

Senator Howard A. Stephenson proposes the following substitute bill:

STATEWIDE ONLINE EDUCATION AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: Bradley G. Last

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

▶ provides that a student's participation in the Statewide Online Education Program is not considered dual enrollment;

~~⌚→ [→ allows an institution within the state system of higher education to offer a secondary school level course or a concurrent enrollment course through the Statewide Online Education Program;] ←⌚~~

- ▶ provides that the website for the Statewide Online Education Program includes:
- a directory of available online courses with the online course provider listed for each course; and
 - a registration page where a parent or guardian may submit an online course request;
- ▶ specifies procedures for course registration, the payment of online course fees, and services for a student with a disability that are applicable to a private school or home school student enrolled in the program; and
- ▶ makes technical amendments.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 53A-15-1202, as last amended by Laws of Utah 2012, Chapter 238

33 53A-15-1203, as enacted by Laws of Utah 2011, Chapter 419

34 53A-15-1204, as last amended by Laws of Utah 2012, Chapter 238

35 ~~H→ [53A-15-1205, as last amended by Laws of Utah 2012, Chapter 238] ←H~~

36 53A-15-1207, as last amended by Laws of Utah 2012, Chapter 238

37 53A-15-1208, as last amended by Laws of Utah 2012, Chapter 238

38 53A-15-1212, as last amended by Laws of Utah 2012, Chapter 238

39 ~~H→ [53B-2a-106, as last amended by Laws of Utah 2009, Chapter 346] ←H~~

40 ENACTS:

41 53A-15-1211.3, Utah Code Annotated 1953

42 53A-15-1218, Utah Code Annotated 1953

43 ~~H→ [53B-16-108, Utah Code Annotated 1953] ←H~~



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

46 Section 1. Section 53A-15-1202 is amended to read:

47 **53A-15-1202. Definitions.**

48 As used in this part:

49 (1) "District school" means a public school under the control of a local school board
50 elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School
51 Boards.

52 (2) (a) "Eligible student" means:

53 ~~(a)~~ (i) a student enrolled in a district school or charter school in Utah; or

54 ~~(b)~~ (ii) beginning on July 1, 2013, a student:

55 ~~(i)~~ (A) who attends a private school or home school; and

56 ~~(ii)~~ (B) whose custodial parent or legal guardian is a resident of Utah.

119 program, if the student is participating in an international baccalaureate program.

120 (b) The requirement of Subsection (1)(a)(iii) does not apply to a private school or home
 121 school student.

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

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

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

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

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

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

129 (3) Notwithstanding Subsection (2):

130 (a) a student's primary LEA of enrollment may allow an eligible student to enroll in
 131 online courses for more than the number of credits specified in Subsection (2); or

132 (b) upon the request of an eligible student, the State Board of Education may allow the
 133 student to enroll in online courses for more than the number of credits specified in Subsection
 134 (2), if the online courses better meet the academic goals of the student.

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

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

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

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

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

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

145 (6) The State Board of Education, including an employee of the State Board of
 146 Education, may not give preference to an online course or online course provider.

147 (7) (a) Except as provided in Subsection (7)(b), a person may not provide an
 148 inducement or incentive to a public school student to participate in the Statewide Online
 149 Education Program.

149a **H→ (8) An online course provider and a primary LEA of enrollment may not discriminate**
 149b **in the enrollment of students in online courses on the same basis as other public schools may**
 149c **not discriminate in the enrollment of students.** ←H

- 150 (b) For purposes of Subsection (7)(a):
- 151 (i) "Inducement or incentive" does not mean:
- 152 (A) instructional materials or software necessary to take an online course; or
- 153 (B) access to a computer or digital learning device for the purpose of taking an online
- 154 course.
- 155 (ii) "Person" does not include a relative of the public school student.

156 ~~§~~ → [Section 4. Section 53A-15-1205 is amended to read:

157 ~~53A-15-1205. Authorized online course providers:~~

158 ~~The following entities may offer online courses to eligible students through the~~

159 ~~Statewide Online Education Program:~~

160 ~~(1) [beginning with the 2011-12 school year,] a charter school or district school created~~

161 ~~exclusively for the purpose of serving students online; [and]~~

162 ~~(2) [beginning with the 2011-12 school year,] an LEA program, approved by the LEA's~~

163 ~~governing board, that is created exclusively for the purpose of serving students online[.]; and~~

164 ~~(3) a program of an institution of higher education listed in Section 53B-2-101 that:~~

165 ~~(a) offers secondary school level courses or concurrent enrollment courses; and~~

166 ~~(b) is created exclusively for the purpose of serving students online.] ← §~~

167 Section 5. Section 53A-15-1207 is amended to read:

168 **53A-15-1207. State Board of Education to deduct funds and make payments --**

169 **Plan for the payment of online courses taken by private and home school students.**

170 (1) (a) The State Board of Education shall deduct money from funds allocated to the

171 student's primary LEA of enrollment under Chapter 17a, Minimum School Program Act, to pay

172 for online course fees.

