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**UTAH K-8 ONLINE VIRTUAL SCHOOL**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ben C. Ferry**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill authorizes the State Board of Education to establish a virtual school for students in kindergarten through the eighth grade.

**Highlighted Provisions:**

This bill:

- ▶ provides definitions;
- ▶ authorizes the State Board of Education to establish Utah K-8 Online, a virtual school;
- ▶ provides for the participation of Utah K-8 Online students in other public school programs;
- ▶ requires the State Board of Education to make certain rules;
- ▶ provides for the funding of Utah K-8 Online; and
- ▶ makes technical corrections.

**Monies Appropriated in this Bill:**

This bill appropriates:

- ▶ as an ongoing appropriation subject to future budget constraints, \$4,713,150 from the Uniform School Fund to the State Board of Education; and
- ▶ \$100,000 from the Uniform School Fund for fiscal year 2008-09 only, to the State Board of Education.

**Other Special Clauses:**



28 This bill provides an immediate effective date.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **53A-15-1001**, as enacted by Laws of Utah 2006, Chapter 227

32 **53A-15-1002**, as enacted by Laws of Utah 2006, Chapter 227

33 **53A-17a-104**, as last amended by Laws of Utah 2007, Chapters 2, 344, 368, and 372

34 ENACTS:

35 **53A-15-1008**, Utah Code Annotated 1953

36 **53A-15-1009**, Utah Code Annotated 1953

37 **53A-15-1010**, Utah Code Annotated 1953



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

40 Section 1. Section **53A-15-1001** is amended to read:

41 **Part 10. Virtual Schools Act**

42 **53A-15-1001. Title.**

43 This part is known as the "~~Electronic High School~~ Virtual Schools Act."

44 Section 2. Section **53A-15-1002** is amended to read:

45 **53A-15-1002. Definitions.**

46 As used in this part:

47 (1) "Board" means the State Board of Education.

48 (2) "Electronic High School" means a rigorous program offering grade 9 - 12 level  
49 courses delivered over the Internet and coordinated by the board.

50 (3) "Home-schooled student" means a student:

51 (a) who attends a home school;

52 (b) is exempt from school attendance pursuant to Section 53A-11-102; and

53 (c) attends no more than two regularly scheduled classes or courses in a public school  
54 per semester.

55 (4) "Open-entry, open-exit" means:

56 (a) a method of instructional delivery that allows for flexible scheduling in response to  
57 individual student needs or requirements and demonstrated competency when knowledge and  
58 skills have been mastered; and

59 (b) students have the flexibility to begin or end study at any time, progress through  
60 course material at their own pace, and demonstrate competency when knowledge and skills  
61 have been mastered.

62 (5) "Utah K-8 Online" means the virtual school coordinated by the board for students  
63 in kindergarten through the eighth grade in accordance with the provisions of this part.

64 (6) "Virtual school" means a school that uses technology in order to provide a  
65 preponderance of its curriculum and instruction to its students through the Internet or other  
66 electronic means in a manner that fosters on-demand, interactive, self-paced, and  
67 individualized instruction.

68 Section 3. Section **53A-15-1008** is enacted to read:

69 **53A-15-1008. Utah K-8 Online -- Authorization -- State board rulemaking.**

70 (1) The board is authorized to establish and coordinate the operations of Utah K-8  
71 Online, a virtual school for students in kindergarten through the eighth grade.

72 (2) Utah K-8 Online may:

73 (a) begin operation in the 2008-09 school year; and

74 (b) have a maximum full-time equivalent student capacity of 1,500 students.

75 (3) The board may contract with school districts, public schools, regional service  
76 centers, or private entities to provide services for Utah K-8 Online.

77 (4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
78 board shall make rules providing:

79 (a) minimum standards, definitions, and coordination of Utah K-8 Online; and

80 (b) procedures for the distribution of funds appropriated for Utah K-8 Online.

81 Section 4. Section **53A-15-1009** is enacted to read:

82 **53A-15-1009. Utah K-8 Online -- Participation in other public schools.**

83 (1) A person having control of a minor who is enrolled in Utah K-8 Online may also  
84 enroll the minor in another public school or public school program.

85 (2) The minor may participate in any academic activity in the other public school  
86 available to students in the minor's grade or age group, subject to compliance with the same  
87 rules and requirements that apply to a full-time student's participation in the activity.

88 (3) (a) A student who participates in another public school program is considered a  
89 student of that public school for purposes of the student's participation in that program.

90 (b) Utah K-8 Online and the other public school shall enter into an agreement to cover  
91 the reasonable costs of participation in the program.

92 (4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
93 board shall make rules:

94 (a) governing participation in programs as described in this section, including:

95 (i) the sharing of costs as described in Subsection (3); and

96 (ii) regulating the transferability of credits that are earned in Utah K-8 Online; and

97 (b) providing the policies and procedures necessary to permit students enrolled in Utah  
98 K-8 Online to participate in public school extracurricular activities.

99 Section 5. Section **53A-15-1010** is enacted to read:

100 **53A-15-1010. Utah K-8 Online -- Funding.**

101 (1) Money appropriated to the board in Section 53A-17a-104 for Utah K-8 Online shall  
102 be allocated to Utah K-8 Online in the amount of 1.3 times the value of the weighted pupil  
103 unit, as provided in Subsection 53A-17a-103(1), for each full-time equivalent student.

104 (2) Utah K-8 Online may not receive any other funding provided in this title, except as  
105 the funding is specifically made available to Utah K-8 Online.

106 (3) Each year the Legislature shall increase the money appropriated to the board in  
107 Section 53A-17a-104 for Utah K-8 Online based on:

108 (a) enrollment growth in Utah K-8 Online; and

109 (b) the percentage increase in the value of the weighted pupil unit.

