

1                   **STATEWIDE ONLINE EDUCATION PROGRAM**

2                                   **MODIFICATIONS**

3   2024 GENERAL SESSION

4   STATE OF UTAH

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6   **LONG TITLE**

7   **General Description:**

8           This bill amends the Statewide Online Education Program (the program).

9   **Highlighted Provisions:**

10          This bill:

- 11           ▶ requires the Utah State Board of Education to:
- 12                   • update operating systems to allow for transfer of student information with the
  - 13                   program;
  - 14                   • dedicate staff to offer technical support for the program;
  - 15                   • create a model cooperative agreement between a primary local education agency
  - 16                   and an authorized online provider;
  - 17                   • provide certain itemized reports to a primary LEA;
  - 18                   • create a mandatory training for certain LEA staff about the program;
  - 19                   • create a communication dashboard; and
  - 20                   • collaborate with the Utah System of Higher Education to offer online concurrent
  - 21                   enrollment options including within the program;
- 22           ▶ requires a primary LEA to coordinate accommodations of a student's individualized
- 23           education plan or section 504 accommodation plan;
- 24           ▶ establishes a deadline to acknowledge a course enrollment;
- 25           ▶ requires certain coordination between a primary LEA and an authorized online
- 26           course provider; and
- 27           ▶ makes technical changes.

28   **Money Appropriated in this Bill:**

29          None

30   **Other Special Clauses:**

31          None

32 **Utah Code Sections Affected:**

33 AMENDS:

- 34 **53E-3-518**, as last amended by Laws of Utah 2023, Chapter 70
- 35 **53E-10-302**, as last amended by Laws of Utah 2023, Chapter 172
- 36 **53F-4-501**, as last amended by Laws of Utah 2023, Chapters 226, 368
- 37 **53F-4-502**, as last amended by Laws of Utah 2023, Chapter 368
- 38 **53F-4-503**, as last amended by Laws of Utah 2023, Chapters 226, 368
- 39 **53F-4-504**, as last amended by Laws of Utah 2023, Chapter 368
- 40 **53F-4-505**, as last amended by Laws of Utah 2023, Chapter 368
- 41 **53F-4-506**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 42 **53F-4-507**, as last amended by Laws of Utah 2023, Chapter 368
- 43 **53F-4-508**, as last amended by Laws of Utah 2019, Chapter 186
- 44 **53F-4-509**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 45 **53F-4-510**, as last amended by Laws of Utah 2019, Chapter 186
- 46 **53F-4-511**, as last amended by Laws of Utah 2019, Chapter 186
- 47 **53F-4-512**, as last amended by Laws of Utah 2019, Chapter 186
- 48 **53F-4-513**, as last amended by Laws of Utah 2021, Chapter 362
- 49 **53F-4-514**, as last amended by Laws of Utah 2023, Chapter 368
- 50 **53F-4-516**, as last amended by Laws of Utah 2019, Chapter 186
- 51 **53F-4-517**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 52 **53F-4-518**, as last amended by Laws of Utah 2023, Chapter 368



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

55 Section 1. Section **53E-3-518** is amended to read:

56 **53E-3-518. Utah school information management system -- Local education**  
57 **agency requirements.**

58 (1) As used in this section:

59 (a) "LEA data system" or "LEA's data system" means a data system that:

60 (i) is developed, selected, or relied upon by an LEA; and

61 (ii) the LEA uses to collect data or submit data to the state board related to:

62 (A) student information;

- 63 (B) educator information;
- 64 (C) financial information; or
- 65 (D) other information requested by the state board.
- 66 (b) "LEA financial information system" or "LEA's financial information system" means
- 67 an LEA data system used for financial information.
- 68 (c) "Parent" means the same as that term is defined in Section 53G-6-201.
- 69 (d) "Utah school information management system" or "information management
- 70 system" means the state board's data collection and reporting system described in this section.
- 71 (e) "User" means an individual who has authorized access to the information
- 72 management system.
- 73 (2) On or before July 1, 2024, the state board shall have in place an information
- 74 management system that meets the requirements described in this section.
- 75 (3) The state board shall ensure that the information management system:
- 76 (a) interfaces with an LEA's data systems that meet the requirements described in
- 77 Subsection ~~[(6);~~ (7);
- 78 (b) serves as the mechanism for the state board to collect and report on all data that
- 79 LEAs submit to the state board related to:
- 80 (i) student information;
- 81 (ii) educator information;
- 82 (iii) financial information; and
- 83 (iv) other information requested by the state board;
- 84 (c) includes a web-based user interface through which a user may:
- 85 (i) enter data;
- 86 (ii) view data; and
- 87 (iii) generate customizable reports;
- 88 (d) includes a data warehouse and other hardware or software necessary to store or
- 89 process data submitted by an LEA;
- 90 (e) provides for data privacy, including by complying with Title 53E, Chapter 9,
- 91 Student Privacy and Data Protection;
- 92 (f) restricts user access based on each user's role; and
- 93 (g) meets requirements related to a student achievement backpack described in Section

94 53E-3-511.

95 (4) On or before January 31, 2026, the state board shall:

96 (a) ensure the information management system described in this section allows for the  
97 transfer of a student's transcript, current IEP, or Section 504 accommodation plan including the  
98 tracking of necessary accommodations and services between:

99 (i) different LEA student information systems; and

100 (ii) an authorized online course provider and a primary LEA; and

101 (b) ensure the transfer capability described in Subsection (4)(a) is available for the

102 same use within the operating system the state board uses for the Statewide Online Education

103 Program described in Title 53F, Chapter 4, Part 5, Statewide Online Education Program.

104 ~~[(4)] (5)~~ The state board shall establish the restrictions on user access described in  
105 Subsection (3)(f).

106 ~~[(5)] (6)~~ (a) The state board shall make rules that establish the required capabilities for  
107 an LEA financial information system.

108 (b) In establishing the required capabilities for an LEA financial information system,  
109 the state board shall consider metrics and capabilities requested by the state treasurer or state  
110 auditor.

