

Effective 1/24/2018

**Chapter 4
State Funding -- Contracted Initiatives**

**Part 1
General Provisions**

53F-4-101 Title.

This chapter is known as "State Funding -- Contracted Initiatives."

Enacted by Chapter 2, 2018 General Session

53F-4-102 Definitions.

Reserved

Enacted by Chapter 2, 2018 General Session

**Part 2
Contracts**

53F-4-201 State board required to contract for a benchmark assessment system for reading.

- (1)
- (a) As described in Section 53E-4-307, the state board shall approve a benchmark assessment for use statewide by school districts and charter schools.
 - (b) The state board shall contract with one or more educational technology providers, selected through a request for proposals process, for a benchmark assessment system for reading described in Section 53E-4-307 that meets the requirements of this section.
- (2) Subject to legislative appropriations, a benchmark assessment system for reading shall be made available to school districts and charter schools that apply to use a benchmark assessment for reading beginning in the 2011-12 school year.
- (3) A benchmark assessment system for reading for students described in Subsection (1) shall:
- (a) be in a digital format;
 - (b) include benchmark assessments of reading proficiency to be administered at the beginning, in the middle, and at the end of kindergarten and the grades for which the state board approves the benchmark assessment;
 - (c) include formative assessments to be administered every two to four weeks for students who are at high risk of not attaining proficiency in reading;
 - (d) align with the language arts core standards for Utah public schools adopted by the state board; and
 - (e) include a data analysis component hosted by the provider that:
 - (i) has the capacity to generate electronic information immediately and produce individualized student progress reports, class summaries, and class groupings for instruction;
 - (ii) may have the capability of identifying lesson plans that may be used to develop reading skills;
 - (iii) enables teachers, administrators, and designated supervisors to access reports through a secured password system;

- (iv) produces electronic printable reports for parents and administrators; and
- (v) has the capability for principals to monitor usage by teachers.

Amended by Chapter 14, 2020 Special Session 5

53F-4-202 College readiness diagnostic tool.

- (1) The state board shall contract with a provider, selected through a request for proposals process, to provide an online college readiness diagnostic tool that is aligned with the college readiness assessment described in Section 53E-4-305.
- (2) An online test preparation program described in Subsection (1):
 - (a)
 - (i) shall allow a student to independently access online materials and learn at the student's own pace; and
 - (ii) may be used to provide classroom and teacher-assisted instruction;
 - (b) shall provide online study materials, diagnostic exams, drills, and practice tests in an approach that is engaging to high school students;
 - (c) shall enable electronic reporting of student progress to administrators, teachers, parents, and other facilitators;
 - (d) shall record a student's progress in an online dashboard that provides diagnostic assessment of the content areas tested and identifies mastery of corresponding skill sets; and
 - (e) shall provide training and professional development to personnel in school districts and charter schools on how to utilize the online test preparation program and provide teacher-assisted instruction to students.
- (3) The state board, school districts, and charter schools shall make the online test preparation program available to a student:
 - (a) beginning in the 2013-14 school year; and
 - (b) for at least one full year.

Amended by Chapter 186, 2019 General Session

53F-4-203 Early interactive reading software -- Independent evaluator.

- (1) Subject to legislative appropriations, the state board shall distribute funds to public schools based on enrollment for students in kindergarten through grade 3 to purchase personalized interactive reading software.
- (2) A public school that receives funds described in Subsection (1) shall use the funds for a student in kindergarten or grade 1, 2, or 3:
 - (a) for intervention for the student if the student is reading below grade level; or
 - (b) for advancement beyond grade level for the student if the student is reading at or above grade level.
- (3)
 - (a) On or before August 1 of each year, the state board shall select and contract with an independent evaluator, through a request for proposals process, to act as an independent contractor to evaluate early interactive reading software provided under this section.
 - (b) The state board shall ensure that a contract with an independent evaluator requires the independent evaluator to:
 - (i) evaluate a student's learning gains as a result of using early interactive reading software provided under Subsection (1);

- (ii) for the evaluation under Subsection (3)(b)(i), use an assessment that is not developed by a provider of early interactive reading software; and
- (iii) determine the extent to which a public school uses the early interactive reading software.
- (c) The state board and the independent evaluator selected under Subsection (3)(a) shall submit a report on the results of the evaluation in accordance with Section 53E-1-201.
- (4) An LEA may acquire an analytical software program that:
 - (a) monitors, for an individual school, early intervention interactive reading software use and the associated impact on student performance; and
 - (b) analyzes the information gathered under Subsection (4)(a) to prescribe individual school usage time to maximize the beneficial impact on student performance.
- (5) The state board:
 - (a) may use up to 4% of the appropriation provided under Subsection (1):
 - (i) to contract with an independent evaluator selected under Subsection (3)(a); and
 - (ii) for administrative costs associated with this section; and
 - (b) shall distribute at least 96% of funds under this section to LEAs in accordance with Subsection (1).
- (6) Nothing in this section or in Section 53E-4-307 or 53G-11-303 requires a reading software product to demonstrate the statistically significant effect size described in Subsection 53G-11-303(1)(a) in order to be used as an instructional material.

Amended by Chapter 20, 2023 General Session

53F-4-206 Computer program for students with autism and other special needs.

- (1) To improve social skills and student achievement for students with autism and other special needs in pre-school through grade 2, the state board shall contract with a provider, selected through a request for proposals process, to provide computer software programs and activity manuals.
- (2) In evaluating proposals submitted under Subsection (1), the state board shall:
 - (a) ensure that the state board's evaluation criteria weighs heavily the proposer's ability and experience to provide computer software programs and activity manuals to improve social skills and student achievement for students with autism and other special needs in pre-school through grade 2;
 - (b) consider, in evaluating the proposer's ability and experience, any quantitative and evaluative results from field testing, state tests, and other standardized achievement tests;
 - (c) ensure that the state board's evaluation criteria weighs heavily the proposer's ability to:
 - (i) collect data from each computer using the computer software, regardless of where the computer is located;
 - (ii) provide students access to the proposer's program from any computer with internet access;
 - (iii) enable reporting of student progress to administrators, teachers, parents, and other facilitators; and
 - (iv) record a student's progress in the computer software; and
 - (d) consider the extent to which the computer software program uses engaging animation to teach students.
- (3) The state board shall provide the computer software programs and activity manuals procured under this section to school districts and charter schools that demonstrate a commitment by the school principal and staff to implement the computer software programs and activity manuals as prescribed by the provider.

Amended by Chapter 186, 2019 General Session

Effective until 7/1/2024

53F-4-207 Student intervention early warning program.

- (1) As used in this section:
 - (a) "Digital program" means a program that provides information for student early intervention as described in this section.
 - (b) "Online data reporting tool" means a system described in Section 53E-4-311.
- (2)
 - (a) The state board shall, subject to legislative appropriations:
 - (i) subject to Subsection (2)(c), enhance the online data reporting tool and provide additional formative actionable data on student outcomes; and
 - (ii) select through a competitive contract process a provider to provide to an LEA a digital program as described in this section.
 - (b) Information collected or used by the state board for purposes of enhancing the online data reporting tool in accordance with this section may not identify a student individually.
 - (c) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to define the primary exceptionalities described in Subsection (3)(e)(ii).
- (3) The enhancement to the online data reporting tool and the digital program shall:
 - (a) be designed with a user-appropriate interface for use by teachers, school administrators, and parents;
 - (b) provide reports on a student's results at the student level on:
 - (i) a national assessment;
 - (ii) a local assessment; and
 - (iii) a standards assessment described in Section 53E-4-303;
 - (c) have the ability to provide data from aggregate student reports based on a student's:
 - (i) teacher;
 - (ii) school;
 - (iii) school district, if applicable; or
 - (iv) ethnicity;
 - (d) provide a viewer with the ability to view the data described in Subsection (2)(c) on a single computer screen;
 - (e) have the ability to compare the performance of students, for each teacher, based on a student's:
 - (i) gender;
 - (ii) special needs, including primary exceptionality as defined by state board rule;
 - (iii) English proficiency;
 - (iv) economic status;
 - (v) migrant status;
 - (vi) ethnicity;
 - (vii) response to tiered intervention;
 - (viii) response to tiered intervention enrollment date;
 - (ix) absence rate;
 - (x) feeder school;
 - (xi) type of school, including primary or secondary, public or private, Title I, or other general school-type category;
 - (xii) course failures; and
 - (xiii) other criteria, as determined by the state board; and

- (f) have the ability to load data from a local, national, or other assessment in the data's original format within a reasonable time.
- (4) Subject to legislative appropriations, the online data reporting tool and digital program shall:
- (a) integrate criteria for early warning indicators, including the following criteria:
 - (i) discipline, including school safety violations;
 - (ii) attendance;
 - (iii) behavior;
 - (iv) course failures; and
 - (v) other criteria as determined by a local school board or charter school governing board;
 - (b) provide a teacher or administrator the ability to view the early warning indicators described in Subsection (4)(a) with a student's assessment results described in Subsection (3)(b);
 - (c) provide data on response to intervention using existing assessments or measures that are manually added, including assessment and nonacademic measures;
 - (d) provide a user the ability to share interventions within a reporting environment and add comments to inform other teachers, administrators, and parents;
 - (e) save and share reports among different teachers and school administrators, subject to the student population information a teacher or administrator has the rights to access;
 - (f) automatically flag a student profile when early warning thresholds, that the state board defines, are met so that a teacher can easily identify a student who may be in need of intervention;
 - (g) incorporate a variety of algorithms to support student learning outcomes and provide student growth reporting by teacher;
 - (h) integrate response to intervention tiers and activities as filters for the reporting of individual student data and aggregated data, including by ethnicity, school, or teacher;
 - (i) have the ability to generate parent communication to alert the parent of plans or interventions; and
 - (j) configure alerts based upon student academic results, including a student's performance on the previous year's standards assessment described in Section 53E-4-303 or results to appropriate behavior interventions.
- (5)
- (a) The state board shall ensure that each LEA receives access to a digital program through a provider described in Subsection (2)(a)(ii).
 - (b) An LEA shall:
 - (i) pay for 50% of the cost of providing access to the digital program to the LEA; and
 - (ii) no later than one school year after accessing a digital program, report to the state board in a format required by the state board on:
 - (A) the effectiveness of the digital program;
 - (B) positive and negative attributes of the digital program;
 - (C) recommendations for improving the online data reporting tool; and
 - (D) any other information regarding a digital program requested by the state board.
 - (c) The state board shall consider recommendations from an LEA for changes to the online data reporting tool.
- (6) A person shall provide or use information described in this section in accordance with:
- (a) Title 53E, Chapter 9, Student Privacy and Data Protection;
 - (b) Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and
 - (c) the parental consent requirements in Section 53E-9-203.
- (7)

- (a) A parent or guardian may opt the parent's or guardian's student out of participating in a survey prepared by an LEA's online data reporting tool described in this section.
- (b) An LEA shall provide notice to a parent of:
 - (i) the administration of a survey described in Subsection (7)(a);
 - (ii) if applicable, that the survey may request information from students that is non-academic in nature;
 - (iii) where the parent may access the survey described in Subsection (7)(a) to be administered; and
 - (iv) the opportunity to opt a student out of participating in a survey as described in Subsection (7)(a).
- (c) An LEA shall annually provide notice to parents and guardians on how the LEA uses student data through the online data reporting tool to provide instruction and intervention to students.
- (8) An LEA may use a different platform from the platform described in Subsection (2)(a)(ii) if the different platform accomplishes the requirements of this section.

Amended by Chapter 21, 2024 General Session

Effective 7/1/2024

53F-4-207 Student intervention early warning program.

- (1) As used in this section:
 - (a) "Digital program" means a program that provides information for student early intervention as described in this section.
 - (b) "Online data reporting tool" means a system described in Section 53E-4-311.
- (2)
 - (a) The state board shall, subject to legislative appropriations:
 - (i) subject to Subsection (2)(c), enhance the online data reporting tool and provide additional formative actionable data on student outcomes; and
 - (ii) select through a competitive contract process a provider to provide to an LEA a digital program as described in this section.
 - (b) Information collected or used by the state board for purposes of enhancing the online data reporting tool in accordance with this section may not identify a student individually.
 - (c) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to define the primary exceptionalities described in Subsection (3)(e)(ii).
- (3) The enhancement to the online data reporting tool and the digital program shall:
 - (a) be designed with a user-appropriate interface for use by teachers, school administrators, and parents;
 - (b) provide reports on a student's results at the student level on:
 - (i) a national assessment;
 - (ii) a local assessment; and
 - (iii) a standards assessment described in Section 53E-4-303;
 - (c) have the ability to provide data from aggregate student reports based on a student's:
 - (i) teacher;
 - (ii) school;
 - (iii) school district, if applicable; or
 - (iv) ethnicity;
 - (d) provide a viewer with the ability to view the data described in Subsection (2)(c) on a single computer screen;

- (e) have the ability to compare the performance of students, for each teacher, based on a student's:
 - (i) gender;
 - (ii) special needs, including primary exceptionality as defined by state board rule;
 - (iii) English proficiency;
 - (iv) economic status;
 - (v) migrant status;
 - (vi) ethnicity;
 - (vii) response to tiered intervention;
 - (viii) response to tiered intervention enrollment date;
 - (ix) absence rate;
 - (x) feeder school;
 - (xi) type of school, including primary or secondary, public or private, Title I, or other general school-type category;
 - (xii) course failures; and
 - (xiii) other criteria, as determined by the state board; and
 - (f) have the ability to load data from a local, national, or other assessment in the data's original format within a reasonable time.
- (4) Subject to legislative appropriations, the online data reporting tool and digital program shall:
- (a) integrate criteria for early warning indicators, including the following criteria:
 - (i) discipline, including school safety violations;
 - (ii) attendance;
 - (iii) behavior;
 - (iv) course failures; and
 - (v) other criteria as determined by a local school board or charter school governing board;
 - (b) provide a teacher or administrator the ability to view the early warning indicators described in Subsection (4)(a) with a student's assessment results described in Subsection (3)(b);
 - (c) provide data on response to intervention using existing assessments or measures that are manually added, including assessment and nonacademic measures;
 - (d) provide a user the ability to share interventions within a reporting environment and add comments to inform other teachers, administrators, and parents;
 - (e) save and share reports among different teachers and school administrators, subject to the student population information a teacher or administrator has the rights to access;
 - (f) automatically flag a student profile when early warning thresholds, that the state board defines, are met so that a teacher can easily identify a student who may be in need of intervention;
 - (g) incorporate a variety of algorithms to support student learning outcomes and provide student growth reporting by teacher;
 - (h) integrate response to intervention tiers and activities as filters for the reporting of individual student data and aggregated data, including by ethnicity, school, or teacher;
 - (i) have the ability to generate parent communication to alert the parent of plans or interventions; and
 - (j) configure alerts based upon student academic results, including a student's performance on the previous year's standards assessment described in Section 53E-4-303 or results to appropriate behavior interventions.
- (5)
- (a) The state board shall ensure that each LEA receives access to a digital program through a provider described in Subsection (2)(a)(ii).

- (b) An LEA shall:
 - (i) pay for 50% of the cost of providing access to the digital program to the LEA; and
 - (ii) no later than one school year after accessing a digital program, report to the state board in a format required by the state board on:
 - (A) the effectiveness of the digital program;
 - (B) positive and negative attributes of the digital program;
 - (C) recommendations for improving the online data reporting tool; and
 - (D) any other information regarding a digital program requested by the state board.
- (c) The state board shall consider recommendations from an LEA for changes to the online data reporting tool.
- (6) A person shall provide or use information described in this section in accordance with :
 - (a) Title 53E, Chapter 9, Student Privacy and Data Protection;
 - (b) Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and
 - (c) the parental consent requirements in Section 53E-9-203.
- (7)
 - (a) A parent or guardian may opt the parent's or guardian's student into participating in a survey prepared by an LEA's online data reporting tool described in this section.
 - (b) An LEA shall provide notice to a parent of:
 - (i) the administration of a survey described in Subsection (7)(a);
 - (ii) if applicable, that the survey may request information from students that is non- academic in nature;
 - (iii) where the parent may access the survey described in Subsection (7)(a) to be administered; and
 - (iv) the opportunity to opt a student out of participating in a survey as described in Subsection (7)(a).
 - (c) An LEA shall annually provide notice to parents and guardians on how the LEA uses student data through the online data reporting tool to provide instruction and intervention to students.
- (8) An LEA may use a different platform from the platform described in Subsection (2)(a)(ii) if the different platform accomplishes the requirements of this section.

Amended by Chapter 23, 2024 General Session

53F-4-208 State board procurement for school security software.

- (1) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state board shall issue a request for proposals, on or before June 15, 2023, and enter a contract with a private vendor for firearm detection software to detect and alert district personnel and first responders about the presence of visible, unholstered firearms on school property.
- (2) The contract described in Subsection (1) shall require the firearm detection software to be:
 - (a) developed in the United States without the use of any third-party or open-source data;
 - (b) protected by an awarded patent that includes a training database populated with frames of actual videos of firearms taken in relevant environments across diverse industries;
 - (c) designated as qualified anti-terrorism technology under the federal SAFETY Act, 6 U.S.C. Sec. 441 et seq.;
 - (d) designed to integrate with existing security camera infrastructure at school districts;
 - (e) managed directly by the contracted vendor through a constantly monitored operations center that is staffed by highly trained analysts in order to rapidly communicate possible threats to end users; and
 - (f) successfully deployed in other states, school districts, and commercial users.

