

1 **Online Education Service Provider Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: R. Neil Walter

Senate Sponsor:

2 **LONG TITLE**3 **General Description:**

4 This bill establishes accountability requirements for learner validated programs.

5 **Highlighted Provisions:**

6 This bill:

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- 8 ▶ defines terms;
- 9 ▶ requires local education agencies operating learner validated programs to maintain
- 10 comprehensive accountability standards;

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- 12 ▶ establishes minimum standards for teacher of record oversight and student progress
- 13 monitoring;

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- 15 ▶ requires documented pacing, proctored assessments, and sequential completion of
- 16 coursework;

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- 18 ▶ establishes student-to-teacher ratio requirements for learner validated programs;
- 19 ▶ requires state core standards alignment and accreditation;
- 20 ▶ provides for proficiency-based waivers for advanced students;
- 21 ▶ assigns State Board of Education oversight and enforcement authority; and
- 22 ▶ makes technical and conforming changes.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**28 **ENACTS:**29 **53G-2-501**, Utah Code Annotated 195330 **53G-2-502**, Utah Code Annotated 1953

29 *Be it enacted by the Legislature of the state of Utah:*30 Section 1. Section **53G-2-501** is enacted to read:

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Part 5. Learner Validated Programs

53G-2-501 . Definitions.

- (1) "Educational service provider" means a third-party entity contracted by an LEA to provide:
 - (a) courses or instructional services that:
 - (i) generate average daily membership for the LEA; or
 - (ii) count toward graduation requirements; or
 - (b) curriculum, grading services, or educator services for courses described in Subsection (1)(a).
- (2) "Learner validated program" means an educational program specifically designed for competency-based or self-paced learning where:
 - (a) student participation is measured by demonstrated academic progress and completion of learning objectives rather than by attendance at scheduled instructional periods; and
 - (b) the LEA has established a written policy that:
 - (i) defines:
 - (A) continuing enrollment measurement requirements;
 - (B) standards for demonstrating academic progress;
 - (C) methods for calculating equivalent instructional hours; and
 - (D) procedures for ensuring equivalent educational rigor and support as provided in attendance validated programs; and
 - (ii) meets any additional criteria the state board requires.
- (3) "Online course" means a course delivered primarily through digital or internet-based platforms where instruction occurs outside a traditional classroom setting.
- (4) "Teacher of record" means a licensed educator employed by the LEA who:
 - (a) has direct responsibility for a student's educational progress;
 - (b) maintains oversight of curriculum quality and alignment with state standards; and
 - (c) documents the student's academic participation and progress.

Section 2. Section **53G-2-502** is enacted to read:

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

- (1) An LEA that operates a learner validated program shall:
 - (a) establish and maintain a written policy in accordance with Subsection (3);
 - (b) assign a teacher of record employed by the LEA for each student enrolled in the learner validated program;

65 (c) maintain full responsibility and accountability for:
66 (i) the academic outcomes of students enrolled in learner validated programs;
67 (ii) verification that courses align with state core standards established under Section
68 53E-4-202;
69 (iii) monitoring student academic progress and participation;
70 (iv) course quality and instructional effectiveness;
71 (v) compliance with state assessment requirements under Title 53E, Chapter 4, Part 3,
72 Assessments; and
73 (vi) ensuring equivalent academic rigor to courses offered in an attendance validated
74 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
78 instructional services, provided the LEA:
79 (i) assigns a teacher of record for students enrolled in the courses;
80 (ii) maintains full accountability under Subsection (1); and
81 (iii) complies with all requirements of this part;
82 (b) providing students with materials, equipment, or technology necessary for
83 participation in learner validated programs;
84 (c) purchasing curriculum, instructional materials, or educational technology; or
85 (d) participating in the Statewide Online Education Program established under Title 53F,
86 Chapter 4, Part 5, Statewide Online Education Program, subject to the accountability
87 requirements in this section.

88 (3)(a) An LEA that operates a learner validated program shall establish and maintain a
89 written policy that includes:

90 (i) requirements for pacing of learning objectives, coursework, and assessments that
91 ensure students make adequate progress toward course completion within the
92 school year;
93 (ii) requirements for proctored assessments to verify student identity and academic
94 integrity;
95 (iii) minimum requirements for interactions, whether online or in person, between the
96 student and the teacher of record;
97 (iv) minimum student-to-teacher ratios that reasonably allow the teacher of record to
98 evaluate student progress;

99 (v) requirements for sequential completion of coursework to ensure mastery of
100 prerequisite skills before advancement;
101 (vi) procedures for the teacher of record to monitor student growth, validate academic
102 engagement, and document student progress toward mastery of state core
103 standards; and
104 (vii) standards ensuring that learning objectives, coursework, and assessments have
105 equivalent educational rigor and support as a similar course in an attendance
106 validated program provides.

107 (b) All courses provided through a learner validated program shall:
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 weighted pupil unit generating enrollment in a learner validated
111 program, the LEA shall:

112 (a) assign a licensed and qualified educator the LEA employs as the teacher of record for
113 each student membership including for purposes of Minimum School Program
114 funding;
115 (b) maintain and document a student-to-teacher ratio for learner validated program
116 students that complies with the LEA policy established under Subsection (3)(a)(iv)
117 and state board rule;
118 (c) require and document student participation in instructional supports, learning
119 activities, coursework, and assessments; and
120 (d) submit to the state board documentation demonstrating compliance with this section
121 upon request.

122 (5)(a) The state board may grant a waiver of one or more requirements in Subsections
123 (3)(a)(i) through (3)(a)(v) for an individual student if the LEA demonstrates that the
124 student:

125 (i) has demonstrated proficiency in the subject area based on state standards through:
126 (A) state-approved assessment results;
127 (B) documented mastery of learning objectives; or
128 (C) other evidence of proficiency approved by the state board; and
129 (ii) requires a modified instructional approach due to the student's advanced
130 proficiency level.

131 (b) A waiver granted under this Subsection (5):
132 (i) does not waive the requirement for a teacher of record under Subsection (4)(a); and

133 (ii) does not waive the requirement for monitoring and documentation under
134 Subsection (3)(a)(vi).

135 (6) For students enrolled in online courses through the Statewide Online Education
136 Program:

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
139 accountability in accordance with Title 63G, Chapter 3, Utah Administrative
140 Rulemaking Act.

141 **Section 3. Effective Date.**

142 This bill takes effect on May 6, 2026.