

Senator Howard A. Stephenson proposes the following substitute bill:

STATEWIDE ONLINE EDUCATION PROGRAM AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: Bradley M. Daw

LONG TITLE

General Description:

This bill modifies provisions related to the Statewide Online Education Program.

Highlighted Provisions:

This bill:

- ▶ requires the program name, "Statewide Online Education Program," to be used in the dissemination of information on the program;
- ▶ provides that the State Board of Education, including an employee of the State Board of Education, may not give preference to an online course or online course provider;
- ▶ modifies the fees paid to an online course provider for an online course;
- ▶ modifies the date when an online course provider receives payment for an online course;
- ▶ prescribes when a student may withdraw from an online course;
- ▶ prescribes procedures for the completion of a course credit acknowledgement;
- ▶ prohibits a student who enrolls in an online course from being 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;
- ▶ permits a student taking an online course to take more than a full course load if



26 allowed under local school board or charter school governing board policy;

27 ▶ modifies requirements for reports on the performance of an online course provider;

28 ▶ provides for a declaration of intent to enroll in an online course and changes to a

29 high school course schedule;

30 ▶ provides for reporting of noncompliance, and enforcement of compliance, with

31 requirements of the Statewide Online Education Program;

32 ▶~~H→~~ [~~delays the Electronic High School's participation in the Statewide Online Education~~

33 ~~Program and~~] [] provides for an audit of the Electronic High School; and []

33a ▶ specifies the purpose of the Electronic High School;

33b ▶ provides that the Electronic High School may only offer courses required for high

33c school graduation or that fulfill core curriculum course requirements;

33d ▶ removes the Electronic High School as an online course provider in the Statewide

33e Online Education Program; and ←H

34 ▶ makes technical changes.

35 **Money Appropriated in this Bill:**

36 None

37 **Other Special Clauses:**

38 ~~H→~~ [~~—This bill provides revisor instructions.~~] This bill provides effective dates. ←H

39 **Utah Code Sections Affected:**

40 AMENDS:

40a H→ 53A-15-1002 (Effective 07/01/12)as last amended by Laws of Utah 2011, Chapter 419

40b 53A-15-1003, as enacted by Laws of Utah 2006, Chapter 227

40c 53A-15-1006 (Effective 07/01/12), as last amended by Laws of Utah 2011, Chapter 419 ←H

41 53A-15-1202, as enacted by Laws of Utah 2011, Chapter 419

42 53A-15-1204, as enacted by Laws of Utah 2011, Chapter 419

43 53A-15-1205, as enacted by Laws of Utah 2011, Chapter 419

44 53A-15-1206, as enacted by Laws of Utah 2011, Chapter 419

44a H→ 53A-15-1207, as enacted by Laws of Utah 2011, Chapter 419 ←H

45 53A-15-1208, as enacted by Laws of Utah 2011, Chapter 419

46 53A-15-1209, as enacted by Laws of Utah 2011, Chapter 419

47 53A-15-1211, as enacted by Laws of Utah 2011, Chapter 419

48 53A-15-1212, as enacted by Laws of Utah 2011, Chapter 419

49 ENACTS:

49a H→ 53A-15-1002.5 Utah Code Annotated 1953 ←H

03-01-12 12:10 PM

1st Sub. (Green) S.B. 178

- 50 **53A-15-1008**, Utah Code Annotated 1953
- 51 **53A-15-1201.5**, Utah Code Annotated 1953
- 52 **53A-15-1206.5**, Utah Code Annotated 1953
- 53 **53A-15-1212.5**, Utah Code Annotated 1953
- 54 **53A-15-1216**, Utah Code Annotated 1953
- 55 **53A-15-1217**, Utah Code Annotated 1953
- 56 **H**→ [~~Uncodified Material Affected:~~] ←**H**

57 ~~H→ [AMENDS UNCODIFIED MATERIAL:~~

58 ~~—Uncodified Section 20, Laws of Utah 2011, Chapter 419~~

59 ~~———This uncodified section affects Sections 53A-15-1002 (Superseded 07/01/12);~~

60 ~~53A-15-1002 (Effective 07/01/12), 53A-15-1006 (Superseded 07/01/12), and 53A-15-1006~~

61 ~~(Effective 07/01/12).] ←H~~

62

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

63a **H→ Section 1. Section 53A-15-1002 (Effective 07/01/12) is amended to read:**