- (3) An LEA may enter into the contract described in Subsection (1) for firearm detection software at the LEA's schools.

Enacted by Chapter 383, 2023 General Session

Part 3

Carson Smith Scholarship Program

53F-4-301 Definitions.

As used in this part:

- (1) "Assessment team" means a team consisting of:
 - (a) the student's parent;
 - (b) the student's private school classroom teacher;
 - (c) special education personnel from the student's school district; and
 - (d) if available, special education personnel from the private school at which the student is enrolled.
- (2) "Eligible private school" means a private school that meets the requirements of Section 53F-4-303.
- (3) "Local Education Agency" or "LEA" means:
 - (a) a school district; or
 - (b) a charter school.
- (4) "Preschool" means an education program for a student who:
 - (a) is age three, four, or five; and
 - (b) has not entered kindergarten.
- (5) "Scholarship student" means a student who receives a scholarship under this part.
- (6) "Value of the weighted pupil unit" means the amount established each year in statute that is multiplied by the number of weighted pupil units to yield the funding level for the basic state-supported school program.

Amended by Chapter 186, 2019 General Session

53F-4-301.5 Findings and purpose.

The Legislature finds that:

- (1) the state system of public education as established and maintained under the state constitution shall be open to all children of the state;
- (2) students with disabilities have special needs that merit educational alternatives which will allow students to learn in an appropriate setting and manner;
- (3) those needs may include teachers trained in special teaching methods, small class sizes, and special materials, equipment, and classroom environments;
- (4) parents are best equipped to make decisions for their children, including the educational setting that will best serve the interests and educational needs of their children;
- (5) the establishment of this scholarship program is justified on the basis of funding the special needs of students with disabilities as with other programs similarly funded by the state for people with disabilities;

- (6) children, parents, and families are the primary beneficiaries of the scholarship program authorized in this part and any benefit to private schools, sectarian or otherwise, is purely incidental;
- (7) the scholarship program authorized in this part is:
 - (a) enacted for the valid secular purpose of tailoring a student's education to that student's specific needs;
 - (b) neutral with respect to religion;
 - (c) provides limited assistance to citizens who are then able to direct their resources to religious and secular schools solely as a result of their genuine and independent private choices; and
 - (d) in accordance with the best interests of the taxpayers and citizens of the state to encourage educational opportunities; and
- (8) nothing in this part shall be construed as a basis for granting vouchers or tuition tax credits for any other students, with or without disabilities.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-4-302 Scholarship program created -- Qualifications.

- (1) The Carson Smith Scholarship Program is created to award scholarships to students with disabilities to attend a private school.
- (2) To qualify for a scholarship:
 - (a) the student's custodial parent shall reside within Utah;
 - (b) the student shall have one or more of the following disabilities:
 - (i) an intellectual disability;
 - (ii) deafness or being hard of hearing;
 - (iii) a speech or language impairment;
 - (iv) a visual impairment;
 - (v) a serious emotional disturbance;
 - (vi) an orthopedic impairment;
 - (vii) autism;
 - (viii) traumatic brain injury;
 - (ix) other health impairment;
 - (x) specific learning disabilities;
 - (xi) deafblindness; or
 - (xii) a developmental delay, provided the student is at least three years old, as described to Subsection (2)(c), and is younger than eight years old;
 - (c) the student shall be at least three years old before September 2 of the year in which admission to a private school is sought and under 19 years old on the last day of the school year as determined by the private school, or, if the individual has not graduated from high school, will be under 22 years old on the last day of the school year as determined by the private school; and
 - (d) except as provided in Subsection (3), the student shall:
 - (i) be enrolled in a Utah public school in the school year prior to the school year the student will be enrolled in a private school;
 - (ii) have an IEP; and
 - (iii) have obtained acceptance for admission to an eligible private school.
- (3) The requirements of Subsection (2)(d) do not apply in the following circumstances:
 - (a) the student is enrolled or has obtained acceptance for admission to an eligible private school that has previously served students with disabilities; and

- (b) an assessment team is able to readily determine with reasonable certainty:
 - (i) that the student has a disability listed in Subsection (2)(b) and would qualify for special education services, if enrolled in a public school; and
 - (ii) for the purpose of establishing the scholarship amount, the appropriate level of special education services which should be provided to the student.
- (4)
 - (a) Except as provided in Subsection (11)(b), to receive a full-year scholarship under this part, a parent of a student shall submit to the LEA where the student is enrolled an application on or before the August 15 immediately preceding the first day of the school year for which the student would receive the scholarship.
 - (b) Except as provided in Subsection (11)(b), the state board may waive the full-year scholarship deadline described in Subsection (4)(a).
 - (c) An application for a scholarship shall contain an acknowledgment by the parent that the selected school is qualified and capable of providing the level of special education services required for the student.
- (5)
 - (a) The scholarship application form shall contain the following statement:
 - "I acknowledge that:
 - (1) A private school may not provide the same level of special education services that are provided in a public school;
 - (2) I will assume full financial responsibility for the education of my scholarship student if I accept this scholarship;
 - (3) Acceptance of this scholarship has the same effect as a parental refusal to consent to services pursuant to Section 614(a)(1) of the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.; and
 - (4) My child may return to a public school at any time."
 - (b) Upon acceptance of the scholarship, the parent assumes full financial responsibility for the education of the scholarship student.
 - (c) Acceptance of a scholarship has the same effect as a parental refusal to consent to services pursuant to Section 614(a)(1) of the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.
 - (d) The creation of the scholarship program or granting of a scholarship does not:
 - (i) imply that a public school did not provide a free and appropriate public education for a student; or
 - (ii) constitute a waiver or admission by the state.
- (6)
 - (a) Except as provided in Subsection (6)(b), a scholarship shall remain in force for the lesser of:
 - (i) three years; or
 - (ii) until the student is determined ineligible for special education services.
 - (b) If a student is determined ineligible for special education services as described in Subsection (6)(a)(ii) before the end of a school year, the student may remain enrolled at the private school and qualifies for the scholarship until the end of the school year.
 - (c) A scholarship may be extended for an additional three years, if:
 - (i) the student is evaluated by an assessment team; and
 - (ii) the assessment team determines that the student would qualify for special education services, if enrolled in a public school.
 - (d) The assessment team shall determine the appropriate level of special education services which should be provided to the student for the purpose of setting the scholarship amount.

- (e) A scholarship may be extended for successive three-year periods as provided in Subsections (6)(a) and (c):
 - (i) until the student graduates from high school; or
 - (ii) if the student does not graduate from high school, until the student is 22 years old.
- (7) A student's parent, at any time, may remove the student from a private school and place the student in another eligible private school and retain the scholarship.
- (8) A scholarship student:
 - (a) may participate in the Statewide Online Education Program described in Part 5, Statewide Online Education Program; and
 - (b) may not participate in a dual enrollment program pursuant to Section 53G-6-702.
- (9) The parents of a scholarship student have the authority to choose the private school that will best serve the interests and educational needs of that student, which may be a sectarian or nonsectarian school, and to direct the scholarship resources available for that student solely as a result of their genuine and independent private choices.
- (10) The state board shall notify the parents of a scholarship student in writing of:
 - (a) the termination of new applicants in the existing scholarship program; and
 - (b) the ability of a current scholarship student to remain in the scholarship program as described in Subsection (6)(c) and (e).
- (11) After the 2023-2024 school year, an LEA or the state board may not:
 - (a) accept a new application; or
 - (b) provide a waiver of a full-year application.

Amended by Chapter 466, 2024 General Session

53F-4-303 Eligible private schools.

- (1) To be eligible to enroll a scholarship student, a private school shall:
 - (a) have a physical location in Utah where the scholarship students attend classes and have direct contact with the school's teachers;
 - (b)
 - (i) contract with an independent licensed certified public accountant to conduct an Agreed Upon Procedures engagement, as adopted by the state board, or obtain an audit and report from a licensed independent certified public accountant that conforms with the following requirements:
 - (A) the audit shall be performed in accordance with generally accepted auditing standards;
 - (B) the financial statements shall be presented in accordance with generally accepted accounting principles; and
 - (C) the audited financial statements shall be as of a period within the last 12 months; and
 - (ii) submit the audit report or report of the agreed upon procedure to the state board when the private school applies to accept scholarship students;
 - (c) comply with the antidiscrimination provisions of 42 U.S.C. Sec. 2000d;
 - (d) meet state and local health and safety laws and codes;
 - (e) provide a written disclosure to the parent of each prospective student, before the student is enrolled of:
 - (i) the special education services that will be provided to the student, including the cost of those services;
 - (ii) tuition costs;
 - (iii) additional fees a parent will be required to pay during the school year; and
 - (iv) the skill or grade level of the curriculum that the student will be participating in;

- (f)
 - (i) administer an annual assessment of each scholarship student's academic progress;
 - (ii) report the results of the assessment described in Subsection (1)(f)(i) to the student's parent; and
 - (iii) make the results available to the assessment team evaluating the student pursuant to Subsection 53F-4-302(6);
 - (g) employ or contract with teachers who:
 - (i) hold baccalaureate or higher degrees;
 - (ii) have at least three years of teaching experience in public or private schools; or
 - (iii) have the necessary special skills, knowledge, or expertise that qualifies them to provide instruction:
 - (A) in the subjects taught; and
 - (B) to the special needs students taught;
 - (h) maintain documentation demonstrating that teachers at the private school meet the qualifications described in Subsection (1)(g);
 - (i) require the following individuals to submit to a nationwide, fingerprint-based criminal background check and ongoing monitoring, in accordance with Section 53G-11-402, as a condition for employment or appointment, as authorized by the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248:
 - (i) an employee who does not hold a current Utah educator license issued by the state board under Title 53E, Chapter 6, Education Professional Licensure;
 - (ii) a contract employee; and
 - (iii) a volunteer who is given significant unsupervised access to a student in connection with the volunteer's assignment; and
 - (j) provide to the parent of the scholarship student the relevant credentials of the teachers who will be teaching the scholarship student.
- (2) A private school is not eligible to enroll scholarship students if:
- (a) the private school requires a student to sign a contract waiving the student's rights to transfer to another eligible private school during the school year;
 - (b) the audit report submitted under Subsection (1)(b) contains a going concern explanatory paragraph;
 - (c) the report of the agreed upon procedure submitted under Subsection (1)(b) shows that the private school does not have adequate working capital to maintain operations for the first full year, as determined under Subsection (1)(b); or
 - (d) the private school charges a scholarship student more in tuition or fees than another student based solely upon the scholarship student being a scholarship recipient under this part.
- (3) A home school is not eligible to enroll scholarship students.
- (4) Residential treatment facilities licensed by the state are not eligible to enroll scholarship students.
- (5) A private school intending to enroll scholarship students shall submit an application to the state board by May 1 of the school year preceding the school year in which it intends to enroll scholarship students.
- (6) The state board shall:
- (a) approve a private school's application to enroll scholarship students, if the private school meets the eligibility requirements of this section; and
 - (b) publish on the state board's website, a list of private schools approved under this section.
- (7) An approved eligible private school that changes ownership shall:
- (a) submit a new application to the state board; and

- (b) demonstrate that the private school continues to meet the eligibility requirements of this section.

Amended by Chapter 353, 2023 General Session

53F-4-304 Scholarship payments.

- (1)
 - (a) The state board shall award scholarships subject to the availability of money appropriated by the Legislature for that purpose.
 - (b) The Legislature shall annually appropriate money to the state board from the General Fund to make scholarship payments.
 - (c) The Legislature shall annually increase the amount of money appropriated under Subsection (1)(b) by an amount equal to the product of:
 - (i) the average scholarship amount awarded as of December 1 in the previous year; and
 - (ii) the product of:
 - (A) the number of students in preschool through grade 12 in public schools statewide who have an IEP on December 1 of the previous year; and
 - (B) 0.0007.
 - (d) If the number of scholarship students as of December 1 in any school year equals or exceeds 7% of the number of students in preschool through grade 12 in public schools statewide who have an IEP as of December 1 in the same school year, the Public Education Appropriations Subcommittee shall study the requirement to increase appropriations for scholarship payments as provided in this section.
 - (e)
 - (i) If money is not available to pay for all scholarships requested, the state board shall allocate scholarships on a random basis except that the state board shall give preference to students who received scholarships in the previous school year.
 - (ii) If money is insufficient in a school year to pay for all the continuing scholarships, the state board may not award new scholarships during that school year and the state board shall prorate money available for scholarships among the eligible students who received scholarships in the previous year.
 - (f) Beginning with the 2025 fiscal year, the state board shall:
 - (i) calculate a maximum award cap that may not exceed the cost of the program including scholarship payments from the previous fiscal year; and
 - (ii) transfer any funds in excess of the amount described in Subsection (1)(f)(i) to the Carson Smith Opportunity Scholarship Program established in Section 53E-7-402.
- (2) Except as provided in Subsection (4), the state board shall award full-year scholarships in the following amounts:
 - (a) for a student who received an average of 180 minutes per day or more of special education services in a public school before transferring to a private school, an amount not to exceed the lesser of:
 - (i) the value of the weighted pupil unit multiplied by 2.5; or
 - (ii) the private school tuition and fees; and
 - (b) for a student who received an average of less than 180 minutes per day of special education services in a public school before transferring to a private school, an amount not to exceed the lesser of:
 - (i) the value of the weighted pupil unit multiplied by 1.5; or
 - (ii) the private school tuition and fees.

- (3) The scholarship amount for a student enrolled in a half-day kindergarten or part-day preschool program shall be the amount specified in Subsection (2)(a) or (b) multiplied by .55.
- (4) If a student leaves a private school before the end of a fiscal quarter:
 - (a) the private school is only entitled to the amount of scholarship equivalent to the number of days that the student attended the private school; and
 - (b) the private school shall remit a prorated amount of the scholarship to the state board in accordance with the procedures described in rules adopted by the state board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (5) For the amount of funds remitted under Subsection (4)(b), the state board shall:
 - (a) make the amount available to the student to enroll immediately in another qualifying private school; or
 - (b) refund the amount back to the Carson Smith Scholarship Program account.
- (6)
 - (a) The state board shall make an additional allocation on a random basis before June 30 each year only:
 - (i) if there are sufficient remaining funds in the program; and
 - (ii) for scholarships for students enrolled in a full-day preschool program.
 - (b) If the state board awards a scholarship under Subsection (6)(a), the scholarship amount or supplement may not exceed the lesser of:
 - (i) the value of the weighted pupil unit multiplied by 1.0; or
 - (ii) the private school tuition and fees.
 - (c) The state board shall, when preparing annual growth projection numbers for the Legislature, include the annual number of applications for additional allocations described in Subsection (6)(a).
- (7)
 - (a) The scholarship amount for a student who receives a waiver under Subsection 53F-4-302(3) shall be based upon the assessment team's determination of the appropriate level of special education services to be provided to the student.
 - (b)
 - (i) If the student requires an average of 180 minutes per day or more of special education services, a full-year scholarship shall be equal to the amount specified in Subsection (2)(a).
 - (ii) If the student requires less than an average of 180 minutes per day of special education services, a full-year scholarship shall be equal to the amount specified in Subsection (2)(b).
 - (iii) If the student is enrolled in a half-day kindergarten or part-day preschool program, a full-year scholarship is equal to the amount specified in Subsection (3).
- (8)
 - (a) Except as provided in Subsection (8)(b), upon review and receipt of documentation that verifies a student's admission to, or continuing enrollment and attendance at, a private school, the state board shall make scholarship payments quarterly in four equal amounts in each school year in which a scholarship is in force.
 - (b) In accordance with state board rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board may make a scholarship payment before the first quarterly payment of the school year, if a private school requires partial payment of tuition before the start of the school year to reserve space for a student admitted to the school.
- (9) A parent of a scholarship student shall notify the state board if the student does not have continuing enrollment and attendance at an eligible private school.

- (10) Before scholarship payments are made, the state board shall cross-check enrollment lists of scholarship students, LEAs, and youth in custody to ensure that scholarship payments are not erroneously made.

Amended by Chapter 466, 2024 General Session

53F-4-304 Scholarship payments.

