

1                                   **STATEWIDE ONLINE EDUCATION PROGRAM**

2                                   2011 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Howard A. Stephenson**

5                                   House Sponsor: Bradley M. Daw

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7 **LONG TITLE**

8 **General Description:**

9           This bill creates the Statewide Online Education Program to enable a student to earn  
10 high school graduation credit through the completion of online courses.

11 **Highlighted Provisions:**

12           This bill:

- 13           ▶ establishes the purposes of the Statewide Online Education Program;
- 14           ▶ allows an eligible student to enroll in an online course offered through the Statewide  
15 Online Education Program;
- 16           ▶ identifies entities that may offer online courses through the Statewide Online  
17 Education Program;
- 18           ▶ prescribes requirements for an online course provider;
- 19           ▶ provides for the payment of online courses;
- 20           ▶ requires reporting on the performance of online course providers;
- 21           ▶ requires the dissemination of information on the Statewide Online Education  
22 Program;
- 23           ▶ requires the State Board of Education to make rules;
- 24           ▶ requires the legislative auditor general to conduct a review and issue a report on the  
25 Statewide Online Education Program;
- 26           ▶ directs the Education Interim Committee to study how to provide course selection  
27 advisement and a high school diploma to students who take a majority of courses



28 through the Statewide Online Education Program; and  
29       ▶ makes technical amendments.

30 **Money Appropriated in this Bill:**

31       None

32 **Other Special Clauses:**

33       This bill takes effect on July 1, 2011.

34 **Utah Code Sections Affected:**

35 AMENDS:

- 36       **53A-15-1002**, as enacted by Laws of Utah 2006, Chapter 227
- 37       **53A-15-1006**, as enacted by Laws of Utah 2006, Chapter 227
- 38       **63I-2-253**, as last amended by Laws of Utah 2010, Chapter 11

39 ENACTS:

- 40       **53A-15-1201**, Utah Code Annotated 1953
- 41       **53A-15-1202**, Utah Code Annotated 1953
- 42       **53A-15-1203**, Utah Code Annotated 1953
- 43       **53A-15-1204**, Utah Code Annotated 1953
- 44       **53A-15-1205**, Utah Code Annotated 1953
- 45       **53A-15-1206**, Utah Code Annotated 1953
- 46       **53A-15-1207**, Utah Code Annotated 1953
- 47       **53A-15-1208**, Utah Code Annotated 1953
- 48       **53A-15-1209**, Utah Code Annotated 1953
- 49       **53A-15-1210**, Utah Code Annotated 1953
- 50       **53A-15-1211**, Utah Code Annotated 1953
- 51       **53A-15-1212**, Utah Code Annotated 1953
- 52       **53A-15-1213**, Utah Code Annotated 1953
- 53       **53A-15-1214**, Utah Code Annotated 1953
- 54       **53A-15-1215**, Utah Code Annotated 1953
- 55       **53A-15-1216**, Utah Code Annotated 1953
- 56       **53A-15-1217**, Utah Code Annotated 1953



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

59 Section 1. Section **53A-15-1002** is amended to read:

60 **53A-15-1002. Definitions.**

61 As used in this part:

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

63 (2) "Electronic High School" means a rigorous program offering grade 9 - 12 level  
64 online courses [delivered over the Internet] through the Statewide Online Education Program  
65 and coordinated by the board.

66 (3) "Eligible student" has the meaning defined in Section 53A-15-1202.

67 ~~[(3)]~~ (4) "Home-schooled student" means a student:

68 (a) who attends a home school;

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

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

72 ~~[(4)]~~ (5) "Open-entry, open-exit" means:

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

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

79 Section 2. Section **53A-15-1006** is amended to read:

80 **53A-15-1006. Payment for an Electronic High School course.**

81 ~~[(1) Electronic High School courses are provided to students who are Utah residents, as  
82 defined in Section 53A-2-201, free of charge.]~~

83 (1) (a) The Electronic High School shall receive payment for an eligible student's  
84 enrollment in an online course as provided by Sections 53A-15-1208 through 53A-15-1210.

85 (b) For fiscal years 2011-12 and 2012-13, a private or home school student whose  
86 custodial parent or legal guardian is a resident of Utah may enroll in an Electronic High School  
87 course subject to the availability of funds appropriated by the Legislature for that purpose.

88 (2) ~~[Nonresident students]~~ A student whose custodial parent or legal guardian is not a  
89 resident of Utah may enroll in an Electronic High School [courses] course for a fee set by the

90 board, provided that the course can accommodate additional students.

91 Section 3. Section **53A-15-1201** is enacted to read:

92 **Part 12. Statewide Online Education Program Act**

93 **53A-15-1201. Title.**

94 This part is known as the "Statewide Online Education Program Act."

95 Section 4. Section **53A-15-1202** is enacted to read:

96 **53A-15-1202. Definitions.**

97 As used in this part:

98 (1) "Average charter high school per pupil revenues" means an amount equal to charter  
99 high school revenues divided by the average daily membership of charter high schools  
100 statewide.

101 (2) "Charter high school" means a charter school in which only students in grades 9,  
102 10, 11, or 12 are enrolled.

103 (3) "Charter high school revenues" means an amount equal to:

104 (a) total general fund revenues of charter high schools statewide as reported in the most  
105 recently published financial report; minus

106 (b) total revenues distributed to charter high schools statewide for an allocation per  
107 student in the amount of statewide average debt service revenues under Section 53A-1a-513.

108 (4) "District school" means a public school under the control of a local school board  
109 elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School  
110 Boards.

111 (5) "Eligible student" means:

112 (a) a student enrolled in a district school or charter school in Utah; or

113 (b) beginning on July 1, 2013, a student:

114 (i) who attends a private school or home school; and

115 (ii) whose custodial parent or legal guardian is a resident of Utah.

116 (6) "LEA" means a local education agency in Utah that has administrative control and  
117 direction for public education.

118 (7) "Online course" means a course of instruction offered by the Statewide Online  
119 Education Program through the use of digital technology.

120 (8) "Primary LEA of enrollment" means the LEA in which an eligible student is

121 enrolled for courses other than online courses offered through the Statewide Online Education  
122 Program.

123 Section 5. Section **53A-15-1203** is enacted to read:

124 **53A-15-1203. Statewide Online Education Program created -- Designated as**  
125 **program of the public education system -- Purposes.**

126 (1) The Statewide Online Education Program is created to enable an eligible student to  
127 earn high school graduation credit through the completion of publicly funded online courses.

128 (2) Pursuant to Utah Constitution, Article X, Section 2, the Statewide Online  
129 Education Program is designated as a program of the public education system.

130 (3) The purposes of an online school are to:

131 (a) provide a student with access to online learning options regardless of where the  
132 student attends school, whether a public, private, or home school;

133 (b) provide high quality learning options for a student regardless of language,  
134 residence, family income, or special needs;

135 (c) provide online learning options to allow a student to acquire the knowledge and  
136 technology skills necessary in a digital world;

137 (d) utilize the power and scalability of technology to customize education so that a  
138 student may learn in the student's own style preference and at the student's own pace;

139 (e) utilize technology to remove the constraints of traditional classroom learning,  
140 allowing a student to access learning virtually at any time and in any place and giving the  
141 student the flexibility to take advantage of the student's peak learning time;

142 (f) provide personalized learning, where a student can spend as little or as much time  
143 as the student needs to master the material;

144 (g) provide greater access to self-paced programs enabling a high achieving student to  
145 accelerate academically, while a struggling student may have additional time and help to gain  
146 competency;

147 (h) allow a student to customize the student's schedule to better meet the student's  
148 academic goals;

149 (i) provide quality learning options to better prepare a student for post-secondary  
150 education and vocational or career opportunities; and

151 (j) allow a student to have an individualized educational experience.

152 Section 6. Section **53A-15-1204** is enacted to read:

153 **53A-15-1204. Option to enroll in online courses offered through the Statewide**  
154 **Online Education Program.**

155 (1) Subject to the course limitations provided in Subsection (2), an eligible student may  
156 enroll in an online course offered through the Statewide Online Education Program if:

157 (a) the student meets the course prerequisites; and

158 (b) the course is open for enrollment.

159 (2) An eligible student may enroll in online courses for no more than the following  
160 number of credits:

161 (a) in the 2011-12 and 2012-13 school years, two credits;

162 (b) in the 2013-14 school year, three credits;

163 (c) in the 2014-15 school year, four credits;

164 (d) in the 2015-16 school year, five credits; and

165 (e) beginning with the 2016-17 school year, six credits.

166 (3) Notwithstanding Subsection (2), an eligible student may enroll in online courses for  
167 more than the number of credits specified in Subsection (2) if the student's primary LEA of  
168 enrollment agrees to pay for the additional online courses in accordance with Sections  
169 53A-15-1208 through 53A-15-1210.

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

171 (a) in conjunction with the student and the student's parent or legal guardian, is  
172 responsible for preparing and implementing a student education/occupation plan (SEOP) for  
173 the eligible student, as provided in Section 53A-1a-106; and

174 (b) shall assist an eligible student in scheduling courses in accordance with the  
175 student's SEOP, graduation requirements, and the student's post-secondary plans.

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

177 (a) impose restrictions on a student's selection of an online course that fulfills  
178 graduation requirements and is consistent with the student's SEOP or post-secondary plans; or

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

180 Section 7. Section **53A-15-1205** is enacted to read:

181 **53A-15-1205. Authorized online course providers.**

182 (1) The following entities may offer online courses to eligible students through the

183 Statewide Online Education Program:

184 (a) the Electronic High School established in Part 10, Electronic High School Act;

185 (b) a charter school or district school created exclusively for the purpose of serving  
186 students online; and

187 (c) an LEA program, approved by the LEA's governing board, that is created  
188 exclusively for the purpose of serving students online.

189 (2) In addition to the entities specified in Subsection (1), beginning with the 2012-13  
190 school year, a certified online course provider may offer an online course to an eligible student  
191 through the Statewide Online Education Program.

192 (3) A certified online course provider may include a public or private person.

193 Section 8. Section **53A-15-1206** is enacted to read:

194 **53A-15-1206. Certified online course provider.**

195 (1) The State Board of Education shall issue a certification to an online course provider  
196 if the online course provider:

197 (a) complies with the application procedures established by the State Board of  
198 Education in rule;

199 (b) meets standards for certified online course providers established by the State Board  
200 of Education in rule; and

201 (c) has prior experience offering online courses to secondary school students.

202 (2) (a) The State Board of Education may charge a fee to apply for or maintain an  
203 online course provider certification.

204 (b) The State Board of Education shall impose a fee under Subsection (2)(a) in  
205 accordance with Section 63J-1-504.

206 (c) Fee revenues collected under this section shall be:

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

208 (ii) used by the State Board of Education to review an application for certification or  
209 monitor a certified online course provider's compliance with State Board of Education  
210 standards.

211 (3) The State Board of Education may revoke the certification of an online course  
212 provider who fails to comply with standards established by the State Board of Education in  
213 rule.

214 Section 9. Section **53A-15-1207** is enacted to read:

215 **53A-15-1207. Standards for online course providers.**

216 (1) In adopting standards for a certified online course provider, the State Board of  
217 Education shall use as a guideline the standards recommended by the International Association  
218 for K-12 Online Learning.

219 (2) Standards established by the State Board of Education in rule for an online course  
220 provider:

221 (a) shall require an online course to be aligned with core curriculum standards  
222 established under Sections 53A-1-402 and 53A-1-402.6;

223 (b) shall prescribe qualifications for online course instructors;

224 (c) may not specify a minimum duration for an online course or a minimum amount of  
225 time a student must spend in an online course; and

226 (d) may not limit the class size of an online course.

227 (3) (a) An online course instructor who is an employee of the Utah Electronic High  
228 School or a Utah school district or charter school shall hold a teaching license issued by the  
229 State Board of Education.

230 (b) An online course instructor who is not an employee of the Utah Electronic High  
231 School or a Utah school district or charter school shall hold a teaching license issued by a state  
232 educator licensing agency.

233 (4) An online course may be offered in an open-entry, open-exit format.

234 Section 10. Section **53A-15-1208** is enacted to read:

235 **53A-15-1208. Payment for an online course.**

236 (1) The fee for an online course is an amount equal to the product of:

237 (a) average charter high school per pupil revenues; and

238 (b) one-eighth the number of credits a student may earn for the online course.

239 (2) An online learning provider shall receive payment for an online course as follows:

240 (a) for a one semester online course, 60% of the online course fee upon the student  
241 enrolling in the online course;

242 (b) for a full-year online course, 30% of the online course fee upon the student  
243 enrolling in the online course and 30% of the online course fee upon the beginning of the  
244 second semester; and



245 (c) if a student completes a full-year online course within 12 months or a one-semester  
246 course within nine weeks following the end of the semester, 40% of the online course fee.

247 (3) (a) If a student fails to complete a one-year course within 12 months or a  
248 one-semester course within nine weeks following the end of the semester, the student may  
249 continue to be enrolled in the course until the student graduates from high school.

250 (b) To encourage an online course provider to provide remediation to a student who  
251 remains enrolled in an online course pursuant to Subsection (3)(a) and avoid the need for credit  
252 recovery, an online course provider shall receive a payment equal to 20% of the online course  
253 fee if the student completes the online course before the student graduates from high school.

254 Section 11. Section **53A-15-1209** is enacted to read:

255 **53A-15-1209. State Board of Education to deduct funds and make payments --**  
256 **Remaining balance to lapse into Uniform School Fund -- Plan for the payment of online**  
257 **courses taken by private and home school students.**

258 (1) Upon the receipt of a course credit acknowledgment described in Section  
259 53A-15-1210, the State Board of Education shall deduct an amount equal to the online course  
260 fee described in Section 53A-15-1208 from funds allocated to the student's primary LEA of  
261 enrollment under Chapter 17a, Minimum School Program Act.

262 (2) From money deducted under Subsection (1), the State Board of Education shall  
263 make payments to the student's online course provider as provided in Section 53A-15-1210.

264 (3) A balance remaining at the time a student graduates shall lapse into the Uniform  
265 School Fund.

266 (4) The Legislature shall establish a plan, which shall take effect beginning on July 1,  
267 2013, for the payment of online courses taken by a private school or home school student.

268 Section 12. Section **53A-15-1210** is enacted to read:

269 **53A-15-1210. Course credit acknowledgement.**

270 (1) A student's primary LEA of enrollment and the student's online course provider  
271 shall enter into a course credit acknowledgement in which the primary LEA of enrollment and  
272 the online course provider acknowledge that the online course provider is responsible for the  
273 instruction of the student in a specified online course.

274 (2) The terms of the course credit acknowledgement shall provide that:

275 (a) the online course provider shall receive a payment in the amount provided under

276 Section 53A-15-1209;

277 (b) the online course provider shall refund a payment received for a student who  
278 enrolls in an online course if the student withdraws from the online course within 10 days; and

279 (c) the student's primary LEA of enrollment acknowledges that the State Board of  
280 Education will deduct an amount equal to the online course fee from funds allocated to the  
281 LEA under Chapter 17a, Minimum School Program Act.

282 (3) A primary LEA of enrollment and an online course provider shall submit a copy of  
283 a course credit acknowledgement to the State Board of Education in accordance with  
284 procedures established by the State Board of Education.

285 Section 13. Section **53A-15-1211** is enacted to read:

286 **53A-15-1211. Online course credit hours included in daily membership --**  
287 **Limitation.**

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

290 (2) A student may not count as more than one FTE, unless the student intends to  
291 complete high school graduation requirements, and exit high school, early, in accordance with  
292 the student's education/occupation plan (SEOP).

293 Section 14. Section **53A-15-1212** is enacted to read:

294 **53A-15-1212. Administration of statewide assessments to students enrolled in**  
295 **online courses.**

296 (1) A student enrolled in an online course that is a course for which a statewide  
297 assessment is administered under Chapter 1, Part 6, Achievement Tests, shall take the  
298 statewide assessment.

