

HB0426 compared with HB0426S01

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 ENACTS:

24 **53G-2-501** , Utah Code Annotated 1953

25 **53G-2-502** , Utah Code Annotated 1953

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

28 Section 1. Section 1 is enacted to read:

30 **53G-2-501. Definitions.**

5. Learner Validated Programs

33 (1) "Educational service provider" means a third-party entity contracted by an LEA to provide:

35 (a) courses or instructional services that:

36 (i) generate average daily membership for the LEA; or

37 (ii) count toward graduation requirements; or

38 (b) curriculum, grading services, or educator services for courses described in Subsection (1)(a).

40 (2) "Learner validated program" means an educational program specifically designed for competency-
based or self-paced learning where:

42 (a) student participation is measured by demonstrated academic progress and completion of learning
objectives, rather than by attendance at scheduled instructional periods; and

45 (b) the LEA has established a written policy that:

46 (i) defines:

47 (A) continuing enrollment measurement requirements;

48 (B) standards for demonstrating academic progress;

49 (C) methods for calculating equivalent instructional hours; and

50 (D) procedures for ensuring equivalent educational rigor and support as provided in attendance
validated programs; and

52 (ii) meets any additional criteria the state board requires.

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(3) "Online course" means a course delivered primarily through digital or internet-based platforms where instruction occurs outside a traditional classroom setting.

55 (4) "Teacher of record" means a licensed educator employed by the LEA who:

56 (a) has direct responsibility for a student's educational progress;

57 (b) maintains oversight of curriculum quality and alignment with state standards; and

58 (c) documents the student's academic participation and progress.

57 Section 2. Section 2 is enacted to read:

58 **53G-2-502. LEA accountability for learner validated programs.**

61 (1) An LEA that operates a learner validated program shall:

62 (a) establish and maintain a written policy in accordance with Subsection (3);

61 ~~(b)~~

63 ~~(b){(i)}~~ assign a teacher of record ~~{employed by the LEA}~~ for each student enrolled in the learner validated program;~~and~~

65 ~~{(e) {maintain full responsibility and accountability for:}}~~

63 ~~(ii) if the LEA contracts with an educational service provider, coordinate with the educational service provider and the educational service provider's teacher to support the student's academic progress;~~

66 ~~(c) ensure:~~

66 ~~(i) {the academic outcomes of students} that a student enrolled in a learner validated {programs} program meets academic proficiency standards established by the state board;~~

67 ~~(ii) {verification that courses align} if applicable, each course aligns with state {core} standards {established under Section 53E-4-202} the state board establishes;~~

69 ~~(iii) {monitoring student} the monitoring of a student's academic progress and participation;~~

70 ~~{(iv) {course quality and instructional effectiveness;}}~~

71 ~~(v){(iv)}~~ compliance with state assessment requirements under Title 53E, Chapter 4, Part 3, Assessments; and

73 ~~(vi){(v)}~~ ~~{ensuring}~~ equivalent academic rigor ~~{to courses}~~ for a course offered in an attendance validated program; and

75 (d) maintain documentation demonstrating compliance with this section.

76 (2) Nothing in this section prohibits an LEA from:

77 (a) contracting with an educational service provider or online course provider for instructional services, provided the LEA:

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- 79 (i) assigns a teacher of record for ~~{ students- }~~ a student enrolled in ~~{ the courses; }~~ each course; and
80 ~~{ (ii) { maintains full accountability under Subsection (1); and- } }~~
- 81 ~~(iii){ (ii) }~~ complies with all requirements of this part;
- 82 (b) providing ~~{ students- }~~ a student with materials, equipment, or technology necessary for participation
in learner validated programs;or
- 84 ~~{ (e) { purchasing curriculum, instructional materials, or educational technology; or- } }~~
- 85 (d){ (c) } participating in the Statewide Online Education Program established under Title 53F, Chapter
4, Part 5, Statewide Online Education Program, subject to the accountability requirements in this
section.
- 88 (3)
- (a) An LEA that operates a learner validated program shall establish and maintain a written policy that
includes:
- 90 (i) requirements for pacing of learning objectives, coursework, and assessments that ensure
~~{ students make adequate progress toward- }~~ a student completes the course ~~{ completion- }~~ within
the school year, including defined participation benchmarks for a course in which ongoing
engagement in instructional activities is a required component of course completion;
- 93 (ii) requirements for ~~{ proctored assessments- }~~ assessed checkpoints with verified academic
integrity to ~~{ verify- }~~ confirm student identity and ~~{ academic integrity }~~ progress;
- 95 (iii) minimum requirements for interactions, whether online or in person, between the student and
the teacher of recordwhich may include required interactions, feedback on student work, or
defined triggers for additional support;
- 97 (iv) ~~{ minimum- }~~ maximum student-to-teacher ratios that reasonably allow the teacher of record to
evaluate student progress;
- 99 (v) requirements for sequential completion of coursework to ensure mastery of prerequisite skills
before advancement;and
- 101 (vi) procedures for the teacher of record to monitor student growth, validate academic engagement,
and document student progress ~~{ toward mastery of state core standards; and }~~ .
- 104 ~~{ (vii) { standards ensuring that learning objectives, coursework, and assessments have equivalent
educational rigor and support as a similar course in an attendance validated program provides.-}~~
}

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- (b) ~~{All}~~ If applicable, all courses provided through a learner validated program shall ~~{:}~~ be aligned with the course standards the state board establishes.
- 108 {i} ~~{be aligned with and meet state core standards; and}~~
- 109 {(ii) ~~{be accredited through an accreditation program authorized by the state board.}~~}
- 110 (4) ~~{To qualify for a}~~ A student participating in a learner validated program generates an equivalent weighted pupil unit ~~{generating enrollment in}~~ as a ~~{learner validated program,}~~ full-time enrolled student under Section 53F-2-302 if the LEA ~~{shall}~~ :
- 112 (a) ~~{assign}~~ assigns a licensed and qualified educator the LEA employs as the teacher of record for each student ~~{membership including for purposes of Minimum School Program funding}~~ participating in the learner validated program;
- 115 (b) ~~{maintain}~~ maintains and ~~{document}~~ documents a student-to-teacher ratio for learner validated program students that complies with the LEA policy established under Subsection (3)(a)(iv) and state board rule;
- 118 (c) ~~{require}~~ requires and ~~{document}~~ documents student participation in instructional supports, learning activities, coursework, and assessments; and
- 120 (d) ~~{submit}~~ submits to the state board documentation demonstrating compliance with this section upon request.
- 122 (5)
- (a) The state board may grant a waiver of one or more requirements in Subsections (3)(a)(i) through (3)(a)(v) for ~~{an individual}~~ a student if the LEA demonstrates that the student is proficient through:
- 125 {i} ~~{has demonstrated proficiency in the subject area based on state standards through:}~~
- 126 (A){i} state-approved assessment results;
- 127 (B){ii} documented mastery of learning objectives; or
- 128 (C){iii} other evidence of proficiency approved by the state board ~~{;and}~~ .
- 129 {ii} ~~{requires a modified instructional approach due to the student's advanced proficiency level.}~~
- 131 (b) A waiver granted under ~~{this}~~ Subsection ~~{(5)}~~ (5)(a):
- 132 (i) ~~{does}~~ may not waive the requirement for a teacher of record under Subsection (4)(a); and
- 133 (ii) ~~{does}~~ may not waive the requirement for monitoring and documentation under Subsection (3)(a)(vi).
- 135 (6) For ~~{students}~~ a student enrolled in an online courses through the Statewide Online Education Program:

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- 137 (a) the LEA shall ensure compliance with this section; and
138 (b) the state board shall establish standards for teacher of record oversight and academic accountability
in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

132 Section 3. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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