- (1)
 - (a) The state board shall award scholarships subject to the availability of money appropriated by the Legislature for that purpose.
 - (b) The Legislature shall annually appropriate money to the state board from the General Fund to make scholarship payments.
 - (c) The Legislature shall annually increase the amount of money appropriated under Subsection (1)(b) by an amount equal to the product of:
 - (i) the average scholarship amount awarded as of December 1 in the previous year; and
 - (ii) the product of:
 - (A) the number of students in preschool through grade 12 in public schools statewide who have an IEP on December 1 of the previous year; and
 - (B) 0.0007.
 - (d) If the number of scholarship students as of December 1 in any school year equals or exceeds 7% of the number of students in preschool through grade 12 in public schools statewide who have an IEP as of December 1 in the same school year, the Public Education Appropriations Subcommittee shall study the requirement to increase appropriations for scholarship payments as provided in this section.
 - (e)
 - (i) If money is not available to pay for all scholarships requested, the state board shall allocate scholarships on a random basis except that the state board shall give preference to students who received scholarships in the previous school year.
 - (ii) If money is insufficient in a school year to pay for all the continuing scholarships, the state board may not award new scholarships during that school year and the state board shall prorate money available for scholarships among the eligible students who received scholarships in the previous year.
 - (f) Beginning with the 2025 fiscal year, the state board shall:
 - (i) calculate a maximum award cap that may not exceed the cost of the program including scholarship payments from the previous fiscal year; and
 - (ii) transfer any funds in excess of the amount described in Subsection (1)(f)(i) to the Carson Smith Opportunity Scholarship Program established in Section 53E-7-402.
- (2) Except as provided in Subsection (4), the state board shall award full-year scholarships in the following amounts:
 - (a) for a student who received an average of 180 minutes per day or more of special education services in a public school before transferring to a private school, an amount not to exceed the lesser of:
 - (i) the value of the weighted pupil unit multiplied by 2.5; or
 - (ii) the private school tuition and fees; and
 - (b) for a student who received an average of less than 180 minutes per day of special education services in a public school before transferring to a private school, an amount not to exceed the lesser of:
 - (i) the value of the weighted pupil unit multiplied by 1.5; or

- (ii) the private school tuition and fees.
- (3) The scholarship amount for a student enrolled in a half-day kindergarten or part-day preschool program shall be the amount specified in Subsection (2)(a) or (b) multiplied by .55.
- (4) If a student leaves a private school before the end of a fiscal quarter:
 - (a) the private school is only entitled to the amount of scholarship equivalent to the number of days that the student attended the private school; and
 - (b) the private school shall remit a prorated amount of the scholarship to the state board in accordance with the procedures described in rules adopted by the state board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (5) For the amount of funds remitted under Subsection (4)(b), the state board shall:
 - (a) make the amount available to the student to enroll immediately in another qualifying private school; or
 - (b) refund the amount back to the Carson Smith Scholarship Program account .
- (6)
 - (a) The state board shall make an additional allocation on a random basis before June 30 each year only:
 - (i) if there are sufficient remaining funds in the program; and
 - (ii) for scholarships for students enrolled in a full-day preschool program.
 - (b) If the state board awards a scholarship under Subsection (6)(a), the scholarship amount or supplement may not exceed the lesser of:
 - (i) the value of the weighted pupil unit multiplied by 1.0; or
 - (ii) the private school tuition and fees.
 - (c) The state board shall, when preparing annual growth projection numbers for the Legislature, include the annual number of applications for additional allocations described in Subsection (6)(a).
- (7)
 - (a) The scholarship amount for a student who receives a waiver under Subsection 53F-4-302(3) shall be based upon the assessment team's determination of the appropriate level of special education services to be provided to the student.
 - (b)
 - (i) If the student requires an average of 180 minutes per day or more of special education services, a full-year scholarship shall be equal to the amount specified in Subsection (2)(a).
 - (ii) If the student requires less than an average of 180 minutes per day of special education services, a full-year scholarship shall be equal to the amount specified in Subsection (2)(b).
 - (iii) If the student is enrolled in a half-day kindergarten or part-day preschool program, a full-year scholarship is equal to the amount specified in Subsection (3).
- (8)
 - (a) Except as provided in Subsection (8)(b), upon review and receipt of documentation that verifies a student's admission to, or continuing enrollment and attendance at, a private school, the state board shall make scholarship payments quarterly in four equal amounts in each school year in which a scholarship is in force.
 - (b) In accordance with state board rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board may make a scholarship payment before the first quarterly payment of the school year, if a private school requires partial payment of tuition before the start of the school year to reserve space for a student admitted to the school.
- (9) A parent of a scholarship student shall notify the state board if the student does not have continuing enrollment and attendance at an eligible private school.

- (10) Before scholarship payments are made, the state board shall cross-check enrollment lists of scholarship students, LEAs, and youth in care to ensure that scholarship payments are not erroneously made.

Amended by Chapter 20, 2024 General Session

53F-4-305 State board to make rules.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules consistent with this part establishing:

- (1) the eligibility of students to participate in the scholarship program;
- (2) the application process for the scholarship program; and
- (3) payment procedures to eligible private schools.

Amended by Chapter 408, 2020 General Session

53F-4-306 Enforcement and penalties.

- (1)
 - (a) The state board shall require a private school to submit a signed affidavit assuring the private school will comply with the requirements of this part.
 - (b) If a school fails to submit a signed affidavit within 30 days of receiving notification that the school is an approved private school to receive the Carson Smith Scholarship, the state board may:
 - (i) deny the private school permission to enroll scholarship students; and
 - (ii) interrupt disbursement of or withhold scholarship payments.
- (2) The state board may investigate complaints and convene administrative hearings for an alleged violation of this part.
- (3) Upon a finding that this part was violated, the state board may:
 - (a) deny a private school permission to enroll scholarship students;
 - (b) interrupt disbursement of or withhold scholarship payments; or
 - (c) issue an order for repayment of scholarship payments fraudulently obtained.

Amended by Chapter 186, 2019 General Session

53F-4-307 Limitation on regulation of private schools.

Nothing in this part grants additional authority to any state agency or LEA to regulate private schools except as expressly set forth in this part.

Renumbered and Amended by Chapter 2, 2018 General Session

**Part 5
Statewide Online Education Program**

53F-4-501 Definitions.

As used in this part:

- (1) "Authorized online course provider" means the entities listed in Subsection 53F-4-504(1).
- (2)

- (a) "Certified online course provider" means a provider that the state board approves to offer courses through the Statewide Online Education Program.
- (b) "Certified online course provider" does not include an entity described in Subsections 53F-4-504(1)(a) through (c).
- (3) "Credit" means credit for a high school course, or the equivalent for a middle school course, as determined by the state board.
- (4)
 - (a) "Eligible student" means a student:
 - (i) who intends to take a course for middle school or high school credit; and
 - (ii)
 - (A) who is enrolled in an LEA in Utah; or
 - (B) who attends a private school or home school and whose custodial parent is a resident of Utah.
 - (b) "Eligible student" does not include a scholarship student as defined in Section 53F-6-401.
- (5) "High school" means grade 9, 10, 11, or 12.
- (6) "Middle school" means, only for purposes of student eligibility to participate in the Statewide Online Education Program, grade 6, 7, or 8.
- (7) "Online course" means a course of instruction offered by the Statewide Online Education Program through the use of digital technology, regardless of whether the student participates in the course at home, at school, at another location, or any combination of these.
- (8) "Plan for college and career readiness" means the same as that term is defined in Section 53E-2-304.
- (9) "Primary LEA of enrollment" or "primary LEA" means the LEA in which an eligible student is enrolled for courses other than online courses offered through the Statewide Online Education Program.
- (10) "Released-time" means a period of time during the regular school day a student is excused from school at the request of the student's parent pursuant to rules of the state board.
- (11) "State board's contractor" means the private entity described in Section 53F-4-503 with which the state board contracts to administer the portion of the Statewide Online Education Program designated for a student who attends private school or home school.

Amended by Chapter 24, 2024 General Session

Amended by Chapter 26, 2024 General Session

53F-4-502 Statewide Online Education Program created -- Designated as program of the public education system -- Purposes.

- (1) The Statewide Online Education Program is created to enable an eligible student to, through the completion of publicly funded online courses:
 - (a) earn college credit by July 1, 2025;
 - (b) earn high school graduation credit; or
 - (c) earn middle school credit.
- (2) Pursuant to Utah Constitution, Article X, Section 2, the Statewide Online Education Program is designated as a program of the public education system.
- (3) The purposes of the Statewide Online Education Program are to:
 - (a) provide a student with access to online learning options regardless of where the student attends school, whether a public, private, or home school;
 - (b) provide digital learning options for a student regardless of language, residence, family income, or special needs;

- (c) provide online learning options to allow a student to acquire the knowledge and technology skills necessary in a digital world;
 - (d) utilize the power and scalability of technology to customize education so that a student may learn in the student's own style preference and at the student's own pace;
 - (e) utilize technology to remove the constraints of traditional classroom learning, allowing a student to access learning virtually at any time and in any place and giving the student the flexibility to take advantage of the student's peak learning time;
 - (f) provide personalized learning, where a student can spend as little or as much time as the student needs to master the material;
 - (g) provide greater access to self-paced programs enabling a high achieving student to accelerate academically, while a struggling student may have additional time and help to gain competency;
 - (h) allow a student to customize the student's schedule to better meet the student's academic goals;
 - (i) provide quality learning options to better prepare a student for post-secondary education, vocational training, or career opportunities; and
 - (j) allow a student to have an individualized educational experience.
- (4) The program name, "Statewide Online Education Program," shall be used in the dissemination of information on the program.