63b **53A-15-1002 (Effective 07/01/12). Definitions.**

63c **As used in this part:**

63d **(1) "Board" means the State Board of Education.**

63e **(2) "Electronic High School" means a rigorous program offering grade 9 - 12 level online**

63f **courses ~~[through the Statewide Online Education Program]~~ and coordinated by the board.**

63g **~~[(3) "Eligible student" has the meaning defined in Section 53A-15-1202.]~~**

63h **~~[(4)~~ (3) "Home-schooled student" means a student:**

63i **(a) ~~[who]~~ attends a home school;**

63j **(b) is exempt from school attendance pursuant to Section 53A-11-102; and**

63k **(c) attends no more than two regularly scheduled classes or courses in a public school per**

63l **semester.**

63m **~~[(5)]~~ (4) "Open-entry, open-exit" means:**

63n **(a) a method of instructional delivery that allows for flexible scheduling in response to**

63o **individual student needs or requirements and demonstrated competency when knowledge and**

63p **skills have been mastered; and**

63q **(b) students have the flexibility to begin or end study at any time, progress through**

63r **course material at their own pace, and demonstrate competency when knowledge and skills**

63s **have been mastered.**

63t **Section 2. Section 53A-15-1002.5 is enacted to read:**

63u **53A-15-1002.5. Electronic High School created -- Purpose.**

63v **The Electronic High School is created:**

63w **(1) to provide an opportunity for a student who has failed a course to retake the course**

63x **and earn course credit;**

63y **(2) to allow a student to complete high school graduation requirements and exit high**

63z **school early;**

63aa **(3) to allow a student to take a course online so that the student has greater flexibility**

63ab **in scheduling courses during the regular school day; and**

63ac (4) to allow a home-schooled or private school student in Utah to take a course within
 63ad the Utah high school core curriculum.

63ae Section 3. Section 53A-15-1003 is amended to read:

63af 53A-15-1003. Courses and credit.

63ag (1) The Electronic High School may only offer courses required for high school
 63ah graduation or that fulfill core curriculum course requirements established by the State Board
 63ai of Education.

63aj ~~[(1)]~~ (2) The Electronic High School shall:

63ak (a) offer courses in an open-entry, open-exit format; and

63al (b) offer core curriculum courses that are in conformance with course standards and
 63am objectives established by the board.

63an ~~[(2)]~~ (3) Public schools shall:

63ao (a) accept all credits awarded to students by the Electronic High School; and

63ap (b) apply credits awarded for a core curriculum course toward the fulfillment of core
 63aq curriculum requirements.

63ar Section 4. Section 53A-15-1006 (Effective 07/01/12) is amended to read:

63as 53A-15-1006 (Effective 07/01/12). Payment for an Electronic High School course.

63at ~~[(1) (a) The Electronic High School shall receive payment for an eligible student's enrollment~~
 63au ~~in an online course as provided by Sections 53A-15-1206 through 53A-15-1208.~~

63av ~~———— (b) For fiscal year 2012-13, a private or home school student whose custodial parent or legal~~
 63aw ~~guardian is a resident of Utah may enroll in an Electronic High School course subject to the~~
 63ax ~~availability of funds appropriated by the Legislature for that purpose.~~

63ay ~~———— (2) A student whose custodial parent or legal guardian is not a resident of Utah may enroll in~~
 63az ~~an Electronic High School course for a fee set by the board, provided that the course can accommodate~~
 63ba ~~additional students.]~~

63bb (1) Electronic High School courses are provided to students who are Utah residents, as
 63bc defined in Section 53A-2-201, free of charge.

63bd (2) Nonresident students may enroll in Electronic High School courses for a fee set by
 63be the board, provided that the course can accommodate additional students. ←Ĥ

64 Section ~~Ĥ→~~ ~~[1]~~ 5 ~~←Ĥ~~ . Section 53A-15-1008 is enacted to read:

65 53A-15-1008. Review by legislative auditor general.

66 (1) The legislative auditor general shall conduct a performance audit of the Electronic
 67 High School ~~Ŝ→~~ as directed by the Legislative Audit Subcommittee ~~←Ŝ~~ .

