

R. Neil Walter proposes the following substitute bill:

**Online Education Service Provider Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: R. Neil Walter**

Senate Sponsor:

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**LONG TITLE**

**General Description:**

This bill establishes accountability requirements for learner validated programs.

**Highlighted Provisions:**

This bill:

- defines terms;
- requires a local education agency (LEA) operating a learner validated programs to maintain accountability for a participating student;
- establishes standards for teacher of record oversight and student progress monitoring;
- requires documented pacing, proctored assessments, and sequential completion of coursework;
- establishes student-to-teacher ratio requirements for learner validated programs;
- provides for proficiency-based waivers for advanced students;
- assigns State Board of Education oversight and enforcement authority; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

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

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

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

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)(i) assign a teacher of record for each student enrolled in the learner validated program; and

- 63           (ii) if the LEA contracts with an educational service provider, coordinate with the  
64           educational service provider and the educational service provider's teacher to  
65           support the student's academic progress;
- 66       (c) ensure:
- 67           (i) that a student enrolled in a learner validated program meets academic proficiency  
68           standards established by the state board;
- 69           (ii) if applicable, each course aligns with state standards the state board establishes;
- 70           (iii) the monitoring of a student's academic progress and participation;
- 71           (iv) compliance with state assessment requirements under Title 53E, Chapter 4, Part  
72           3, Assessments; and
- 73           (v) equivalent academic rigor for a course 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 a student enrolled in each course; and
- 80               (ii) complies with all requirements of this part;
- 81           (b) providing a student with materials, equipment, or technology necessary for  
82           participation in learner validated programs; or
- 83           (c) participating in the Statewide Online Education Program established under Title 53F,  
84           Chapter 4, Part 5, Statewide Online Education Program, subject to the accountability  
85           requirements in this section.
- 86       (3)(a) An LEA that operates a learner validated program shall establish and maintain a  
87       written policy that includes:
- 88           (i) requirements for pacing of learning objectives, coursework, and assessments that  
89           ensure a student completes the course within the school year, including defined  
90           participation benchmarks for a course in which ongoing engagement in  
91           instructional activities is a required component of course completion;
- 92           (ii) requirements for assessed checkpoints with verified academic integrity to confirm  
93           student identity and progress;
- 94           (iii) minimum requirements for interactions, whether online or in person, between the  
95           student and the teacher of record which may include required interactions,  
96           feedback on student work, or defined triggers for additional support;

- 97            (iv) maximum 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; and
- 101           (vi) procedures for the teacher of record to monitor student growth, validate academic  
102           engagement, and document student progress.
- 103        (b) If applicable, all courses provided through a learner validated program shall be  
104           aligned with the course standards the state board establishes.
- 105        (4) A student participating in a learner validated program generates an equivalent weighted  
106           pupil unit as a full-time enrolled student under Section 53F-2-302 if the LEA:
- 107           (a) assigns a licensed and qualified educator the LEA employs as the teacher of record  
108           for each student participating in the learner validated program;
- 109           (b) maintains and documents a student-to-teacher ratio for learner validated program  
110           students that complies with the LEA policy established under Subsection (3)(a)(iv)  
111           and state board rule;
- 112           (c) requires and documents student participation in instructional supports, learning  
113           activities, coursework, and assessments; and
- 114           (d) submits to the state board documentation demonstrating compliance with this section  
115           upon request.
- 116        (5)(a) The state board may grant a waiver of one or more requirements in Subsections  
117           (3)(a)(i) through (3)(a)(v) for a student if the LEA demonstrates that the student is  
118           proficient through:
- 119           (i) state-approved assessment results;
- 120           (ii) documented mastery of learning objectives; or
- 121           (iii) other evidence of proficiency approved by the state board.
- 122        (b) A waiver granted under Subsection (5)(a):
- 123           (i) may not waive the requirement for a teacher of record under Subsection (4)(a); and  
124           (ii) may not waive the requirement for monitoring and documentation under  
125           Subsection (3)(a)(vi).
- 126        (6) For a student enrolled in an online courses through the Statewide Online Education  
127           Program:
- 128           (a) the LEA shall ensure compliance with this section; and  
129           (b) the state board shall establish standards for teacher of record oversight and academic  
130           accountability in accordance with Title 63G, Chapter 3, Utah Administrative

- 131            Rulemaking Act.
- 132            Section 3. **Effective Date.**
- 133            This bill takes effect on May 6, 2026.