Amended by Chapter 24, 2024 General Session

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

- (1) Subject to Subsections (2), (9), and (12) and, for a public education student, with the advice of a school counselor at a student's primary LEA, an eligible student may enroll in an online course offered through the Statewide Online Education Program if:
- (a) the student meets the course prerequisites;
 - (b) the course is open for enrollment; and
 - (c) the online course is aligned with the student's plan for college and career readiness.
- (2) An eligible student may enroll in online courses totaling up to six credits per school year.
- (3) Notwithstanding Subsection (2):
- (a) a student's primary LEA of enrollment may allow an eligible student to enroll in online courses for more than the number of credits specified in Subsection (2); or
 - (b) upon the request of an eligible student, the state board or, in relation to a student who attends a private school or home school, the state board's contractor, may allow the student to enroll in online courses for more than the number of credits specified in Subsection (2), if the online courses better meet the academic goals of the student.
- (4) An eligible student's primary LEA of enrollment:
- (a) in conjunction with the student and the student's parent, is responsible for preparing and implementing a plan for college and career readiness for the eligible student, as provided in Section 53E-2-304; and
 - (b) shall assist an eligible student in scheduling courses in accordance with the student's plan for college and career readiness, graduation requirements, and the student's post-secondary plans.
- (5) An eligible student's primary LEA of enrollment may not:

- (a) impose restrictions on a student's selection of an online course that fulfills graduation requirements and is consistent with the student's plan for college and career readiness or post-secondary plans; or
 - (b) give preference to an online course or authorized online course provider.
- (6) The state board, or, in relation to a student who attends a private school or home school, the state board's contractor, including an employee of the state board or the state board's contractor, may not give preference to an online course or authorized online course provider.
- (7)
- (a) Except as provided in Subsection (7)(b), a person may not provide an inducement or incentive to a public school student to participate in the Statewide Online Education Program.
 - (b) For purposes of Subsection (7)(a):
 - (i) "Inducement or incentive" does not mean:
 - (A) instructional materials or software necessary to take an online course; or
 - (B) access to a computer or digital learning device for the purpose of taking an online course.
 - (ii) "Person" does not include a relative of the public school student.
- (8) The state board shall coordinate with the Utah System of Higher Education to study funding structures and access barriers related to concurrent enrollment for the Statewide Online Education Program and provide recommendations to the Education Interim Committee no later than the November 2024 meeting.
- (9) Subject to legislative appropriations and for an eligible student who is enrolled at a public school, the state board shall provide Statewide Online Education Program academic counseling that:
- (a) may advise an eligible student or an eligible student's parent regarding an online course enrollment including how an online course relates to graduation requirements described in Section 53E-4-204 and administrative rule;
 - (b) provides the training described in Section 53F-4-514;
 - (c) provides technical support to an LEA, school-based counselor, eligible student, or eligible student's parent;
 - (d) assists in gathering information, reports, and data an LEA requests; and
 - (e) directs an eligible student or an eligible student's parent to a school-specific counselor for advice regarding an online course enrollment in relation to an LEA, or school-specific graduation requirement and all other counseling services.
- (10) If an eligible student has an IEP or Section 504 accommodation plan:
- (a) the eligible student's primary LEA:
 - (i) shall:
 - (A) forward a copy of the relevant portions of the eligible student's existing IEP or Section 504 accommodation plan to the authorized online course provider in accordance with federal law and guidelines; and
 - (B) ensure the authorized online course provider is provided an eligible student's updated IEP when revisions are made;
 - (ii) may:
 - (A) ensure the eligible student's IEP team and the authorized online course provider review a course enrollment for compliance with requirements described in Subsection (1); and
 - (B) as needed, coordinate additional IEP team reviews with the authorized online course provider to ensure appropriate services, supports, and accommodations are in place for the eligible student; and
 - (b) the authorized online course provider:
 - (i) shall implement an eligible student's IEP or Section 504 accommodation plan; and

- (ii) may seek assistance from the primary LEA to implement an eligible student's IEP or Section 504 accommodation plan.
- (11) The state board shall create a model cooperative agreement between a primary LEA and an authorized online course provider for use when the primary LEA determines that an authorized online course provider would best provide IEP services, including a requirement that the eligible student's primary LEA provide funding for the IEP services.
- (12) If the program lacks sufficient legislative appropriations to fund the enrollment in online courses for all eligible students who do not have a primary LEA of enrollment, the state board or, in relation to a student who attends a private school or home school, the state board's contractor, shall prioritize funding the enrollment of an eligible student who intends to graduate from high school during the school year in which the student enrolls in an online course.
- (13) No later than April 1, 2025, and in accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state board shall use funds the state board expends to administer to the Statewide Online Education Program for students who attend private school or home school to alternatively contract with a private entity:
 - (a) that has demonstrated an expertise or ability to administer a statewide program to deliver education services to students who attend private school or home school; and
 - (b) to administer the portion of the Statewide Online Education Program that is designated for students who attend private school or home school, including providing an enrollment platform or tool separate from the enrollment tool or platform the state board provides for the program.
- (14) The state board's contractor described in Subsection (13) may use a percentage of the appropriation for home school and private school students that is equal to the proportion of the state board's administrative cost in relation to the appropriation for students enrolled in an LEA.

Amended by Chapter 24, 2024 General Session

53F-4-504 Authorized online course providers -- Certified online course providers.

- (1) The following entities are known as an authorized online course provider and may offer online courses to eligible students through the Statewide Online Education Program:
 - (a) a school within an LEA created exclusively for the purpose of serving students online;
 - (b) an LEA program, approved by the LEA governing board, that is created exclusively for the purpose of serving students online;
 - (c) a program of an institution of higher education listed in Section 53B-2-101 that:
 - (i) offers secondary school level courses; and
 - (ii) is created exclusively for the purpose of serving students online; and
 - (d) a certified online course provider.
- (2) The state board shall approve an online course provider as a certified online course provider if the online course provider:
 - (a) complies with the application procedures described in Section 53F-4-514;
 - (b) meets the standards described in Section 53F-4-514; and
 - (c) has prior experience offering online courses to secondary students.
- (3) The state board may revoke the approval described in Subsection (2) if the state board:
 - (a) finds that a certified online course provider is not complying with the requirements described in Section 53F-4-514;
 - (b) provides written notice describing the findings of non-compliance to the certified online course provider;

- (c) provides the certified online course provider with at least 60 days to remedy the findings of non-compliance;
- (d) reevaluates the findings of non-compliance at least 60 days after the certified online course provider's remedy period described in Subsection (3)(c); and
- (e) finds after reevaluation that the certified online course provider has failed to satisfactorily remedy the findings of non-compliance.

Amended by Chapter 24, 2024 General Session

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

- (1) For the 2012-13 school year, the fee for a .5 credit online course or .5 credit of a 1 credit online course is:
 - (a) \$200 for the following courses, except a concurrent enrollment course:
 - (i) financial literacy;
 - (ii) health;
 - (iii) fitness for life; and
 - (iv) computer literacy;
 - (b) \$200 for driver education;
 - (c) \$250 for a course that meets core standards for Utah public schools in fine arts or career and technical education, except a concurrent enrollment course;
 - (d) \$300 for the following courses:
 - (i) a course that meets core standards for Utah public schools requirements in social studies, except a concurrent enrollment course; and
 - (ii) a world language course, except a concurrent enrollment course;
 - (e) \$350 for the following courses:
 - (i) a course that meets core standards for Utah public schools requirements for language arts, mathematics, or science; and
 - (ii) a concurrent enrollment course; and
 - (f) \$250 for a course not described in Subsections (1)(a) through (e).
- (2) If a course meets the requirements of more than one course fee category described in Subsection (1), the course fee shall be the lowest of the applicable course fee categories.
- (3) The online course fees described in Subsection (1) shall be adjusted each school year in accordance with the percentage change in value of the weighted pupil unit from the previous school year.
- (4) An authorized online course provider shall receive payment for an online course as follows:
 - (a) for a .5 credit online course, 50% of the online course fee after the withdrawal period described in Section 53F-4-506;
 - (b) for a 1 credit online course, 25% of the online course fee after the withdrawal period described in Section 53F-4-506 and 25% of the online course fee upon the beginning of the second .5 credit of the online course; and
 - (c) if a student completes a 1 credit online course within 12 months or a .5 credit course within nine weeks following the end of a traditional semester, 50% of the online course fee.
- (5)
 - (a) If a student fails to complete a 1 credit course within 12 months or a .5 credit course within nine weeks following the end of a traditional semester, the student may continue to be enrolled in the course until the student graduates from high school.
 - (b) To encourage an authorized online course provider to provide remediation to a student who remains enrolled in an online course pursuant to Subsection (5)(a) and avoid the need for

credit recovery, an authorized online course provider shall receive a payment equal to 30% of the online course fee if the student completes the online course:

- (i) for a high school online course, before the student graduates from high school; or
 - (ii) for a middle school online course, before the student completes middle school.
- (6) Notwithstanding the online course fees prescribed in Subsections (1) through (3), a school district or charter school may:
- (a) negotiate a fee with an authorized online course provider for an amount up to the amount prescribed in Subsections (1) through (3); and
 - (b) pay the negotiated fee instead of the fee prescribed in Subsections (1) through (3).
- (7) An authorized online course provider who contracts with a vendor for the acquisition of online course content or online course instruction may negotiate the payment for the vendor's service independent of the fees specified in Subsections (1) through (3).
- (8) The state board or, in relation to a student who attends a private school or home school, the state board's contractor, may not remove a student from an online course if the student is eligible for continued enrollment in the online course under Subsection (5).
- (9) Upon request by a primary LEA, the state board shall provide an itemized report to the primary LEA showing the deduction described in Subsection 53F-4-508(2) by student and course enrolled.

