

Representative Ben C. Ferry proposes the following substitute bill:

UTAH K-8 ONLINE VIRTUAL SCHOOL

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ben C. Ferry

Senate Sponsor: Mark B. Madsen

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, \$754,200 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



26 Board of Education.

27 **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 ENACTS:

34 **53A-15-1008**, Utah Code Annotated 1953

35 **53A-15-1009**, Utah Code Annotated 1953

36 **53A-15-1010**, Utah Code Annotated 1953



37
38 *Be it enacted by the Legislature of the state of Utah:*

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

40 **Part 10. Virtual Schools Act**

41 **53A-15-1001. Title.**

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

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

44 **53A-15-1002. Definitions.**

45 As used in this part:

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

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

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

50 (a) who attends a home school;

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

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

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

55 (a) a method of instructional delivery that allows for flexible scheduling in response to
56 individual student needs or requirements and demonstrated competency when knowledge and

57 skills have been mastered; and

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

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

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

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

68 **53A-15-1008. Utah K-8 Online -- Authorization -- State board rulemaking.**

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

71 (2) Utah K-8 Online may:

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

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

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

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

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

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

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

81 **53A-15-1009. Utah K-8 Online -- Participation in other public schools.**

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

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

87 (3) (a) A student who participates in another public school program is considered a

88 student of that public school for purposes of the student's participation in that program.

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

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

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

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

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

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

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

99 **53A-15-1010. Utah K-8 Online -- Funding.**

100 (1) Money appropriated to the board for Utah K-8 Online shall be allocated to Utah
101 K-8 Online.

102 (2) (a) Utah K-8 Online shall receive the value of the weighted pupil unit, as provided
103 in Subsection 53A-17a-103(1), for each full-time equivalent student.

104 (b) 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 for
107 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. **One-time appropriation.**

111 (1) There is appropriated \$100,000 from the Uniform School Fund for fiscal year
112 2007-08 only, to the State Board of Education.

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

115 Section 7. **Ongoing appropriation.**

116 As an ongoing appropriation subject to future budget constraints, there is appropriated
117 from the Uniform School Fund for fiscal year 2008-09, \$754,200 to State Board of Education
118 for Utah K-8 Online established in Title 53A, Chapter 15, Part 10, Virtual Schools Act.

119 Section 8. **Effective date.**

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

H.B. 274 1st Sub. (Buff) - Utah K-8 Online Virtual School

Fiscal Note

2008 General Session
State of Utah

State Impact

Enactment of this bill appropriates \$754,200 in ongoing Uniform School Fund and \$100,000 in supplemental Uniform School Fund to the State Board of Education to implement the provisions of this bill. Bill provisions provide that each student enrolled in the Utah K-8 Online school receive the value of one Weighted Pupil Unit (WPU) for each full-time equivalent student.

Potential Utah K-8 Online students in the public school system are currently counted in the enrollments of their district of residence and generate WPUs for Minimum School Program funding. Students currently enrolled in the public school system may not generate additional costs through the implementation, but a transfer of WPU revenue allocations from the resident district to the Utah K-8 Online school may occur. Estimates indicate that approximately 70 students may attend the Utah K-8 Online school that are not currently enrolled in the public school system. The estimated impact of providing the value of one WPU for each of these students not currently enrolled in the public school system is \$176,000 in Uniform School Fund.

	<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	\$930,200	\$930,200	\$0	\$0	\$0
Uniform School Fund, One-time	\$100,000	\$0	\$0	\$0	\$0	\$0
Total	\$100,000	\$930,200	\$930,200	\$0	\$0	\$0

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.