68 (2) In conducting the performance audit of the Electronic High School, the legislative
 69 auditor general shall develop performance metrics using factors such as:

- 70 (a) course completion rate;
- 71 (b) number of credits earned; and
- 72 (c) cost of providing online courses.
- 73 (3) The legislative auditor general shall use the performance metrics developed under
- 74 Subsection (2) to evaluate the Electronic High School in comparison with other online
- 75 programs.

76 Section ~~H~~→ [2] 6 ←~~H~~ . Section **53A-15-1201.5** is enacted to read:

77 **53A-15-1201.5. Program name.**

78 (1) The program created under this part shall be known as the "Statewide Online

79 Education Program."

80 (2) The program name, "Statewide Online Education Program," shall be used in the

81 dissemination of information on the program.

82 Section ~~H~~→ [3] 7 ←~~H~~ . Section **53A-15-1202** is amended to read:

83 **53A-15-1202. Definitions.**

84 As used in this part:

85 ~~[(1) "Adjusted per pupil revenues" means an amount equal to average charter high~~

86 ~~school per pupil revenues times 0.77.]~~

87 ~~[(2) "Average charter high school per pupil revenues" means an amount equal to~~

88 charter high school revenues divided by the average daily membership of charter high schools
89 statewide.]

90 [~~(3)~~ "Charter high school" means a charter school in which only students in grades 9,
91 10, 11, or 12 are enrolled.]

92 [~~(4)~~ "Charter high school revenues" means an amount equal to total general fund
93 revenues of charter high schools statewide as reported in the most recently published annual
94 financial report.]

95 [~~(5)~~ (1) "District school" means a public school under the control of a local school
96 board elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local
97 School Boards.

98 [~~(6)~~ (2) "Eligible student" means:

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

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

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

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

103 [~~(7)~~ (3) "LEA" means a local education agency in Utah that has administrative control
104 and direction for public education.

105 [~~(8)~~ (4) "Online course" means a course of instruction offered by the Statewide Online
106 Education Program through the use of digital technology.

107 [~~(9)~~ (5) "Primary LEA of enrollment" means the LEA in which an eligible student is
108 enrolled for courses other than online courses offered through the Statewide Online Education
109 Program.

110 (6) "Released-time" means a period of time during the regular school day a student is
111 excused from school at the request of the student's parent or guardian pursuant to rules of the
112 State Board of Education.

113 Section ~~H~~→ [4] 8 ←~~H~~ . Section 53A-15-1204 is amended to read:

114 **53A-15-1204. Option to enroll in online courses offered through the Statewide**
115 **Online Education Program.**

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

118 (a) the student meets the course prerequisites; [~~and~~]

- 119 (b) the course is open for enrollment[-];
- 120 (c) the online course is aligned with the student's student education/occupation plan
- 121 (SEOP);
- 122 (d) the online course is consistent with the student's individual education plan (IEP), if
- 123 the student has an IEP; and
- 124 (e) the online course is consistent with the student's international baccalaureate
- 125 program, if the student is participating in an international baccalaureate program.
- 126 (2) An eligible student may enroll in online courses for no more than the following
- 127 number of credits:
- 128 (a) in the 2011-12 and 2012-13 school years, two credits;
- 129 (b) in the 2013-14 school year, three credits;
- 130 (c) in the 2014-15 school year, four credits;
- 131 (d) in the 2015-16 school year, five credits; and
- 132 (e) beginning with the 2016-17 school year, six credits.
- 133 (3) Notwithstanding Subsection (2):
- 134 (a) a student's primary LEA of enrollment may allow an eligible student to enroll in
- 135 online courses for more than the number of credits specified in Subsection (2); or
- 136 (b) upon the request of an eligible student, the State Board of Education may allow the
- 137 student to enroll in online courses for more than the number of credits specified in Subsection
- 138 (2), if the online courses better meet the academic goals of the student.
- 139 (4) An eligible student's primary LEA of enrollment:
- 140 (a) in conjunction with the student and the student's parent or legal guardian, is
- 141 responsible for preparing and implementing a student education/occupation plan (SEOP) for
- 142 the eligible student, as provided in Section 53A-1a-106; and
- 143 (b) shall assist an eligible student in scheduling courses in accordance with the
- 144 student's SEOP, graduation requirements, and the student's post-secondary plans.
- 145 (5) An eligible student's primary LEA of enrollment may not:
- 146 (a) impose restrictions on a student's selection of an online course that fulfills
- 147 graduation requirements and is consistent with the student's SEOP or post-secondary plans; or
- 148 (b) give preference to an online course or online course provider.
- 149 (6) The State Board of Education, including an employee of the State Board of

150 Education, may not give preference to an online course or online course provider.

150a ~~H→~~ **(7)(a) Except as provided in Subsection (7)(b), a person may not provide an inducement or**
 150b **incentive to a public school student to participate in the Statewide Online Education Program.**

150c **(b) For purposes of Subsection (7)(a):**

150d **(i) "Inducement or incentive" does not mean:**

150e **(A) instructional materials or software necessary to take an online course; or**

150f **(B) access to a computer or digital learning device for the purpose of taking an online**
 150g **course.**

150h **(ii) "Person" does not include a relative of the public school student.** ←H

151 Section ~~H→~~ [5] 9 ←H . Section 53A-15-1205 is amended to read:

152 **53A-15-1205. Authorized online course providers.**

153 The following entities may offer online courses to eligible students through the
 154 Statewide Online Education Program:

155 ~~H→~~ [(1) ~~beginning with the [2012-13] 2013-14 school year, the Electronic High School~~
 156 ~~established in Part 10, Electronic High School Act;]~~ ←H

157 ~~H→~~ [(2)] 1 ←H beginning with the 2011-12 school year, a charter school or district school
 157a created

158 exclusively for the purpose of serving students online; and

159 ~~H→~~ [(3)] 2 ←H beginning with the 2011-12 school year, an LEA program, approved by the
 159a LEA's

160 governing board, that is created exclusively for the purpose of serving students online.

161 Section ~~H→~~ [6] 10 ←H . Section 53A-15-1206 is amended to read:

162 **53A-15-1206. Payment for an online course.**

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

164 [(a) ~~adjusted per pupil revenues; and]~~

165 [(b) ~~one-eighth the number of credits a student may earn for the online course.]~~

166 (1) For the 2012-13 school year, the fee for a .5 credit online course or .5 credit of a 1
 167 credit online course is:

168 (a) \$200 for the following core curriculum courses, except a concurrent enrollment
 169 course:

170 (i) financial literacy;

171 (ii) health;

172 (iii) fitness for life; and

173 (iv) computer literacy;

- 174 (b) \$200 for driver education;
175 (c) \$250 for a course that meets core curriculum requirements in fine arts or career and
176 technical education, except a concurrent enrollment course;
177 (d) \$300 for the following courses:
178 (i) a course that meets core curriculum requirements in social studies, except a
179 concurrent enrollment course; and
180 (ii) a world language course, except a concurrent enrollment course;

181 (e) \$350 for the following courses:

182 (i) a course that meets core curriculum requirements for language arts, mathematics, or
183 science; and

184 (ii) a concurrent enrollment course; and

185 (f) \$250 for a course not described in Subsections (1)(a) through (e).

186 (2) If a course meets the requirements of more than one course fee category described
187 in Subsection (1), the course fee shall be the lowest of the applicable course fee categories.

188 (3) Beginning with the 2013-14 school year, the online course fees described in
189 Subsection (1) shall be adjusted each school year in accordance with the percentage change in
190 value of the weighted pupil unit from the previous school year.

191 ~~[(2)]~~ (4) An online learning provider shall receive payment for an online course as
192 follows:

193 (a) for a ~~[one-semester]~~ .5 credit online course, 50% of the online course fee ~~[upon the~~
194 ~~student enrolling in the online course]~~ after the withdrawal period described in Section
195 53A-15-1206.5;

196 (b) for a ~~[full-year]~~ 1 credit online course, 25% of the online course fee ~~[upon the~~
197 ~~student enrolling in the online course]~~ after the withdrawal period described in Section
198 53A-15-1206.5 and 25% of the online course fee upon the beginning of the second [semester]
199 .5 credit of the online course; and

200 (c) if a student completes a ~~[full-year]~~ 1 credit online course within 12 months or a
201 ~~[one-semester]~~ .5 credit course within nine weeks following the end of ~~[the]~~ a traditional
202 semester, 50% of the online course fee.

203 ~~[(3)]~~ (5) (a) If a student fails to complete a ~~[one-year]~~ 1 credit course within 12 months
204 or a ~~[one-semester]~~ .5 credit course within nine weeks following the end of ~~[the]~~ a traditional
205 semester, the student may continue to be enrolled in the course until the student graduates from
206 high school.

207 (b) To encourage an online course provider to provide remediation to a student who
208 remains enrolled in an online course pursuant to Subsection ~~[(3)]~~ (5)(a) and avoid the need for
209 credit recovery, an online course provider shall receive a payment equal to 30% of the online
210 course fee if the student completes the online course before the student graduates from high
211 school.

212 (6) Notwithstanding the online course fees prescribed in Subsections (1) through (3), a
 213 school district or charter school may:

214 (a) negotiate a fee with an online course provider for an amount up to the amount
 215 prescribed in Subsections (1) through (3); and

216 (b) pay the negotiated fee instead of the fee prescribed in Subsections (1) through (3).

217 (7) An online course provider who contracts with a vendor for the acquisition of online
 218 course content or online course instruction may negotiate the payment for the vendor's service
 219 independent of the fees specified in Subsections (1) through (3).

220 Section ~~H~~→ [7] 11 ←~~H~~ . Section 53A-15-1206.5 is enacted to read:

221 **53A-15-1206.5. Withdrawal from an online course.**

222 (1) An online course provider shall establish a start date for an online course, including
 223 a start date for the second .5 credit of a 1 credit online course.

224 (2) Except as provided in Subsection (3), a student may withdraw from an online
 225 course:

226 (a) within 20 school calendar days of the start date, if the student enrolls in an online
 227 course on or before the start date established pursuant to Subsection (1); or

228 (b) within 20 school calendar days of enrolling in the online course, if the student
 229 enrolls in an online course after the start date established pursuant to Subsection (1).

230 (3) (a) A student may withdraw from a 1 credit online course within 20 school calendar
 231 days of the start date of the second .5 credit of the online course.

232 (b) An online course provider shall refund a payment received for the second .5 credit
 233 of an online course if a student withdraws from the online course pursuant to Subsection (3)(a).

234 (c) If a student withdraws from a 1 credit online course as provided in Subsection
 235 (3)(a), the online course provider shall receive payment for the student's completion of .5 credit
 236 of the 1 credit course in the same manner as an online course provider receives payment for a
 237 student's completion of a .5 online course as described in Subsection 53A-15-1206(4).

237a ~~H~~→ Section ~~H~~→ [8] 12 ←~~H~~ . Section 53A-15-1207 is amended to read:

237b **53A-15-1207. State Board of Education to deduct funds and make payments -- Plan for the**
 237c **payment of online courses taken by private and home school students.**

237d (1) [~~Upon the receipt of a course credit acknowledgment described in Section 53A-15-1208;~~
 237e ~~the] (a) The State Board of Education shall deduct [an amount equal to the online course fee~~
 237f ~~described in Section 53A-15-1206] money from funds allocated to the student's primary LEA of~~
 237g ~~enrollment under Chapter 17a, Minimum School Program Act [-] to pay for online course fees.~~

237h (b) Money shall be deducted under Subsection (1) in the amount and at the time an online
 237i course provider qualifies to receive payment for an online course as provided in

237j **Subsection 53A-15-1206(4).**

237k **(2) From money deducted under Subsection (1), the State Board of Education shall make payments to**
237l **the student's online course provider as provided in Section 53A-15-1206.**

237m ~~[(3) A balance remaining at the time a student graduates shall lapse into the Uniform School~~
237n ~~Fund.]~~

237o ~~[(4)]~~ **(3) The Legislature shall establish a plan, which shall take effect beginning on July 1,**
237p **2013, for the payment of online courses taken by a private school or home school student. ←H**

238 Section ~~H→~~ **[8] 13 ←H** . Section **53A-15-1208** is amended to read:

239 **53A-15-1208. Course credit acknowledgement.**

240 (1) A student's primary LEA of enrollment and the student's online course provider
241 shall enter into a course credit acknowledgement in which the primary LEA of enrollment and
242 the online course provider acknowledge that the online course provider is responsible for the

243 instruction of the student in a specified online course.