Amended by Chapter 24, 2024 General Session

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

- (1) An authorized online course provider shall establish a start date for an online course, including a start date for the second .5 credit of a 1 credit online course.
- (2) Except as provided in Subsection (3), a student may withdraw from an online course:
- (a) within 20 school calendar days of the start date, if the student enrolls in an online course on or before the start date established pursuant to Subsection (1); or
 - (b) within 20 school calendar days of enrolling in the online course, if the student enrolls in an online course after the start date established pursuant to Subsection (1).
- (3)
- (a) A student may withdraw from a 1 credit online course within 20 school calendar days of the start date of the second .5 credit of the online course.
 - (b) An authorized online course provider shall refund a payment received for the second .5 credit of an online course if a student withdraws from the online course pursuant to Subsection (3)
 - (a).
 - (c) If a student withdraws from a 1 credit online course as provided in Subsection (3)(a), the authorized online course provider shall receive payment for the student's completion of .5 credit of the 1 credit course in the same manner as an authorized online course provider receives payment for a student's completion of a .5 credit online course as described in Subsection 53F-4-505(4).

Amended by Chapter 24, 2024 General Session

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

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

- (i) the anticipated increase of eligible home school and private school students enrolled in the Statewide Online Education Program; and
- (ii) the value of the weighted pupil unit.
- (b) The state board shall, if the state board contracts with a private entity under Subsection 53F-4-503(9), delegate to the state board's contractor the management of the funds appropriated for the Statewide Online Education Program for students who attend private school or home school.
- (2) Notwithstanding Subsection (1) and subject to future budget constraints, the Legislature shall:
 - (a) consider enrollment projections provided by the authorized online course providers to account for enrollment growth during the appropriations process;
 - (b) provide a supplemental appropriation to adequately fund the Statewide Online Education Program when the enrollment amount exceeds the projected enrollment amounts provided by the authorized online course providers; and
 - (c) in the fiscal year beginning July 1, 2025, keep all other appropriations for the Statewide Online Education Program separate from the appropriations described in Section 53F-4-518.
- (3)
 - (a) The state board shall deduct money from funds allocated to the student's primary LEA of enrollment under Chapter 2, State Funding -- Minimum School Program, to pay for online course fees.
 - (b) Money shall be deducted under Subsection (3)(a) in the amount and at the time an authorized online course provider qualifies to receive payment for an online course provided to a public education student, not to exceed 90 days after qualification, as provided in Subsection 53F-4-505(4).
 - (c) The state board or, in relation to a student who attends a private school or home school, the state board's contractor, shall deduct money from funds allocated for course fees for a private school or home school student in the amount and at the time an authorized online course provider qualifies to receive payment for an online course, not to exceed 90 days after qualification.
- (4) From money deducted under Subsection (3), the state board or, in relation to a student who attends a private school or home school, the state board's contractor, shall make payments to the student's authorized online course provider as provided in Section 53F-4-505.

Amended by Chapter 24, 2024 General Session

53F-4-508 Course credit acknowledgment.

- (1) A student's primary LEA of enrollment and the student's authorized online course provider shall:
 - (a) enter into a course credit acknowledgment in which the primary LEA of enrollment and the authorized online course provider acknowledge that the authorized online course provider is responsible for the instruction of the student in a specified online course; and
 - (b) agree upon a process to provide the primary LEA with the ability to ensure consistency of a course request with a student's:
 - (i) IEP or Section 504 accommodation plan;
 - (ii) graduation requirements; and
 - (iii) schedule, if applicable.
- (2) The terms of the course credit acknowledgment shall provide that:
 - (a) the authorized online course provider shall receive a payment in the amount provided under Section 53F-4-505; and

- (b) the student's primary LEA of enrollment acknowledges that the state board will deduct funds allocated to the LEA under Chapter 2, State Funding -- Minimum School Program, in the amount and at the time the authorized online course provider qualifies to receive payment for the online course as provided in Subsection 53F-4-505(4).
- (3)
- (a) A course credit acknowledgment may originate with either an authorized online course provider or primary LEA of enrollment.
 - (b) The originating entity shall submit the course credit acknowledgment to the state board who shall forward it to the primary LEA of enrollment for course selection verification or the authorized online course provider for acceptance.
 - (c)
 - (i) A primary LEA of enrollment may only reject a course credit acknowledgment if:
 - (A) the online course is not aligned with the student's plan for college and career readiness; or
 - (B) the number of online course credits exceeds the maximum allowed for the year as provided in Section 53F-4-503.
 - (ii) Verification of alignment of an online course with a student's plan for college and career readiness does not require a meeting with the student.
 - (d) An authorized online course provider may only reject a course credit acknowledgment if:
 - (i) the student does not meet course prerequisites; or
 - (ii) the course is not open for enrollment.
 - (e) Except as provided in Subsection (5), a primary LEA of enrollment or authorized online course provider shall submit an acceptance or rejection of a course credit acknowledgment to the state board within 24 business hours of the receipt of a course credit acknowledgment from the state board pursuant to Subsection (3)(b).
 - (f) If an authorized online course provider accepts a course credit acknowledgment, the authorized online course provider shall forward to the primary LEA of enrollment the online course start date as established under Section 53F-4-506.
 - (g) If an authorized online course provider rejects a course credit acknowledgment, the authorized online course provider shall include an explanation which the state board shall forward to the primary LEA of enrollment for the purpose of assisting a student with future online course selection.
 - (h) Except as provided in Subsection (5), if a primary LEA of enrollment does not submit an acceptance or rejection of a course credit acknowledgment to the state board within 24 business hours of the receipt of a course credit acknowledgment from the state board pursuant to Subsection (3)(b), the state board shall consider the course credit acknowledgment accepted.
 - (i)
 - (i) Upon acceptance of a course credit acknowledgment, the primary LEA of enrollment shall notify the student of the acceptance and the start date for the online course as established under Section 53F-4-506.
 - (ii) Upon rejection of a course credit acknowledgment, the primary LEA of enrollment shall notify the student of the rejection and provide an explanation of the rejection.
- (4)
- (a) A primary LEA of enrollment may not reject a course credit acknowledgment, because the LEA is negotiating, or intends to negotiate, an online course fee with the authorized online course provider pursuant to Subsection 53F-4-505(6).

- (b) If a primary LEA of enrollment negotiates an online course fee with an authorized online course provider before the start date of an online course, a course credit acknowledgment may be amended to reflect the negotiated online course fee.
- (5) A primary LEA of enrollment may intervene and reject a course credit acknowledgment up to 72 business hours after the actual or constructive acceptance of a course credit acknowledgment under Subsection (4), if the primary LEA of enrollment determines the online course enrollment meets the criteria of Subsection (3)(c).

Amended by Chapter 24, 2024 General Session

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

- (1) Subject to Subsection (2), a student's primary LEA of enrollment shall include online course credit hours in calculating daily membership.
- (2) A student may not count as more than one FTE, unless the student intends to complete high school graduation requirements, and exit high school, early, in accordance with the student's plan for college and career readiness.
- (3) A student who enrolls in an online course may not be counted in membership for a released-time class, if counting the student in membership for a released-time class would result in the student being counted as more than one FTE.
- (4) Except as provided in Subsection (5), a student enrolled in an online course may not earn more credits in a year than the number of credits a student may earn in a year by taking a full course load during the regular school day in the student's primary LEA of enrollment.
- (5) A student enrolled in an online course may earn more credits in a year than the number of credits a student may earn in a year by taking a full course load during the regular school day in the student's primary LEA of enrollment:
 - (a) if the student intends to complete high school graduation requirements, and exit high school, early, in accordance with the student's plan for college and career readiness; or
 - (b) if allowed under an LEA governing board policy.

Amended by Chapter 24, 2024 General Session

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

- (1) A student enrolled in an online course that is a course for which a statewide assessment is administered under Title 53E, Chapter 4, Part 3, Assessments, shall take the statewide assessment.
- (2)
 - (a) The state board shall make rules providing for the administration of a statewide assessment to a student enrolled in an online course.
 - (b) Rules made under Subsection (2)(a) shall:
 - (i) provide for the administration of a statewide assessment upon a student completing an online course; and
 - (ii) require an authorized online course provider to proctor the statewide assessment.