110 Section 6. Section **53A-17a-104** is amended to read:

111 **53A-17a-104. Amount of state's contribution toward minimum school program.**

112 (1) The total contribution of the state toward the cost of the minimum school program  
113 may not exceed the sum of \$2,273,574,120 for the fiscal year beginning July 1, 2007, except as  
114 otherwise provided by the Legislature through supplemental appropriations.

115 (2) There is appropriated from state and local funds for fiscal year 2007-08 for  
116 distribution to school districts and charter schools, in accordance with this chapter, monies for  
117 the following purposes and in the following amounts:

118 (a) basic program - kindergarten, \$61,819,260 (24,590 WPUs);

119 (b) basic program - grades 1-12, \$1,202,446,200 (478,300 WPUs);

120 (c) basic program - professional staff, \$112,436,136 (44,724 WPUs);

- 121 (d) basic program - administrative costs, \$4,072,680 (1,620 WPU);
- 122 (e) basic program - necessarily existent small schools and units for consolidated
- 123 schools, \$19,229,586 (7,649 WPU);
- 124 (f) special education - regular program - add-on WPU for students with disabilities,
- 125 \$143,034,030 (56,895 WPU);
- 126 (g) preschool special education program, \$20,918,994 (8,321 WPU);
- 127 (h) self-contained regular WPU, \$33,587,040 (13,360 WPU);
- 128 (i) extended year program for severely disabled, \$922,638 (367 WPU);
- 129 (j) special education programs in state institutions and district impact aid, \$4,090,278
- 130 (1,627 WPU);
- 131 (k) career and technical education district programs, \$65,147,796 (25,914 WPU),
- 132 including \$1,114,000 for summer career and technical education agriculture programs;
- 133 (l) career and technical education district set-aside, \$2,742,774 (1,091 WPU);
- 134 (m) class size reduction, \$82,330,986 (32,749 WPU);
- 135 (n) Social Security and retirement programs, \$333,315,119;
- 136 (o) pupil transportation to and from school, \$70,928,797, of which not less than
- 137 \$2,462,300 shall be allocated to the Utah Schools for the Deaf and Blind to pay for
- 138 transportation costs of the schools' students;
- 139 (p) guarantee transportation levy, \$500,000;
- 140 (q) Local Discretionary Block Grant Program, \$21,820,748;
- 141 (r) Interventions for Student Success Block Grant Program, \$17,953,612;
- 142 (s) Quality Teaching Block Grant Program, \$73,947,829;
- 143 (t) highly impacted schools, \$5,123,207;
- 144 (u) at-risk programs, \$29,926,867;
- 145 (v) adult education, \$9,781,008;
- 146 (w) accelerated learning programs, \$3,975,546;
- 147 (x) concurrent enrollment, \$9,215,497;
- 148 (y) electronic high school, \$2,000,000;
- 149 (z) School LAND Trust Program, \$21,000,000;
- 150 (aa) state-supported voted leeway, \$227,700,777;
- 151 (bb) state-supported board leeway, \$62,066,336;

- 152 (cc) charter schools, pursuant to Section 53A-1a-513, \$28,509,000;
- 153 (dd) charter school administrative costs, \$750,000;
- 154 (ee) K-3 Reading Improvement Program, \$12,500,000;
- 155 (ff) state-supported board leeway for K-3 Reading Improvement Program,
- 156 \$15,000,000; [~~and~~]
- 157 (gg) Public Education Job Enhancement Program, \$2,430,000[-]; and
- 158 (hh) Utah K-8 Online, \$4,713,150.

159 **Section 7. Appropriation.**

160 (1) There is appropriated \$100,000 from the Uniform School Fund for fiscal year  
161 2007-08 only, to the State Board of Education.

162 (2) It is the intent of the Legislature that the appropriation in Subsection (1) shall be  
163 used to provide start-up costs for Utah K-8 Online.

164 **Section 8. Effective date.**

165 If approved by two-thirds of all the members elected to each house, this bill takes effect  
166 upon approval by the governor, or the day following the constitutional time limit of Utah  
167 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,  
168 the date of veto override.

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**Legislative Review Note**  
**as of 11-15-07 4:23 PM**

**Office of Legislative Research and General Counsel**

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**H.B. 274 - Utah K-8 Online Virtual School**

**Fiscal Note**

2008 General Session  
State of Utah

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**State Impact**

Enactment of this bill appropriates \$4,713,150 in ongoing Uniform School Fund to the Minimum School Program to support the Utah K-8 Online Virtual School. Enactment of this bill also appropriates \$100,000 in one-time Uniform School Fund in FY 2008 to the State Board of Education for school start-up costs.

Estimates indicate that 900 to 1,000 potential K-8 Online Virtual School students participate in virtual education in the school districts. These students are currently counted in the enrollments of their district of residence and generate Weighted Pupil Units for Minimum School Program funding. Depending on the number of students that transition to the K-8 Online Virtual School, the state may realize a savings in WPU costs for the fiscal year following a student's transfer to the virtual school. Based on the current value of the WPU, the state may realize a savings of \$251,400 in WPU costs for every 100 students that enroll in the virtual school.

	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>	<u>FY 2010</u> <u>Revenue</u>
Uniform School Fund	\$0	\$4,713,150	\$4,713,150	\$0	\$0	\$0
Uniform School Fund, One-time	\$100,000	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$100,000</b>	<b>\$4,713,150</b>	<b>\$4,713,150</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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**Individual, Business and/or Local Impact**

If all projected Virtual School students come from public schools, local districts could save between \$2.2 and \$2.5 million in the first year.