111 ~~[(6)] (7)~~ (a) On or before July 1, 2024, an LEA shall ensure that:

112 (i) all of the LEA's data systems:

113 (A) meet the data standards established by the state board in accordance with Section  
114 53E-3-501;

115 (B) are fully compatible with the state board's information management system; and

116 (C) meet specification standards determined by the state board; and

117 (ii) the LEA's financial information system meets the requirements described in

118 Subsection ~~[(5);] (6)~~.

119 (b) An LEA shall ensure that an LEA data system purchased or developed on or after  
120 May 14, 2019, will be compatible with the information management system when the  
121 information management system is fully operational.

122 ~~[(7)] (8)~~ (a) Subject to appropriations and Subsection ~~[(7)(b)] (8)(b)~~, the state board  
123 may use an appropriation under this section to help an LEA meet the requirements in the rules  
124 described in Subsection ~~[(5)] (6)~~ by:

125 (i) providing to the LEA funding for implementation and sustainment of the LEA  
126 financial information system, either through:

127 (A) awarding a grant to the LEA; or

128 (B) providing a reimbursement to the LEA; or

129 (ii) in accordance with Title 63G, Chapter 6a, Utah Procurement Code, procuring a  
130 financial information system on behalf of an LEA for the LEA to use as the LEA's financial  
131 information system.

132 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
133 state board shall make rules describing:

134 (i) how an LEA may apply to the state board for the assistance described in Subsection  
135 [~~(7)~~(a)] (8)(a); and

136 (ii) criteria for the state board to provide the assistance to an LEA.

137 [~~(8)~~] (9) (a) Beginning July 1, 2024, the state board may take action against an LEA  
138 that is out of compliance with a requirement described in Subsection [~~(6)~~] (7) until the LEA  
139 complies with the requirement.

140 (b) An action described in Subsection [~~(8)~~(a)] (9)(a) may include the state board  
141 withholding funds from the LEA.

142 [~~(9)~~] (10) (a) For purposes of this Subsection [~~(9)~~] (10), "education record" means the  
143 same as that term is defined in 20 U.S.C. Sec. 1232g.

144 (b) The state board shall, by rule made in accordance with Title 63G, Chapter 3, Utah  
145 Administrative Rulemaking Act, establish a procedure under which:

146 (i) a parent may submit information as part of the education records for the parent's  
147 student;

148 (ii) the information submitted by the parent is maintained as part of the education  
149 records for the parent's student;

150 (iii) information submitted by the parent and maintained as part of the education  
151 records for the parent's student may be removed at the request of the parent; and

152 (iv) a parent has access only to the education records of the parent's student in  
153 accordance with Subsection [~~(9)~~(d)] (10)(d).

154 (c) The rules made under this Subsection [~~(9)~~] (10) shall allow a parent to submit or  
155 remove information submitted by the parent under this Subsection [~~(9)~~] (10) at least annually,

156 including at the time of:

157 (i) registering a student in a school; or

158 (ii) changing the school in which a student attends.

159 (d) Subject to the federal Family Education Rights and Privacy Act, 20 U.S.C. Sec.

160 1232g, and related regulations, the state board shall provide a parent access to an education

161 record concerning the parent's student.

162 (e) The state board shall create in the information management system a record

163 tracking interoperability of education records described in this Subsection [~~(9)~~] (10) when a

164 student is transitioning between schools or between LEAs.

165 Section 2. Section **53E-10-302** is amended to read:

166 **53E-10-302. Concurrent enrollment program.**

167 (1) The state board and the Utah Board of Higher Education shall establish and

168 maintain a concurrent enrollment program that:

169 (a) provides an eligible student the opportunity to enroll in a course that allows the

170 eligible student to earn credit concurrently:

171 (i) toward high school graduation; and

172 (ii) at an institution of higher education;

173 (b) includes only a course that:

174 (i) leads to a degree or certificate offered by an institution of higher education; and

175 (ii) is one of the following:

176 (A) a general education course;

177 (B) a career and technical education course;

178 (C) a pre-major college level course;

179 (D) a foreign language concurrent enrollment course described in Section 53E-10-307;

180 or

181 (E) an upper divisions course that the Utah Board of Higher Education approves under

182 Subsection (3);

183 (c) requires that the instructor of a concurrent enrollment course is an eligible

184 instructor; and

185 (d) is designed and implemented to take full advantage of the most current available

186 education technology.

- 187 (2) The state board and the Utah Board of Higher Education shall coordinate to:
- 188 (a) establish a concurrent enrollment course approval process that ensures:
- 189 (i) credit awarded for concurrent enrollment is consistent and transferable to all
- 190 institutions of higher education; and
- 191 (ii) learning outcomes for a concurrent enrollment course align with:
- 192 (A) core standards for Utah public schools adopted by the state board; and
- 193 (B) except for a foreign language concurrent enrollment course described in Section
- 194 53E-10-307 or an upper division course that the Utah Board of Higher Education approves
- 195 under Subsection (3), an institution of higher education lower division course numbered at or
- 196 above the 1000 level; [~~and~~]
- 197 (b) provide advising to an eligible student, including information on:
- 198 (i) general education requirements at institutions of higher education; and
- 199 (ii) how to choose concurrent enrollment courses to avoid duplication or excess credit
- 200 hours[~~;~~]; and
- 201 (c) no later than July 1, 2025, offer an online concurrent enrollment option including:
- 202 (i) no later than the November 2024 interim meeting, recommendations to the
- 203 Education Interim Committee about funding structures of online concurrent enrollment courses
- 204 including those offered through the Statewide Online Education Program;
- 205 (ii) allowing a student to be enrolled through multiple LEAs for access to any online
- 206 concurrent enrollment course including those offered through the Statewide Online Education
- 207 Program; and
- 208 (iii) additional requirements necessary to ensure a student has optimal access to
- 209 concurrent enrollment options online.
- 210 (3) The Utah Board of Higher Education, after consulting with the state board, shall
- 211 annually approve a prioritized list of upper division courses for which an institution of higher
- 212 education may use concurrent enrollment money.
- 213 (4) After consultation with institution of higher education concurrent enrollment
- 214 directors, the Utah Board of Higher Education shall:
- 215 (a) provide guidelines to an institution of higher education for establishing qualifying
- 216 academic criteria for an eligible student to enroll in a concurrent enrollment course; and
- 217 (b) establish a policy that:

- 218 (i) determines which concurrent enrollment courses are career and technical education  
219 courses; and
- 220 (ii) creates a process for:
- 221 (A) an LEA to appeal an institution of higher education's decision under Subsection (7)  
222 if the institution of higher education does not approve an LEA employee as an eligible  
223 instructor; and
- 224 (B) an LEA or institution of higher education to determine whether an eligible  
225 instructor who previously taught a concurrent enrollment course is no longer qualified to teach  
226 the concurrent enrollment course.
- 227 (5) To qualify for funds under Section 53F-2-409, an LEA and an institution of higher  
228 education shall:
- 229 (a) enter into a contract, in accordance with Section 53E-10-303, to provide one or  
230 more concurrent enrollment courses that are approved under the course approval process  
231 described in Subsection (2);
- 232 (b) ensure that an instructor who teaches a concurrent enrollment course is an eligible  
233 instructor;
- 234 (c) establish qualifying academic criteria for an eligible student to enroll in a  
235 concurrent enrollment course, in accordance with the guidelines described in Subsection (4)(a);
- 236 (d) ensure that a student who enrolls in a concurrent enrollment course is an eligible  
237 student; and
- 238 (e) coordinate advising to eligible students.
- 239 (6) (a) An institution of higher education faculty member is an eligible instructor.
- 240 (b) An LEA employee is an eligible instructor if the LEA employee:
- 241 (i) is licensed under Chapter 6, Education Professional Licensure;
- 242 (ii) is supervised by an institution of higher education; and
- 243 (iii) (A) as described in Subsection (7), is approved as an eligible instructor by the  
244 institution of higher education that provides the concurrent enrollment course taught by the  
245 LEA employee;
- 246 (B) has an upper level mathematics credential issued by the state board;
- 247 (C) is approved as adjunct faculty by the institution of higher education that provides  
248 the concurrent enrollment course taught by the LEA employee; or



249 (D) teaches a concurrent enrollment course that the LEA employee taught during the  
250 2018 -2019 or 2019 -2020 school year.

251 (7) An institution of higher education shall approve an LEA employee as an eligible  
252 instructor:

253 (a) for a career and technical education concurrent enrollment course, if the LEA  
254 employee has:

255 (i) a degree, certificate, or industry certification in the concurrent enrollment course's  
256 academic field; or

257 (ii) qualifying experience, as determined by the institution of higher education; or

258 (b) for a concurrent enrollment course other than a career and technical education  
259 course, if the LEA employee has:

260 (i) a master's degree or higher in the concurrent enrollment course's academic field;

261 (ii) (A) a master's degree or higher in any academic field; and

262 (B) at least 18 completed credit hours of graduate course work in an academic field  
263 that is relevant to the concurrent enrollment course; or

264 (iii) qualifying experience as defined in Section 53E-10-301, including:

265 (A) the number of years of teaching experience;

266 (B) student performance on qualifying test scores or AP exams on courses that the  
267 LEA employee teaches;

268 (C) continuing education in a master's degree or higher in any academic field; or

269 (D) other criteria established by the institution of higher education.

270 (8) An institution of higher education shall accept credits earned by a student who  
271 completes a concurrent enrollment course on the same basis as credits earned by a full-time or  
272 part-time student enrolled at the institution of higher education.

273 Section 3. Section **53F-4-501** is amended to read:

274 **53F-4-501. Definitions.**

275 As used in this part:

276 (1) "Authorized online course provider" means the entities listed in Subsection  
277 53F-4-504(1).

278 (2) (a) "Certified online course provider" means a provider that the state board  
279 approves to offer courses through the Statewide Online Education Program.

- 280 (b) "Certified online course provider" does not include an entity described in  
281 Subsections 53F-4-504(1)(a) through (c).
- 282 (3) "Credit" means credit for a high school course, or the equivalent for a middle  
283 school course, as determined by the state board.
- 284 (4) "Eligible student" means a student:
- 285 (a) who intends to take a course for middle school or high school credit; and  
286 (b) (i) who is enrolled in an LEA in Utah; or  
287 (ii) (A) who attends a private school or home school; and  
288 (B) whose custodial parent is a resident of Utah.
- 289 (5) "High school" means grade 9, 10, 11, or 12.
- 290 (6) "Middle school" means, only for purposes of student eligibility to participate in the  
291 Statewide Online Education Program, grade 6, 7, or 8.
- 292 (7) "Online course" means a course of instruction offered by the Statewide Online  
293 Education Program through the use of digital technology, regardless of whether the student  
294 participates in the course at home, at school, at another location, or any combination of these.
- 295 (8) "Plan for college and career readiness" means the same as that term is defined in  
296 Section 53E-2-304.
- 297 (9) "Primary LEA of enrollment" or "primary LEA" means the LEA in which an  
298 eligible student is enrolled for courses other than online courses offered through the Statewide  
299 Online Education Program.
- 300 (10) "Released-time" means a period of time during the regular school day a student is  
301 excused from school at the request of the student's parent pursuant to rules of the state board.
- 302 Section 4. Section **53F-4-502** is amended to read:
- 303 **53F-4-502. Statewide Online Education Program created -- Designated as**  
304 **program of the public education system -- Purposes.**
- 305 (1) The Statewide Online Education Program is created to enable an eligible student to,  
306 through the completion of publicly funded online courses:
- 307 (a) earn high school graduation credit; or  
308 (b) earn middle school credit.
- 309 (2) Pursuant to Utah Constitution, Article X, Section 2, the Statewide Online  
310 Education Program is designated as a program of the public education system.

- 311 (3) The purposes of the Statewide Online Education Program are to:
- 312 (a) provide a student with access to online learning options regardless of where the
- 313 student attends school, whether a public, private, or home school;
- 314 (b) provide digital learning options for a student regardless of language, residence,
- 315 family income, or special needs;
- 316 (c) provide online learning options to allow a student to acquire the knowledge and
- 317 technology skills necessary in a digital world;
- 318 (d) utilize the power and scalability of technology to customize education so that a
- 319 student may learn in the student's own style preference and at the student's own pace;
- 320 (e) utilize technology to remove the constraints of traditional classroom learning,
- 321 allowing a student to access learning virtually at any time and in any place and giving the
- 322 student the flexibility to take advantage of the student's peak learning time;
- 323 (f) provide personalized learning, where a student can spend as little or as much time
- 324 as the student needs to master the material;
- 325 (g) provide greater access to self-paced programs enabling a high achieving student to
- 326 accelerate academically, while a struggling student may have additional time and help to gain
- 327 competency;
- 328 (h) allow a student to customize the student's schedule to better meet the student's
- 329 academic goals;
- 330 (i) provide quality learning options to better prepare a student for post-secondary
- 331 education, ~~[and]~~ vocational training, or career opportunities; and
- 332 (j) allow a student to have an individualized educational experience.
- 333 (4) The program name, "Statewide Online Education Program," shall be used in the
- 334 dissemination of information on the program.

335 Section 5. Section **53F-4-503** is amended to read:

336 **53F-4-503. Option to enroll in online courses offered through the Statewide**

337 **Online Education Program.**

338 (1) Subject to Subsections [~~(2), and (8);~~] (2), (9), and (11) and with the advice of a

339 school counselor at a student's primary LEA, an eligible student may enroll in an online course

340 offered through the Statewide Online Education Program if:

- 341 (a) the student meets the course prerequisites;

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

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

344 readiness[;].

345 [~~(d) the online course is consistent with the student's IEP, if the student has an IEP;~~

346 ~~and]~~

347 [~~(e) the online course is consistent with the student's international baccalaureate~~

348 ~~program, if the student is participating in an international baccalaureate program.]~~

349 (2) An eligible student may enroll in online courses [~~for no more than~~] totaling up to

350 six credits per school year.

351 (3) Notwithstanding Subsection (2):

352 (a) a student's primary LEA of enrollment may allow an eligible student to enroll in

353 online courses for more than the number of credits specified in Subsection (2); or

354 (b) upon the request of an eligible student, the state board may allow the student to

355 enroll in online courses for more than the number of credits specified in Subsection (2), if the

356 online courses better meet the academic goals of the student.

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

358 (a) in conjunction with the student and the student's parent, is responsible for preparing

359 and implementing a plan for college and career readiness for the eligible student, as provided in

360 Section 53E-2-304; and

361 (b) shall assist an eligible student in scheduling courses in accordance with the

362 student's plan for college and career readiness, graduation requirements, and the student's

363 post-secondary plans.

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

365 (a) impose restrictions on a student's selection of an online course that fulfills

366 graduation requirements and is consistent with the student's plan for college and career

367 readiness or post-secondary plans; or

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

369 (6) The state board, including an employee of the state board, may not give preference

370 to an online course or authorized online course provider.

371 (7) (a) Except as provided in Subsection (7)(b), a person may not provide an

372 inducement or incentive to a public school student to participate in the Statewide Online

373 Education Program.

374 (b) For purposes of Subsection (7)(a):

375 (i) "Inducement or incentive" does not mean:

376 (A) instructional materials or software necessary to take an online course; or

377 (B) access to a computer or digital learning device for the purpose of taking an online  
378 course.

379 (ii) "Person" does not include a relative of the public school student.

380 (8) Subject to legislative appropriations, the state board shall provide Statewide Online  
381 Education Program academic counselors who:

382 (a) may advise an eligible student or an eligible student's parent regarding an online  
383 course enrollment including how an online course relates to graduation requirements described  
384 in Section 53E-4-204 and administrative rule;

385 (b) provide the training described in Section 53F-4-514;

386 (c) provide technical support to an LEA, school-based counselor, eligible student, or  
387 eligible student's parent;

388 (d) assist in gathering information, reports, and data an LEA requests; and

389 (e) direct an eligible student or an eligible student's parent to a school-specific  
390 counselor for advice regarding an online course enrollment in relation to an LEA, or  
391 school-specific graduation requirement and all other counseling services.

392 (9) If an eligible student has an IEP or Section 504 accommodation plan:

393 (a) the eligible student's primary LEA:

394 (i) shall:

395 (A) forward a copy of the relevant portions of the eligible student's existing IEP or  
396 Section 504 accommodation plan to the authorized online course provider in accordance with  
397 federal law and guidelines; and

398 (B) ensure the authorized online course provider is provided an eligible student's  
399 updated IEP when revisions are made;

400 (ii) may:

401 (A) ensure the eligible student's IEP team and the authorized online course provider  
402 review a course enrollment for compliance with requirements described in Subsection (1); and

403 (B) as needed, coordinate additional IEP team reviews with the authorized online

404 course provider to ensure appropriate services, supports, and accommodations are in place for  
405 the eligible student; and

406 (b) the authorized online course provider:

407 (i) shall implement an eligible student's IEP or section 504 accommodation plan; and

408 (ii) may seek assistance from the primary LEA to implement an eligible student's IEP  
409 or section 504 accommodation plan.

410 (10) The state board shall create a model cooperative agreement between a primary  
411 LEA and an authorized online course provider for use when the primary LEA determines that  
412 an authorized online course provider would best provide IEP services with costs.

413 (11) If the program lacks sufficient legislative appropriations to fund the enrollment in  
414 online courses for all eligible students who do not have a primary LEA of enrollment, the state  
415 board shall prioritize funding the enrollment of an eligible student who intends to graduate  
416 from high school during the school year in which the student enrolls in an online course.

417 Section 6. Section **53F-4-504** is amended to read:

418 **53F-4-504. Authorized online course providers -- Certified online course**  
419 **providers.**

420 (1) The following entities are known as an authorized online course provider and may  
421 offer online courses to eligible students through the Statewide Online Education Program:

422 (a) [~~a charter school or district school~~] a school within an LEA created exclusively for  
423 the purpose of serving students online;

424 (b) an LEA program, approved by the LEA governing board, that is created exclusively  
425 for the purpose of serving students online;

426 (c) a program of an institution of higher education listed in Section 53B-2-101 that:

427 (i) offers secondary school level courses; and

428 (ii) is created exclusively for the purpose of serving students online; and

429 (d) a certified online course provider.

430 (2) The state board shall approve an online course provider as a certified online course  
431 provider if the online course provider:

432 (a) complies with the application procedures described in Section 53F-4-514;

433 (b) meets the standards described in Section 53F-4-514;

434 (c) has a student information system that is compatible with the state board's

435 information system described in Section 53E-3-518; and

436 [~~(c)~~] (d) has prior experience offering online courses to secondary students.

437 (3) The state board may revoke the approval described in Subsection (2) if the state  
438 board:

439 (a) finds that a certified online course provider is not complying with the requirements  
440 described in Section 53F-4-514;

441 (b) provides written notice describing the findings of non-compliance to the certified  
442 online course provider;

443 (c) provides the certified online course provider with at least 60 days to remedy the  
444 findings of non-compliance;

445 (d) reevaluates the findings of non-compliance at least 60 days after the certified online  
446 course provider's remedy period described in Subsection (3)(c); and

447 (e) finds after reevaluation that the certified online course provider has failed to  
448 satisfactorily remedy the findings of non-compliance.

449 Section 7. Section **53F-4-505** is amended to read:

450 **53F-4-505. Payment for an online course.**

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

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

454 (i) financial literacy;

455 (ii) health;

456 (iii) fitness for life; and

457 (iv) computer literacy;

458 (b) \$200 for driver education;

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

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

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

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

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

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

468 (ii) a concurrent enrollment course; and

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

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

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

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

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

479 (b) for a 1 credit online course, 25% of the online course fee after the withdrawal  
480 period described in Section 53F-4-506 and 25% of the online course fee upon the beginning of  
481 the second .5 credit of the online course; and

482 (c) if a student completes a 1 credit online course within 12 months or a .5 credit  
483 course within nine weeks following the end of a traditional semester, 50% of the online course  
484 fee.

485 (5) (a) If a student fails to complete a 1 credit course within 12 months or a .5 credit  
486 course within nine weeks following the end of a traditional semester, the student may continue  
487 to be enrolled in the course until the student graduates from high school.

488 (b) To encourage an authorized online course provider to provide remediation to a  
489 student who remains enrolled in an online course pursuant to Subsection (5)(a) and avoid the  
490 need for credit recovery, an authorized online course provider shall receive a payment equal to  
491 30% of the online course fee if the student completes the online course:

492 (i) for a high school online course, before the student graduates from high school; or

493 (ii) for a middle school online course, before the student completes middle school.

494 (6) Notwithstanding the online course fees prescribed in Subsections (1) through (3), a  
495 school district or charter school may:

496 (a) negotiate a fee with an authorized online course provider for an amount up to the



497 amount prescribed in Subsections (1) through (3); and

498 (b) pay the negotiated fee instead of the fee prescribed in Subsections (1) through (3).

499 (7) An authorized online course provider who contracts with a vendor for the  
500 acquisition of online course content or online course instruction may negotiate the payment for  
501 the vendor's service independent of the fees specified in Subsections (1) through (3).

502 (8) The state board may not remove a student from an online course if the student is  
503 eligible for continued enrollment in the online course under Subsection (5).

504 (9) Upon request by a primary LEA, the state board shall provide an itemized report to  
505 the primary LEA showing the deduction described in Subsection 53F-4-508(2) by student and  
506 course enrolled.

507 Section 8. Section **53F-4-506** is amended to read:

508 **53F-4-506. Withdrawal from an online course.**

509 (1) An authorized online course provider shall establish a start date for an online  
510 course, including a start date for the second .5 credit of a 1 credit online course.

511 (2) Except as provided in Subsection (3), a student may withdraw from an online  
512 course:

513 (a) within 20 school calendar days of the start date, if the student enrolls in an online  
514 course on or before the start date established pursuant to Subsection (1); or

515 (b) within 20 school calendar days of enrolling in the online course, if the student  
516 enrolls in an online course after the start date established pursuant to Subsection (1).

517 (3) (a) A student may withdraw from a 1 credit online course within 20 school calendar  
518 days of the start date of the second .5 credit of the online course.

519 (b) An authorized online course provider shall refund a payment received for the  
520 second .5 credit of an online course if a student withdraws from the online course pursuant to  
521 Subsection (3)(a).

522 (c) If a student withdraws from a 1 credit online course as provided in Subsection  
523 (3)(a), the authorized online course provider shall receive payment for the student's completion  
524 of .5 credit of the 1 credit course in the same manner as an authorized online course provider  
525 receives payment for a student's completion of a .5 credit online course as described in  
526 Subsection 53F-4-505(4).

527 Section 9. Section **53F-4-507** is amended to read:

528           **53F-4-507. State board to deduct funds and make payments -- Plan for the**  
529 **payment of online courses taken by private and home school students.**

530           (1) Subject to future budget constraints, the Legislature shall adjust the appropriation  
531 for the Statewide Online Education Program based on:

532           (a) the anticipated increase of eligible home school and private school students  
533 enrolled in the Statewide Online Education Program; and

534           (b) the value of the weighted pupil unit.

535           (2) Notwithstanding Subsection (1) and subject to future budget constraints, the  
536 Legislature shall:

537           (a) consider enrollment projections provided by the authorized online course providers  
538 to account for enrollment growth during the appropriations process;

539           (b) provide a supplemental appropriation to adequately fund the Statewide Online  
540 Education Program when the enrollment amount exceeds the projected enrollment amounts  
541 provided by the authorized online course providers; and

542           (c) in the fiscal year beginning July 1, 2025, keep all other appropriations for the  
543 Statewide Online Education Program separate from the appropriations described in Section  
544 53F-4-518.

545           (3) (a) The state board shall deduct money from funds allocated to the student's  
546 primary LEA of enrollment under Chapter 2, State Funding -- Minimum School Program, to  
547 pay for online course fees.

