

- 26 • course fees for courses provided by certain entities under contract with the State
- 27 Board of Education or State Board of Regents; and
- 28 • other fees required as a condition of student participation in an activity, class, or
- 29 program;
- 30 ▶ imposes a limitation on course fees; and
- 31 ▶ requires the State Board of Education to report to the Education Interim Committee.

32 **Money Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **53A-2-210**, as last amended by Laws of Utah 2008, Chapter 346

39 ENACTS:

40 **53A-17a-105.7**, Utah Code Annotated 1953

41 **53A-17b-101**, Utah Code Annotated 1953

42 **53A-17b-102**, Utah Code Annotated 1953

43 **53A-17b-103**, Utah Code Annotated 1953

44 **53A-17b-104**, Utah Code Annotated 1953

45 **53A-17b-105**, Utah Code Annotated 1953

46 ~~H→ [53A-17b-106, Utah Code Annotated 1953] ←H~~

47 **53A-17b-107**, Utah Code Annotated 1953

48 **53A-17b-108**, Utah Code Annotated 1953

49 **53A-17b-109**, Utah Code Annotated 1953

50 **53A-17b-110**, Utah Code Annotated 1953

51

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

53 Section 1. Section **53A-2-210** is amended to read:

54 **53A-2-210. Funding.**

55 (1) A student who enrolls in a nonresident district is considered a resident of that
56 district for purposes of state funding.

119 (2) (a) The State Board of Education shall establish an education savings account for a
120 student who opts to participate in the pilot project.

121 (b) The maximum number of education savings accounts that may exist for any year of
122 the pilot project is ~~5~~ → [2,500] 500 ← ~~5~~ .

123 (3) A student may opt to participate in the pilot project if:

124 (a) the student is enrolled in grade 11 or 12 in a public school; and

125 (b) (i) the student is age 18 or older; or

126 (ii) the student is younger than age 18 and the student's parent or guardian consents to
127 the student's participation in the pilot project.

128 (4) (a) The State Board of Education shall make rules specifying procedures and
129 criteria for a student to obtain an education savings account for use during the pilot project.

130 (b) The rules shall:

131 (i) impose a deadline for applying for an education savings account;

132 (ii) provide for a lottery to select students who may obtain an education savings
133 account, if the number of applicants who apply by the application deadline exceeds the
134 maximum number of education savings accounts that may exist pursuant to Subsection (2); and

135 (iii) allow a student who obtains an education savings account in the first year of the
136 pilot project to continue to use it in the second year of the pilot project.

137 (5) (a) The Legislature shall appropriate money to the State Board of Education for an
138 equal per pupil allocation for each student participating in the pilot project.

139 (b) From money appropriated under Subsection (5)(a), the State Board of Education
140 shall deposit an amount equal to the per pupil allocation in the education savings account of
141 each student participating in the pilot project.

142 (c) For fiscal year 2013-14, the per pupil allocation is \$6,400.

143 (6) Money in an education savings account may earn interest.

144 (7) In accordance with procedures established by the State Board of Education in rule,
145 a student's parent or legal guardian or a student, if the student is age 18 or older, may authorize
146 the use of money in an education savings account to pay for:

147 (a) course fees for courses provided by a Utah school district or charter school;

148 (b) course fees for online courses offered through the Statewide Online Education
149 Program created in Chapter 15, Part 12, Statewide Online Education Program Act;

150 (c) course fees for courses provided by an entity under contract with the State Board of
151 Education pursuant to Section 53A-17b-109;

152 (d) course fees for courses provided by an institution of higher education listed in
153 Section 53B-2-101;

154 (e) course fees for courses provided by a private, nonprofit college or university in the
155 state under contract with the State Board of Regents pursuant to Section 53A-17b-109; and

156 (f) fees, deposits, or other charges required of a student's or the student's parent or
157 guardian as a condition for student participation in:

158 (i) a course provided by an entity listed in Subsections (7)(a) through (e); or

159 (ii) an activity, class, or program provided, sponsored, or supported by or through a
160 public school or school district.

161 (8) Money in an education savings account at the end of a fiscal year shall remain in
162 the account and may be expended for a use described in Subsection (7) in a subsequent fiscal
163 year.

164 (9) (a) The State Board of Education shall close an education savings account

164a **H→ [10] six ←H** years

165 after the account is opened.

166 (b) Money remaining in an education savings account upon closure shall lapse to the
167 Education Fund.

168 (10) The State Board of Education shall provide for:

169 (a) electronic invoicing of course fees and other fees for payment from an education
170 savings account;

171 (b) electronic payment of course fees and other fees from deposits to an education
172 savings account; and

173 (c) online electronic savings accounts where a student and the student's parent or legal
174 guardian can monitor activity and balances in the student's account.

175 Section 6. Section **53A-17b-104** is enacted to read:

176 **53A-17b-104. Course fees for courses offered by a school district or charter**
177 **school.**

178 (1) A public school shall charge a course fee for each course a student participating in
179 the pilot project takes at the school.

180 (2) (a) A course fee shall be based upon the cost of providing a course, including an

181 appropriate amount of overhead costs.

182 (b) A course fee may be set at the average cost of providing a course.

183 (3) A local school board or charter school governing board shall establish course fees
184 and publish the course fee schedule on the school district's or charter school's website.

185 (4) The total course fees for a student participating in the pilot project who takes a full
186 course load throughout the school year in a single school district or charter school may not
187 exceed the amount of money deposited in the student's education savings account for the
188 school year.

189 (5) In accordance with procedures established by the State Board of Education in rule,
190 a course fee charged by a public school shall be paid from deposits made to an education
191 savings account under Section 53A-17b-103.

192 Section 7. Section **53A-17b-105** is enacted to read:

193 **53A-17b-105. Preference for or restrictions on courses prohibited -- Differentiated**
194 **diplomas.**

195 (1) Neither the State Board of Education, staff of the State Board of Education, a
196 school district, nor a charter school may impose restrictions or give preference to any course
197 provider that is authorized to offer a course that a student may take using money in an
198 education savings account.

199 (2) A school district or a charter school may specify course requirements for a
200 differentiated diploma, but may not specify from which course provider a required course must
201 be taken.

202 ~~§→ [Section 8. Section 53A-17b-106 is enacted to read:~~

203 ~~—— 53A-17b-106. Eligibility to participate in an extracurricular activity.~~

204 ~~—— (1) A student is eligible to participate in an extracurricular activity at a school where~~
205 ~~the student takes one or more courses.~~

206 ~~—— (2) A student who is not a full-time student at a school is eligible to participate in an~~
207 ~~extracurricular activity consistent with eligibility standards applied to a full-time student.~~

208 ~~—— (3) A school district or public school may not impose additional requirements on a~~
209 ~~part-time student to participate in an extracurricular activity that are not imposed on a full-time~~
210 ~~student.] ←§~~

211 Section ~~§→~~ [9] ~~8 ←§~~ . Section **53A-17b-107** is enacted to read: