STATEWIDE ONLINE EDUCATION PROGRAM AMENDMENTS 1 2 2012 GENERAL SESSION 3 STATE OF UTAH 4 **Chief Sponsor: Howard A. Stephenson** House Sponsor: Bradley M. Daw 5 6 7 LONG TITLE 8 **General Description:** 9 This bill modifies provisions related to the Statewide Online Education Program. 10 **Highlighted Provisions:** This bill: 11 12 requires the program name, "Statewide Online Education Program," to be used in 13 the dissemination of information on the program; 14 provides that the State Board of Education, including an employee of the State 15 Board of Education, may not give preference to an online course or online course 16 provider; 17 modifies the fees paid to an online course provider for an online course; 18 modifies the date when an online course provider receives payment for an online 19 course; 20 prescribes when a student may withdraw from an online course; 21 prescribes procedures for the completion of a course credit acknowledgement; 22 prohibits a student who enrolls in an online course from being counted in 23 membership for a released-time class, if counting the student in membership for a 24 released-time class would result in the student being counted as more than one FTE; 25 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	 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
34	makes technical changes.
35	Money Appropriated in this Bill:
36	None
37	Other Special Clauses:
38	This bill provides revisor instructions.
39	Utah Code Sections Affected:
40	AMENDS:
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
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:
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	Uncodified Material Affected:

AMENDS UNCODIFIED MATERIAL:
Uncodified Section 20, Laws of Utah 2011, Chapter 419
This uncodified section affects Sections 53A-15-1002 (Superseded 07/01/12),
53A-15-1002 (Effective 07/01/12), 53A-15-1006 (Superseded 07/01/12), and 53A-15-1006
(Effective 07/01/12).
Be it enacted by the Legislature of the state of Utah:
Section 1. Section 53A-15-1008 is enacted to read:
53A-15-1008. Review by legislative auditor general.
(1) The legislative auditor general shall conduct a performance audit of the Electronic
High School.
(2) In conducting the performance audit of the Electronic High School, the legislative
auditor general shall develop performance metrics using factors such as:
(a) course completion rate;
(b) number of credits earned; and
(c) cost of providing online courses.
(3) The legislative auditor general shall use the performance metrics developed under
Subsection (2) to evaluate the Electronic High School in comparison with other online
programs.
Section 2. Section 53A-15-1201.5 is enacted to read:
<u>53A-15-1201.5.</u> Program name.
(1) The program created under this part shall be known as the "Statewide Online
Education Program."
(2) The program name, "Statewide Online Education Program," shall be used in the
dissemination of information on the program.
Section 3. Section 53A-15-1202 is amended to read:
53A-15-1202. Definitions.
As used in this part:
[(1) "Adjusted per pupil revenues" means an amount equal to average charter high
school per pupil revenues times 0.77.]
[(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)] <u>(2)</u> "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)] <u>(3)</u> "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 4. 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), is
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.
151	Section 5. 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	(1) beginning with the [2012-13] <u>2013-14</u> school year, the Electronic High School
156	established in Part 10, Electronic High School Act;
157	(2) beginning with the 2011-12 school year, a charter school or district school created
158	exclusively for the purpose of serving students online; and
159	(3) beginning with the 2011-12 school year, an LEA program, approved by the LEA's
160	governing board, that is created exclusively for the purpose of serving students online.
161	Section 6. 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;

101	(e) \$330 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	<u>53A-15-1206.5</u> ;
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 [$\frac{(3)}{(5)}$] ($\frac{5}{(5)}$ (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 7. 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).
238	Section 8. 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 53A-15-1207; 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	[(e)] (b) the student's primary LEA of enrollment acknowledges that the State Board of
250	Education will deduct an amount equal to the online course fee from funds allocated to the
251	LEA under Chapter 17a, Minimum School Program Act.
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 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 LEA of enrollment for course selection
259	verification or the online course provider for acceptance.
260	(c) (i) An LEA of enrollment may only reject a course credit 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) An LEA of enrollment or online course provider shall submit an 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 LEA of enrollment the online course start 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 LEA of enrollment for the purpose of assisting a student with future online course
282	selection.
283	(h) If an LEA of enrollment does not submit an acceptance or rejection 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 LEA of 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 LEA of 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 LEA of enrollment shall forward the IEP or description of 504
295	accommodations to the online course provider within 72 business hours after the LEA of
296	enrollment receives notice that the online course provider accepted the course credit
297	acknowledgement.
298	Section 9. 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

303	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	$[\frac{(3)}{2}]$ (4) Except as provided in Subsection $[\frac{(4)}{2}]$ (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)[7]; or
318	(b) if allowed under local school board or charter school governing board policy.
319	Section 10. 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	[(c)] (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 11. 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

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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 12. Section 53A-15-1212.5 is enacted to read:
378	53A-15-1212.5. Declaration of intent to enroll in an online course Adding or
379	dropping an online course.
380	(1) To provide an LEA and online course providers with estimates of online course
381	enrollment, a declaration of intent to enroll in online courses pursuant to Section 53A-15-1204
382	may take place during the high school course registration period designated by the LEA.
383	(2) Notwithstanding Subsection (1), a student may enroll in an online course at any
384	time during a calendar year 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	<u>Section 53A-15-1209.</u>
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.
399	Section 13. 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 14. 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	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] <u>2013</u> .
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	<u>2013.</u>