548           (b) Money shall be deducted under Subsection (3)(a) in the amount and at the time an  
549 authorized online course provider qualifies to receive payment for an online course provided to  
550 a public education student, not to exceed 90 days after qualification, as provided in Subsection  
551 53F-4-505(4).

552           (c) [~~Beginning July 1, 2023~~] Subject to Subsection 53F-4-514(2)(h), the state board  
553 shall deduct money from funds allocated for course fees for a private school or home school  
554 student in the amount and at the time an authorized online course provider qualifies to receive  
555 payment for an online course, not to exceed 90 days after qualification.

556           (4) From money deducted under Subsection (3), the state board shall make payments to  
557 the student's authorized online course provider as provided in Section 53F-4-505.

558           ~~[(5) The Legislature shall establish a plan for the payment of online courses taken by a~~

559 ~~private school or home school student.]~~

560 Section 10. Section **53F-4-508** is amended to read:

561 **53F-4-508. Course credit acknowledgment.**

562 (1) A student's primary LEA of enrollment and the student's authorized online course  
563 provider shall:

564 (a) enter into a course credit acknowledgment in which the primary LEA of enrollment  
565 and the authorized online course provider acknowledge that the authorized online course  
566 provider is responsible for the instruction of the student in a specified online course[-]; and

567 (b) agree upon a process to provide the primary LEA with the ability to ensure  
568 consistency of a course request with a student's:

569 (i) IEP or Section 504 accommodation plan;

570 (ii) graduation requirements; and

571 (iii) schedule.

572 (2) The terms of the course credit acknowledgment shall provide that:

573 (a) the authorized online course provider shall receive a payment in the amount  
574 provided under Section 53F-4-505; and

575 (b) the student's primary LEA of enrollment acknowledges that the state board will  
576 deduct funds allocated to the LEA under Chapter 2, State Funding -- Minimum School  
577 Program, in the amount and at the time the authorized online course provider qualifies to  
578 receive payment for the online course as provided in Subsection 53F-4-505(4).

579 (3) (a) A course credit acknowledgment may originate with either an authorized online  
580 course provider or primary LEA of enrollment.

581 (b) The originating entity shall submit the course credit acknowledgment to the state  
582 board who shall forward it to the primary LEA of enrollment for course selection verification  
583 or the authorized online course provider for acceptance.

584 (c) (i) A primary LEA of enrollment may only reject a course credit acknowledgment  
585 if:

586 (A) the online course is not aligned with the student's plan for college and career  
587 readiness; or

588 ~~[(B) the online course is not consistent with the student's IEP, if the student has an~~  
589 ~~IEP;]~~

590 ~~[(C) the online course is not consistent with the student's international baccalaureate~~  
591 ~~program, if the student participates in an international baccalaureate program; or]~~

592 [(D)] (B) the number of online course credits exceeds the maximum allowed for the  
593 year as provided in Section 53F-4-503.

594 (ii) Verification of alignment of an online course with a student's plan for college and  
595 career readiness does not require a meeting with the student.

596 (d) An authorized online course provider may only reject a course credit  
597 acknowledgment if:

598 (i) the student does not meet course prerequisites; or

599 (ii) the course is not open for enrollment.

600 (e) [A] Except as provided in Subsection (5), a primary LEA of enrollment or  
601 authorized online course provider shall submit an acceptance or rejection of a course credit  
602 acknowledgment to the state board within [72] 24 business hours of the receipt of a course  
603 credit acknowledgment from the state board pursuant to Subsection (3)(b).

604 (f) If an authorized online course provider accepts a course credit acknowledgment, the  
605 authorized online course provider shall forward to the primary LEA of enrollment the online  
606 course start date as established under Section 53F-4-506.

607 (g) If an authorized online course provider rejects a course credit acknowledgment, the  
608 authorized online course provider shall include an explanation which the state board shall  
609 forward to the primary LEA of enrollment for the purpose of assisting a student with future  
610 online course selection.

611 (h) [H] Except as provided in Subsection (5), if a primary LEA of enrollment does not  
612 submit an acceptance or rejection of a course credit acknowledgment to the state board within  
613 [72] 24 business hours of the receipt of a course credit acknowledgment from the state board  
614 pursuant to Subsection (3)(b), the state board shall consider the course credit acknowledgment  
615 accepted.

616 (i) (i) Upon acceptance of a course credit acknowledgment, the primary LEA of  
617 enrollment shall notify the student of the acceptance and the start date for the online course as  
618 established under Section 53F-4-506.

619 (ii) Upon rejection of a course credit acknowledgment, the primary LEA of enrollment  
620 shall notify the student of the rejection and provide an explanation of the rejection.

621 ~~[(j) If the online course student has an individual education plan (IEP) or 504~~  
622 ~~accommodations, the primary LEA of enrollment shall forward the IEP or description of 504~~  
623 ~~accommodations to the online course provider within 72 business hours after the primary LEA~~  
624 ~~of enrollment receives notice that the online course provider accepted the course credit~~  
625 ~~acknowledgment.]~~

626 (4) (a) A primary LEA of enrollment may not reject a course credit acknowledgment,  
627 because the LEA is negotiating, or intends to negotiate, an online course fee with the  
628 authorized online course provider pursuant to Subsection 53F-4-505(6).

629 (b) If a primary LEA of enrollment negotiates an online course fee with an authorized  
630 online course provider before the start date of an online course, a course credit  
631 acknowledgment may be amended to reflect the negotiated online course fee.

632 (5) A primary LEA of enrollment may intervene and reject a course credit  
633 acknowledgment up to 72 business hours after the actual or constructive acceptance of a  
634 course credit acknowledgment under Subsection (4), if the primary LEA of enrollment  
635 determines the online course enrollment meets the criteria of Subsection (3)(c).

636 Section 11. Section **53F-4-509** is amended to read:

637 **53F-4-509. Online course credit hours included in daily membership --**

638 **Limitation.**

639 (1) Subject to Subsection (2), a student's primary LEA of enrollment shall include  
640 online course credit hours in calculating daily membership.

641 (2) A student may not count as more than one FTE, unless the student intends to  
642 complete high school graduation requirements, and exit high school, early, in accordance with  
643 the student's plan for college and career readiness.

644 (3) A student who enrolls in an online course may not be counted in membership for a  
645 released-time class, if counting the student in membership for a released-time class would  
646 result in the student being counted as more than one FTE.

647 (4) Except as provided in Subsection (5), a student enrolled in an online course may  
648 not earn ~~[no]~~ more credits in a year than the number of credits a student may earn in a year by  
649 taking a full course load during the regular school day in the student's primary LEA of  
650 enrollment.

651 (5) A student enrolled in an online course may earn more credits in a year than the

652 number of credits a student may earn in a year by taking a full course load during the regular  
653 school day in the student's primary LEA of enrollment:

654 (a) if the student intends to complete high school graduation requirements, and exit  
655 high school, early, in accordance with the student's plan for college and career readiness; or

656 (b) if allowed under [~~local school board or charter school governing board~~] an LEA  
657 governing board policy.

658 Section 12. Section **53F-4-510** is amended to read:

659 **53F-4-510. Administration of statewide assessments to students enrolled in online**  
660 **courses.**

661 (1) A student enrolled in an online course that is a course for which a statewide  
662 assessment is administered under Title 53E, Chapter 4, Part 3, Assessments, shall take the  
663 statewide assessment.

664 (2) (a) The state board shall make rules providing for the administration of a statewide  
665 assessment to a student enrolled in an online course.

666 (b) Rules made under Subsection (2)(a) shall:

667 (i) provide for the administration of a statewide assessment upon a student completing  
668 an online course; and

669 (ii) require an authorized online course provider to proctor the statewide assessment.

670 Section 13. Section **53F-4-511** is amended to read:

671 **53F-4-511. Report on performance of authorized online course providers.**

672 (1) The state board, in collaboration with authorized online course providers, shall  
673 develop a report on the performance of authorized online course providers, which may be used  
674 to evaluate the Statewide Online Education Program and assess the quality of an authorized  
675 online course provider.

676 (2) A report on the performance of an authorized online course provider shall include:

677 (a) scores aggregated by test on statewide assessments administered under Title 53E,  
678 Chapter 4, Part 3, Assessments, taken by students at the end of an online course offered  
679 through the Statewide Online Education Program;

680 (b) the percentage of the authorized online course provider's students who complete  
681 online courses within the applicable time period specified in Subsection 53F-4-505(4)(c);

682 (c) the percentage of the authorized online course provider's students who complete

683 online courses after the applicable time period specified in Subsection 53F-4-505(4)(c) and  
684 before the student graduates from high school; and

685 (d) the pupil-teacher ratio for the combined online courses of the authorized online  
686 course provider.

687 (3) The state board shall post a report on the performance of an authorized online  
688 course provider on the Statewide Online Education Program's website described in Section  
689 53F-4-512.

690 Section 14. Section **53F-4-512** is amended to read:

691 **53F-4-512. Dissemination of information on the Statewide Online Education**  
692 **Program.**

693 (1) The state board shall develop a website for the Statewide Online Education  
694 Program which shall include:

695 (a) a description of the Statewide Online Education Program, including its purposes;

696 (b) information on who is eligible to enroll, and how an eligible student may enroll, in  
697 an online course;

698 (c) a directory of authorized online course providers;

699 (d) a link to a course catalog for each authorized online course provider; and

700 (e) a report on the performance of authorized online course providers as required by  
701 Section 53F-4-511.

702 (2) An authorized online course provider shall provide the following information on  
703 the authorized online course provider's website:

704 (a) a description of the Statewide Online Education Program, including its purposes;

705 (b) information on who is eligible to enroll, and how an eligible student may enroll, in  
706 an online course;

707 (c) a course catalog;

708 (d) scores aggregated by test on statewide assessments administered under Title 53E,  
709 Chapter 4, Part 3, Assessments, taken by students at the end of an online course offered  
710 through the Statewide Online Education Program;

711 (e) the percentage of an authorized online course provider's students who complete  
712 online courses within the applicable time period specified in Subsection 53F-4-505(4)(c);

713 (f) the percentage of an authorized online course provider's students who complete

714 online courses after the applicable time period specified in Subsection 53F-4-505(4)(c) and  
715 before the student graduates from high school; and

716 (g) the authorized online [~~learning~~] course provider's pupil-teacher ratio for the online  
717 courses combined.

718 Section 15. Section **53F-4-513** is amended to read:

719 **53F-4-513. Time period to enroll in an online course.**

720 (1) To provide an LEA and an authorized online course [~~providers~~] provider with  
721 estimates of online course enrollment, a student should enroll in an online course, or declare an  
722 intention to enroll in an online course:

723 (a) for a high school online course, during the time period the LEA designates for high  
724 school course registration; or

725 (b) for a middle school online course, during the time period the LEA designates for  
726 middle school course registration.

727 (2) Notwithstanding Subsection (1) and except as provided in Subsection (3), a student  
728 may enroll in an online course at any time during a calendar year.

729 (3) (a) A student may alter a course schedule by dropping a traditional classroom  
730 course and adding an online course consistent with course schedule alteration procedures  
731 adopted by the student's primary LEA of enrollment.

732 (b) [~~A school district's or high school's~~] An LEA or school's deadline for dropping a  
733 traditional classroom course and adding an online course shall be the same deadline for  
734 dropping and adding a traditional classroom course.

735 Section 16. Section **53F-4-514** is amended to read:

736 **53F-4-514. State board -- Rulemaking -- Fees.**

737 (1) Notwithstanding Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
738 state board shall provide a delayed effective date that is after the school year has ended for a  
739 change to an administrative rule related to the Statewide Online Education Program if the  
740 change would require an authorized online course provider to make program changes during  
741 the school year.

742 (2) The state board shall make rules in accordance with this part and Title 63G,  
743 Chapter 3, Utah Administrative Rulemaking Act, that establish:

744 (a) a course credit acknowledgment form and procedures for completing and



- 745 submitting to the state board a course credit acknowledgment;
- 746 (b) procedures for the administration of a statewide assessment to a student enrolled in  
747 an online course; and
- 748 (c) protocols for an online course provider to obtain approval to become a certified  
749 online course provider, including:
- 750 (i) the application procedure for an online course provider to obtain approval to  
751 become a certified online course provider; and
- 752 (ii) the standards that a certified online course provider and any online course the  
753 certified online course provider offers shall meet;
- 754 (d) in accordance with Title 53E, Chapter 4, Academic Standards, Assessments, and  
755 Materials, criteria for an authorized online course provider to submit for approval an online  
756 course that does not have an existing state board course code;
- 757 (e) no later than July 1, 2024, a process within existing systems at the state board to  
758 allow a certified online course provider access to an educator's licensing, endorsement,  
759 certification, and assignment information if the educator is teaching an online course for the  
760 certified online course provider;
- 761 (f) in consultation with the authorized online course providers, the parameters for  
762 conducting a site visit including:
- 763 (i) a definition for the term site visit;
- 764 (ii) the minimum amount of time required for:
- 765 (A) notice to an authorized online course provider of a site visit; and  
766 (B) an authorized online course provider to prepare for a site visit;
- 767 (iii) the documents, data, and artifacts subject to inspection during a site visit; and  
768 (iv) a process to ensure a site visit allows for observation of instruction without  
769 interfering with the instruction[-];
- 770 (g) annual mandatory training for relevant staff at a primary LEA that includes:
- 771 (i) program requirements for a primary LEA including reporting requirements and  
772 methods;
- 773 (ii) uses of resources and tools to ensure adequate monitoring of an eligible student's  
774 progress;
- 775 (iii) federal and state requirements for accommodating enrollments that involve special

776 education;  
777 (iv) appropriate circumstances and methodologies for reducing an eligible student's  
778 schedule; and  
779 (v) other components the state board determines are necessary; and  
780 (3) (a) When establishing the standards described in Subsection (2)(c)(ii) the state  
781 board shall:  
782 (i) establish rules and minimum standards regarding accreditation;  
783 (ii) require an online course to be aligned with the core standards described in Section  
784 53E-4-202;  
785 (iii) require proof that a national organization responsible for college athletics  
786 endorses:  
787 (A) the certified online course provider; or  
788 (B) the online course that a certified online course provider offers;  
789 (iv) permit an open-entry, open-exit method of instructional delivery that allows a  
790 student the flexibility to:  
791 (A) schedule in response to individual needs or requirements;  
792 (B) demonstrate competency when the student has mastered knowledge and skills;  
793 (C) begin or end study at any time; and  
794 (D) progress through course material at the student's own pace; and  
795 (v) except as provided in Subsection [~~(4)~~] (5), require an individual who teaches a  
796 course for a certified online course provider to hold a teaching license issued by the state board.  
797 (b) When establishing the standards described in Subsection (2)(c)(ii), the state board  
798 may not:  
799 (i) specify a minimum duration for an online course;  
800 (ii) specify a minimum amount of time that a student must spend in an online course;  
801 or  
802 (iii) limit the class size of an online course.  
803 (4) No later than January 31, 2026, the state board shall create a communication  
804 dashboard for the program that includes:  
805 (a) a counselor contact list for an eligible student that is accessible to an authorized  
806 online course provider; and

807 (b) progress monitoring fields that are accessible to the primary LEA, the eligible  
 808 student's counselor, and the eligible student's parent containing:

809 (i) grade progress reporting of an eligible student by an authorized online course  
 810 provider;

811 (ii) an ability to flag a student that is at-risk of failing an online course; and

812 (iii) other relevant capabilities the state board determines to be necessary in  
 813 consultation with LEA users of the dashboard.

814 ~~[(4)]~~ (5) If an individual possesses a provider-specific license described in Section  
 815 53E-6-201, the state board may not prohibit the individual from teaching an online course for  
 816 an authorized online course provider while the individual is in the process of obtaining an  
 817 endorsement or additional license issued by the state board.

818 ~~[(5)]~~ (6) The state board may establish a fee, in accordance with Section 63J-1-504, in  
 819 an amount to pay the costs to the state board of the application approval process and the  
 820 monitoring of a certified online course provider's compliance with the standards described in  
 821 Subsection (2)(c)(ii).

822 ~~[(6)]~~ (7) (a) Fee revenue collected in accordance with Subsection ~~[(5)]~~ (6) shall be:

823 (i) deposited into the Uniform School Fund as a dedicated credit; and

824 (ii) used to pay the costs to the state board of reviewing certified online course  
 825 providers' applications and compliance with the standards described in Subsection (2)(c)(ii).

826 Section 17. Section **53F-4-516** is amended to read:

827 **53F-4-516. Report of noncompliance -- Action to ensure compliance.**

828 (1) The state superintendent shall report to the state board any report of noncompliance  
 829 of this part made to a staff member of ~~[the staff of]~~ the state board.

830 (2) The state board shall take appropriate action to ensure compliance with this part.

831 Section 18. Section **53F-4-517** is amended to read:

832 **53F-4-517. Agreements for online instruction.**

833 (1) In addition to offering online courses to students through the ~~[Statewide Online~~  
 834 ~~Education Program]~~ program, a school district or charter school may enter into an agreement  
 835 with another school district or charter school or a consortium of school districts or charter  
 836 schools to provide online instruction to the school district's or charter school's students.

837 (2) Online instruction offered pursuant to Subsection (1) is not subject to the

838 requirements of this part.

839 Section 19. Section **53F-4-518** is amended to read:

840 **53F-4-518. Small school student access to college and career readiness courses.**

841 Subject to legislative appropriations and Subsection 53F-4-514(2)(h), and

842 notwithstanding Subsections 53F-4-509(2) and (3), the state board shall:

843 (1) use funds from an appropriation for the Statewide Online Education Program to pay  
844 for an online course fee described in Section 53F-4-505 for a student who is enrolled in a  
845 public high school that enrolls fewer than 1,000 students; and

846 (2) after the funds described in Subsection (1) have been expended, make a deduction  
847 as described in Subsection 53F-4-507(3).

848 Section 20. **Effective date.**

849 This bill takes effect on July 1, 2024.