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

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

246 Section ~~H→~~ [53A-15-1207] 53A-15-1206 ~~←H~~ ; and

247 [~~(b) the online course provider shall refund a payment received for a student who~~
248 ~~enrolls in an online course if the student withdraws from the online course within 10 days; and]~~

249 ~~[(c)]~~ (b) the student's primary LEA of enrollment acknowledges that the State Board of
250 Education will deduct ~~H→~~ [an amount equal to the online course fee from] ~~←H~~ funds
250a allocated to the

251 LEA under Chapter 17a, Minimum School Program Act ~~H→~~ [:], **in the amount and at the time**
251a **the online course provider qualifies to receive payment for the online course as provided in**
251b **Subsection 53A-15-1206(4).** ~~←H~~

252 [~~(3) A primary LEA of enrollment and an online course provider shall submit a copy of~~
253 ~~a course credit acknowledgement to the State Board of Education in accordance with~~
254 ~~procedures established by the State Board of Education.]~~

255 (3) (a) A course credit acknowledgement may originate with either an online course
256 provider or ~~H→~~ primary ~~←H~~ LEA of enrollment.

257 (b) The originating entity shall submit the course credit acknowledgement to the State
258 Board of Education who shall forward it to the ~~H→~~ primary ~~←H~~ LEA of enrollment for course
258a selection

259 verification or the online course provider for acceptance.

260 (c) (i) ~~H→~~ [An] A primary ~~←H~~ LEA of enrollment may only reject a course credit
260a acknowledgement if:

261 (A) the online course is not aligned with the student's SEOP;

262 (B) the online course is not consistent with the student's IEP, if the student has an IEP;

263 (C) the online course is not consistent with the student's international baccalaureate
264 program, if the student participates in an international baccalaureate program; or

265 (D) the number of online course credits exceeds the maximum allowed for the year as
266 provided in Section 53A-15-1204.

267 (ii) Verification of alignment of an online course with a student's SEOP does not
268 require a meeting with the student.

269 (d) An online course provider may only reject a course credit acknowledgement if:

270 (i) the student does not meet course prerequisites; or

271 (ii) the course is not open for enrollment.

272 (e) ~~H→~~ [An] A primary ~~←H~~ LEA of enrollment or online course provider shall submit an
272a acceptance or

273 rejection of a course credit acknowledgement to the State Board of Education within 72

274 business hours of the receipt of a course credit acknowledgement from the State Board of
 275 Education pursuant to Subsection (3)(b).

276 (f) If an online course provider accepts a course credit acknowledgement, the online
 277 course provider shall forward to the ~~H~~→ primary ←~~H~~ LEA of enrollment the online course start
 277a date as
 278 established under Section 53A-15-1206.5.

279 (g) If an online course provider rejects a course credit acknowledgement, the online
 280 course provider shall include an explanation which the State Board of Education shall forward
 281 to the ~~H~~→ primary ←~~H~~ LEA of enrollment for the purpose of assisting a student with future online
 281a course
 282 selection.

283 (h) If ~~H~~→ [an] primary ←~~H~~ LEA of enrollment does not submit an acceptance or rejection
 283a of a course
 284 credit acknowledgement to the State Board of Education within 72 business hours of the
 285 receipt of a course credit acknowledgement from the State Board of Education pursuant to
 286 Subsection (3)(b), the State Board of Education shall consider the course credit
 287 acknowledgement accepted.

288 (i) (i) Upon acceptance of a course credit acknowledgement, the ~~H~~→ primary ←~~H~~ LEA of
 288a enrollment
 289 shall notify the student of the acceptance and the start date for the online course as established
 290 under Section 53A-15-1206.5.

291 (ii) Upon rejection of a course credit acknowledgement, the ~~H~~→ primary ←~~H~~ LEA of
 291a enrollment shall
 292 notify the student of the rejection and provide an explanation of the rejection.

293 (j) If the online course student has an individual education plan (IEP) or 504
 294 accommodations, the ~~H~~→ primary ←~~H~~ LEA of enrollment shall forward the IEP or description of
 294a 504
 295 accommodations to the online course provider within 72 business hours after the
 295a ~~H~~→ primary ←~~H~~ LEA of
 296 enrollment receives notice that the online course provider accepted the course credit
 297 acknowledgement.