Amended by Chapter 24, 2024 General Session

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

- (1) The state board, in collaboration with authorized online course providers and, if applicable, the state board's contractor, shall develop a report on the performance of authorized online course

providers, which may be used to evaluate the Statewide Online Education Program and assess the quality of an authorized online course provider.

- (2) A report on the performance of an authorized online course provider shall include:
 - (a) scores aggregated by test on statewide assessments administered under Title 53E, Chapter 4, Part 3, Assessments, taken by students at the end of an online course offered through the Statewide Online Education Program;
 - (b) the percentage of the authorized online course provider's students who complete online courses within the applicable time period specified in Subsection 53F-4-505(4)(c);
 - (c) the percentage of the authorized online course provider's students who complete online courses after the applicable time period specified in Subsection 53F-4-505(4)(c) and before the student graduates from high school; and
 - (d) the pupil-teacher ratio for the combined online courses of the authorized online course provider.
- (3) The state board shall post a report on the performance of an authorized online course provider on the Statewide Online Education Program's website described in Section 53F-4-512.

Amended by Chapter 24, 2024 General Session

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

- (1) The state board shall develop a website for the Statewide Online Education Program which shall include:
 - (a) a description of the Statewide Online Education Program, including its purposes;
 - (b) notwithstanding Subsection (2), information on who is eligible to enroll, and how an eligible student may enroll, in an online course;
 - (c) a directory of authorized online course providers;
 - (d) a link to a course catalog for each authorized online course provider; and
 - (e) a report on the performance of authorized online course providers as required by Section 53F-4-511.
- (2) An authorized online course provider shall provide the following information on the authorized online course provider's website:
 - (a) a description of the Statewide Online Education Program, including its purposes;
 - (b) information on who is eligible to enroll, and how an eligible student may enroll, in an online course;
 - (c) a course catalog;
 - (d) scores aggregated by test on statewide assessments administered under Title 53E, Chapter 4, Part 3, Assessments, taken by students at the end of an online course offered through the Statewide Online Education Program;
 - (e) the percentage of an authorized online course provider's students who complete online courses within the applicable time period specified in Subsection 53F-4-505(4)(c);
 - (f) the percentage of an authorized online course provider's students who complete online courses after the applicable time period specified in Subsection 53F-4-505(4)(c) and before the student graduates from high school; and
 - (g) the authorized online course provider's pupil-teacher ratio for the online courses combined.
- (3) The state board's contractor shall provide on the contractor's website information regarding enrollment and participation by a private school or home school student through the contractor.

Amended by Chapter 24, 2024 General Session

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

- (1) To provide an LEA and an authorized online course provider with estimates of online course enrollment, a student should enroll in an online course, or declare an intention to enroll in an online course:
 - (a) for a high school online course, during the time period the LEA designates for high school course registration; or
 - (b) for a middle school online course, during the time period the LEA designates for middle school course registration.
- (2) Notwithstanding Subsection (1) and except as provided in Subsection (3), a student may enroll in an online course at any time during a calendar year.
- (3)
 - (a) A student may alter a course schedule by dropping a traditional classroom course and adding an online course consistent with course schedule alteration procedures adopted by the student's primary LEA of enrollment.
 - (b) An LEA or school's deadline for dropping a traditional classroom course and adding an online course shall be the same deadline for dropping and adding a traditional classroom course.

Amended by Chapter 24, 2024 General Session

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

- (1) Notwithstanding Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall provide a delayed effective date that is after the school year has ended for a change to an administrative rule related to the Statewide Online Education Program if the change would require an authorized online course provider to make program changes during the school year.
- (2) The state board shall make rules in accordance with this part and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish:
 - (a) a course credit acknowledgement form and procedures for completing and submitting to the state board or, in relation to a student who attends a private school or home school, the state board's contractor, a course credit acknowledgement;
 - (b) procedures for the administration of a statewide assessment to a student enrolled in an online course; and
 - (c) protocols for an online course provider to obtain approval to become a certified online course provider, including:
 - (i) the application procedure for an online course provider to obtain approval to become a certified online course provider; and
 - (ii) the standards that a certified online course provider and any online course the certified online course provider offers shall meet;
 - (d) in accordance with Title 53E, Chapter 4, Academic Standards, Assessments, and Materials, criteria for an authorized online course provider to submit for approval an online course that does not have an existing state board course code;
 - (e) no later than July 1, 2024, a process within existing systems at the state board or, in relation to a student who attends a private school or home school, the state board's contractor, to allow a certified online course provider access to an educator's licensing, endorsement, certification, and assignment information if the educator is teaching an online course for the certified online course provider;
 - (f) in consultation with the authorized online course providers, the parameters for conducting a site visit including:
 - (i) a definition for the term site visit;

- (ii) the minimum amount of time required for:
 - (A) notice to an authorized online course provider of a site visit; and
 - (B) an authorized online course provider to prepare for a site visit;
- (iii) the documents, data, and artifacts subject to inspection during a site visit; and
- (iv) a process to ensure a site visit allows for observation of instruction without interfering with the instruction;
- (g) annual mandatory training for relevant staff at a primary LEA that includes:
 - (i) program requirements for a primary LEA including reporting requirements and methods;
 - (ii) uses of resources and tools to ensure adequate monitoring of an eligible student's progress;
 - (iii) federal and state requirements for accommodating enrollments that involve special education;
 - (iv) appropriate circumstances and methodologies for reducing an eligible student's schedule; and
 - (v) other components the state board determines are necessary; and
- (3)
 - (a) When establishing the standards described in Subsection (2)(c)(ii) the state board shall:
 - (i) establish rules and minimum standards regarding accreditation;
 - (ii) require an online course to be aligned with the core standards described in Section 53E-4-202;
 - (iii) require proof that a national organization responsible for college athletics endorses:
 - (A) the certified online course provider; or
 - (B) the online course that a certified online course provider offers;
 - (iv) permit an open-entry, open-exit method of instructional delivery that allows a student the flexibility to:
 - (A) schedule in response to individual needs or requirements;
 - (B) demonstrate competency when the student has mastered knowledge and skills;
 - (C) begin or end study at any time; and
 - (D) progress through course material at the student's own pace; and
 - (v) except as provided in Subsection (5), require an individual who teaches a course for a certified online course provider to hold a teaching license issued by the state board.
 - (b) When establishing the standards described in Subsection (2)(c)(ii), the state board may not:
 - (i) specify a minimum duration for an online course;
 - (ii) specify a minimum amount of time that a student must spend in an online course; or
 - (iii) limit the class size of an online course.
- (4) No later than January 31, 2026, the state board shall create a communication dashboard for the program and only related to eligible students enrolled in a public school that may include:
 - (a) a counselor contact list for an eligible student that is accessible to an authorized online course provider; and
 - (b) progress monitoring fields that are accessible to the primary LEA, the eligible student's counselor, and the eligible student's parent containing:
 - (i) grade progress reporting of an eligible student by an authorized online course provider;
 - (ii) an ability to flag a student that is at-risk of failing an online course; and
 - (iii) other relevant capabilities the state board determines to be necessary in consultation with LEA users of the dashboard.
- (5) If an individual possesses a provider-specific license described in Section 53E-6-201, the state board may not prohibit the individual from teaching an online course for an authorized online course provider while the individual is in the process of obtaining an endorsement or additional license issued by the state board.

- (6) The state board may establish a fee, in accordance with Section 63J-1-504, in an amount to pay the costs to the state board of the application approval process and the monitoring of a certified online course provider's compliance with the standards described in Subsection (2)(c)(ii).
- (7)
 - (a) Fee revenue collected in accordance with Subsection (6) shall be:
 - (i) deposited into the Uniform School Fund as a dedicated credit; and
 - (ii) used to pay the costs to the state board of reviewing certified online course providers' applications and compliance with the standards described in Subsection (2)(c)(ii).

Amended by Chapter 24, 2024 General Session

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

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

Amended by Chapter 24, 2024 General Session

53F-4-517 Agreements for online instruction.

- (1) In addition to offering online courses to students through the program, a school district or charter school may enter into an agreement with another school district or charter school or a consortium of school districts or charter schools to provide online instruction to the school district's or charter school's students.
- (2) Online instruction offered pursuant to Subsection (1) is not subject to the requirements of this part.

Amended by Chapter 24, 2024 General Session

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

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

- (1) use funds from an appropriation for the Statewide Online Education Program to pay for an online course fee described in Section 53F-4-505 for a student who is enrolled in a public high school that enrolls fewer than 1,000 students; and
- (2) after the funds described in Subsection (1) have been expended, make a deduction as described in Subsection 53F-4-507(3).

Amended by Chapter 24, 2024 General Session