383 (f) the percentage of an authorized online course provider's students who complete
 384 online courses after the applicable time period specified in Subsection 53F-4-505
 385 (4)(c) and before the student graduates from high school; and
- 386 (g) the authorized online course provider's pupil-teacher ratio for the online courses
 387 combined.

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

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

392 **53F-4-514 . State board -- Rulemaking -- Fees.**

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

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

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

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

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

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

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

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

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

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

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

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

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

505 **53F-6-501 . Utah Private Course Choice Empowerment program.**506 (1) As used in this section:507 (a) "Authorized online course provider" or "provider" means a provider approved by the
508 program manager to offer online courses through the program.509 (b) "Blended learning" means an education model that:510 (i) combines in-person and online or digital instruction and learning activities;511 (ii) allows students to receive instruction through:512 (A) direct, in-person interaction with an instructor;513 (B) digital or online content and activities; or514 (C) a combination of both in-person and online methods;515 (iii) may include hybrid teaching formats where:516 (A) some students participate in-person while others participate remotely; or517 (B) instruction alternates between in-person and online delivery; and518 (iv) provides students flexibility in time, place, path, or pace of learning.519 (c) "Contract administrator" means the state board's appointed Deputy Superintendent of
520 Operations that ensures the program manager meets contractual obligations.521 (d) "Contract oversight and compliance" means the oversight and coordination functions
522 performed by the Department of Operations contract administrator, including:523 (i) establishing and maintaining program standards within a contract with a program
524 manager;525 (ii) determining operational requirements and structures;526 (iii) procuring and managing contracts for program services and standards;527 (iv) ensuring program integrity through direct or contracted oversight;528 (v) coordinating program functions and contracted services with a program manager;
529 and530 (vi) maintaining appropriate separation between government oversight and
531 independent program operations.532 (e) "Contracted entity" means an organization that:533 (i) contracts with the state board to perform duties and functions necessary for
534 program administration and operations;535 (ii) is not affiliated with any international organization;536 (iii) does not harvest data for the purpose of reproducing or distributing the data to
537 other entities;538 (iv) has no involvement in guiding or directing any curriculum or curriculum

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

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

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

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

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

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

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

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

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

842 Section 12. **Effective Date.**

843 This bill takes effect on May 7, 2025.