297a **~~H~~→ (4)(a) A primary LEA of enrollment may not reject a course credit acknowledgement,**
 297b **because the LEA is negotiating, or intends to negotiate, an online course fee with the online**
 297c **course provider pursuant to Subsection 53A-15-1206(6).**

297d (b) If a primary LEA of enrollment negotiates an online course fee with an online
297e course provider before the start date of an online course, a course credit acknowledgement
297f may be amended to reflect the negotiated online course fee. ←H

298 Section H→ [9] 14 ←H . Section 53A-15-1209 is amended to read:

299 **53A-15-1209. Online course credit hours included in daily membership --**

300 **Limitation.**

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

303 (2) A student may not count as more than one FTE, unless the student intends to
304 complete high school graduation requirements, and exit high school, early, in accordance with

305 the student's education/occupation plan (SEOP).

306 (3) A student who enrolls in an online course may not be counted in membership for a
 307 released-time class, if counting the student in membership for a released-time class would
 308 result in the student being counted as more than one FTE.

309 ~~[(3)]~~ (4) Except as provided in Subsection ~~[(4)]~~ (5), a student enrolled in an online
 310 course may earn no more credits in a ~~[semester]~~ year than the number of credits a student may
 311 earn in a year by taking a full course load during the regular school day in ~~[a high school~~
 312 ~~classroom]~~ the student's primary LEA of enrollment.

313 ~~[(4)]~~ (5) A student enrolled in an online course may earn more credits in a ~~[semester]~~
 314 year than the number of credits a student may earn in a year by taking a full course load during
 315 the regular school day in ~~[a high school classroom]~~ the student's primary LEA of enrollment:

316 (a) if the student intends to complete high school graduation requirements, and exit
 317 high school, early, in accordance with the student's education/occupation plan (SEOP)[-]; or
 318 (b) if allowed under local school board or charter school governing board policy.

319 Section ~~H~~ → ~~[10]~~ 15 ← ~~H~~ . Section **53A-15-1211** is amended to read:

320 **53A-15-1211. Report on performance of online course providers.**

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

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

325 ~~[(a) data on the performance of the online course provider's students on statewide~~
 326 ~~assessments administered under Chapter 1, Part 6, Achievement Tests;]~~

327 (a) scores aggregated by test on statewide assessments administered under Chapter 1,
 328 Part 6, Achievement Tests, taken by students at the end of an online course offered through the
 329 Statewide Online Education Program;

330 (b) the percentage of the online course provider's students who complete online courses
 331 within the applicable time period specified in Subsection 53A-15-1206(4)(c); ~~[and]~~

332 (c) the percentage of the online course provider's students who complete online courses
 333 after the applicable time period specified in Subsection 53A-15-1206(4)(c) and before the
 334 student graduates from high school; and

335 ~~[(e)]~~ (d) the pupil-teacher ratio for the combined online courses of the online course

336 provider.

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

339 Section ~~H~~→ [H] 16 ←~~H~~ . Section **53A-15-1212** is amended to read:

340 **53A-15-1212. Dissemination of information on the Statewide Online Education**
341 **Program.**

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

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

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

347 (c) a directory of online course providers;

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

349 (e) a report on the performance of online course providers as required by Section
350 53A-15-1211.

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

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

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

356 (c) a course ~~[catalogue]~~ catalog;

357 ~~[(d) data on the performance of the online course provider's students on statewide~~
358 ~~assessments administered under Chapter 1, Part 6, Achievement Tests;]~~

359 (d) scores aggregated by test on statewide assessments administered under Chapter 1,
360 Part 6, Achievement Tests, taken by students at the end of an online course offered through the
361 Statewide Online Education Program;

362 (e) the percentage of an online course provider's students who complete online courses
363 within the applicable time period specified in Subsection 53A-15-1206(4)(c); [and]

364 (f) the percentage of an online course provider's students who complete online courses
365 after the applicable time period specified in Subsection 53A-15-1206(4)(c) and before the
366 student graduates from high school; and

367 [(f)] (g) the online learning provider's pupil-teacher ratio for the online courses
 368 combined.

369 ~~[(3) An LEA shall provide information both written and online on the Statewide~~
 370 ~~Online Education Program, including:]~~

371 ~~[(a) a description of the Statewide Online Education Program, including its purposes;]~~

372 ~~[(b) information on who is eligible to enroll, and how an eligible student may enroll, in~~
 373 ~~an online course; and]~~

374 ~~[(c) information on how to access the Statewide Online Education Program website.]~~

375 ~~[(4) An LEA shall include the written information described in Subsection (3) in high~~
 376 ~~school course registration materials.]~~

377 Section ~~H→~~ [12] 17 ←H . Section 53A-15-1212.5 is enacted to read:

378 53A-15-1212.5. H→ [Declaration of intent to enroll in an online course -- Adding or

379 dropping an online course.] Time period to enroll in an online course. ←H

380 (1) To provide an LEA and online course providers with estimates of online course
 381 enrollment, H→ [a declaration of intent to enroll in online courses pursuant to Section 53A-15-1204
 382 may take place] a student should enroll in an online course, or declare an intention to enroll in
 382a an online course, ←H during the high school course registration period designated by the LEA.

383 (2) Notwithstanding Subsection (1) H→ and except as provided in Subsection (3) ←H , a
 383a student may enroll in an online course at any

384 time during a calendar year H→ . [if:

385 ~~—— (a) the online course is open for enrollment;~~

386 ~~—— (b) the student meets the course prerequisites;~~

387 ~~—— (c) the online course is aligned with the student's SEOP;~~

388 ~~—— (d) the student is enrolled in online courses for no more than the total number of credits~~
 389 ~~as provided in Section 53A-15-1205; and~~

390 ~~—— (e) the student does not take more than a full course load for the year as provided in~~
 391 ~~Section 53A-15-1209;~~

392 ~~—— (3) (a) Except as provided in Subsection (3)(b), a student may drop a traditional~~
 393 ~~classroom course within 10 school calendar days of the start of the traditional classroom~~
 394 ~~course;~~

395 ~~—— (b) If a student's high school counselor is not able to process a request to enroll in an~~
 396 ~~online course within 10 school calendar days of the start of the traditional classroom course,~~
 397 ~~the deadline for dropping the course and enrolling in an online course shall be extended to the~~

398 ~~earliest possible date the counselor can accommodate the schedule change.]~~

398a (3)(a) A student may alter a course schedule by dropping a traditional classroom
 398b course and adding an online course consistent with course schedule alteration procedures
 398c adopted by the student's primary LEA of enrollment or high school.

398d (b) A school district's or high school's deadline for dropping a traditional classroom
 398e course and adding an online course shall be the same deadline for dropping and adding a
 398f traditional classroom course. ←Ĥ

399 Section Ĥ→ [13] 18 ←Ĥ . Section 53A-15-1216 is enacted to read:

400 53A-15-1216. Report of noncompliance -- Action to ensure compliance.

401 (1) The state superintendent shall report to the State Board of Education any report of
 402 noncompliance of this part made to a member of the staff of the State Board of Education.

403 (2) The State Board of Education shall take appropriate action to ensure compliance
 404 with this part.

405 Section Ĥ→ [14] 19 ←Ĥ . Section 53A-15-1217 is enacted to read:

406 53A-15-1217. Agreements for online instruction.

407 (1) In addition to offering online courses to students through the Statewide Online
 408 Education Program, a school district or charter school may enter into an agreement with
 409 another school district or charter school or a consortium of school districts or charter schools to
 410 provide online instruction to the school district's or charter school's students.

411 (2) Online instruction offered pursuant to Subsection (1) is not subject to the
 412 requirements of this part.

413 ~~Ĥ→ [Section 15. Uncodified Section 20, Laws of Utah 2011, Chapter 419 is amended to~~
 414 ~~read:~~

415 ~~—— Section 20. Effective date:~~

416 ~~—— This bill takes effect on July 1, 2011, except the amendments to Sections 53A-15-1002~~
 417 ~~and 53A-15-1006 take effect on July 1, [2012] 2013.~~

418 ~~—— Section 16. Revisor instructions:~~

419 ~~—— The Legislature intends that the Office of Legislative Research and General Counsel, in~~
 420 ~~preparing the Utah Code database for publication, change the effective date in Sections~~
 421 ~~53A-15-1002 (Superseded 07/01/12), 53A-15-1002 (Effective 07/01/12), 53A-15-1006~~
 422 ~~(Superseded 07/01/12), and 53A-15-1006 (Effective 07/01/12) from July 1, 2012 to July 1,~~
 423 ~~2013.]~~

423a Section [6] 20 . Effective dates.

423b (1) Except as provided in Subsection (2), this bill takes effect on May 8, 2012.

423c (2) The amendments to the following sections take effect on July 1, 2012:

423d (a) Section 53A-15-1002; and

423e (b) Section 53A-15-1006. ←Ĥ