299 (2) (a) The State Board of Education shall make rules providing for the administration  
300 of a statewide assessment to a student enrolled in an online course.

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

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

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

305 Section 15. Section **53A-15-1213** is enacted to read:

306 **53A-15-1213. Report on performance of online course providers.**

307 (1) The State Board of Education, in collaboration with online course providers, shall  
308 develop a report on the performance of online course providers, which may be used to evaluate  
309 the Statewide Online Education Program and assess the quality of an online course provider.

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

311 (a) data on the performance of the online course provider's students on statewide  
312 assessments administered under Chapter 1, Part 6, Achievement Tests;

313 (b) the percentage of the online course provider's students who complete online  
314 courses; and

315 (c) the pupil-teacher ratio of the online course provider.

316 (3) The State Board of Education shall post a report on the performance of an online  
317 course provider on the Statewide Online Education Program's website.

318 Section 16. Section **53A-15-1214** is enacted to read:

319 **53A-15-1214. Dissemination of information on the Statewide Online Education**  
320 **Program.**

321 (1) The State Board of Education shall develop a website for the Statewide Online  
322 Education Program which shall include:

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

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

326 (c) a directory of online course providers;

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

328 (e) a report on the performance of online course providers as required by Section  
329 53A-15-1213.

330 (2) An online course provider shall provide the following information on the online  
331 course provider's website:

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

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

335 (c) a course catalogue;

336 (d) data on the performance of the online course provider's students on statewide  
337 assessments administered under Chapter 1, Part 6, Achievement Tests;

338 (e) the percentage of an online course provider's students who complete online courses;  
339 and

340 (f) the online learning provider's pupil-teacher ratio.

341 (3) An LEA shall provide information both written and online on the Statewide Online  
342 Education Program, including:

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

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

346 (c) information on how to access the Statewide Online Education Program website.

347 (4) An LEA shall include the written information described in Subsection (3) in high  
348 school course registration materials.

349 Section 17. Section **53A-15-1215** is enacted to read:

350 **53A-15-1215. State Board of Education -- Rulemaking.**

351 The State Board of Education shall make rules in accordance with this part and Title  
352 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

353 (1) establish applications procedures for an online course provider to obtain  
354 certification;

355 (2) prescribe standards for a certified online course provider;

356 (3) establish a course credit acknowledgement form and procedures for completing and  
357 submitting to the State Board of Education a course credit acknowledgement; and

358 (4) establish procedures for the administration of a statewide assessment to a student  
359 enrolled in an online course.

360 Section 18. Section **53A-15-1216** is enacted to read:

361 **53A-15-1216. Review by legislative auditor general.**

362 The legislative auditor general shall conduct a review and issue a report on the  
363 Statewide Online Education Program after the conclusion of the 2013-14 school year.

364 Section 19. Section **53A-15-1217** is enacted to read:

365 **53A-15-1217. Interim Study.**

366 The Education Interim Committee shall study and make recommendations for proposed  
367 legislation in the 2012 General Session on how to provide students who take a majority of their  
368 courses through the Statewide Online Education Program:

369           (1) assistance in selecting courses that fulfill high school graduation requirements and  
370 prepare the student for postsecondary education and a career; and

371           (2) a high school diploma.

372           Section 20. Section **63I-2-253** is amended to read:

373           **63I-2-253. Repeal dates -- Titles 53, 53A, and 53B.**

374           (1) Section 53A-1-403.5 is repealed July 1, 2012.

375           (2) Subsection 53A-1-603(5) is repealed July 1, 2015.

376           (3) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2014.

377           (4) Subsection 53A-13-110(4) is repealed July 1, 2013.

378           ~~[(5) Section 53A-17a-152 is repealed July 1, 2010.]~~

379           (5) Section 53A-15-1217 is repealed July 1, 2012.

380           (6) Section 53A-17a-162 is repealed July 1, 2012.

381           Section 21. **Effective date.**

382           This bill takes effect on July 1, 2011.

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**Legislative Review Note**  
as of 2-1-11 6:32 PM

**Office of Legislative Research and General Counsel**