173 (b) Money shall be deducted under Subsection (1) in the amount and at the time an

174 online course provider qualifies to receive payment for an online course as provided in

175 Subsection 53A-15-1206(4).

176 (2) From money deducted under Subsection (1), the State Board of Education shall

177 make payments to the student's online course provider as provided in Section 53A-15-1206.

178 ~~[(3) The Legislature shall establish a plan, which shall take effect beginning on July 1,~~

179 ~~2013, for the payment of online courses taken by a private school or home school student.]~~

180 (3) From money appropriated for the participation of private school and home school

212 require a meeting with the student.

213 (d) An online course provider may only reject a course credit acknowledgment if:

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

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

216 (e) A primary LEA of enrollment or online course provider shall submit an acceptance
217 or rejection of a course credit acknowledgment to the State Board of Education within 72
218 business hours of the receipt of a course credit acknowledgment from the State Board of
219 Education pursuant to Subsection (3)(b).

220 (f) If an online course provider accepts a course credit acknowledgment, the online
221 course provider shall forward to the primary LEA of enrollment the online course start date as
222 established under Section 53A-15-1206.5.

223 (g) If an online course provider rejects a course credit acknowledgment, the online
224 course provider shall include an explanation which the State Board of Education shall forward
225 to the primary LEA of enrollment for the purpose of assisting a student with future online
226 course selection.

227 (h) If a primary LEA of enrollment does not submit an acceptance or rejection of a
228 course credit acknowledgment to the State Board of Education within 72 business hours of the
229 receipt of a course credit acknowledgment from the State Board of Education pursuant to
230 Subsection (3)(b), the State Board of Education shall consider the course credit
231 acknowledgment accepted.

232 (i) (i) Upon acceptance of a course credit acknowledgment, the primary LEA of
233 enrollment shall notify the student of the acceptance and the start date for the online course as
234 established under Section 53A-15-1206.5.

235 (ii) Upon rejection of a course credit acknowledgment, the primary LEA of enrollment
236 shall notify the student of the rejection and provide an explanation of the rejection.

237 (j) If the online course student has an individual education plan (IEP) or 504
238 accommodations, the primary LEA of enrollment shall forward the IEP or description of 504
239 accommodations ~~H→~~ , **for the adoption of the IEP or 504 accommodations,** ~~←H~~ to the online
239a course provider within 72 business hours after the primary LEA
240 of enrollment receives notice that the online course provider accepted the course credit
241 acknowledgment.

242 (4) (a) A primary LEA of enrollment may not reject a course credit acknowledgment,

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

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

277 (c) a directory of available online courses with the online course [providers] provider
278 listed for each online course;

279 (d) a link to [~~a course catalog for~~] each online course [~~provider~~] provider's website;
280 [~~and~~]

281 (e) a report on the performance of online course providers as required by Section
282 53A-15-1211[-]; and

283 (f) a registration page for a parent or guardian to submit an online course request,
284 which the State Board of Education shall forward to a student's primary LEA of enrollment and
285 the online course provider for verification and execution.

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

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

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

291 (c) a course catalog;

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

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

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

300 (g) the online learning provider's pupil-teacher ratio for the online courses combined.
301 Section 9. Section **53A-15-1218** is enacted to read:

302 **53A-15-1218. Services to a private school or home school student with a disability.**

303 ~~H→~~ **(1) ←H A private school or home school student with a disability who enrolls in an**
303a **online**

304 **course, and who may need additional education services or accommodations, may H→ :**

304a **(a) ←H request**

305 appropriate education services or accommodations through the ~~H~~→ [student's school district of
 306 residence.] online course provider; and

306a (b) may receive special education services through the online course provider, if the
 306b private school or home school student qualifies for special education services under Part 3,
 306c Education of Children with Disabilities, and rules adopted by the State Board of Education
 306d under that part.

306e (2) If a private school or home school student who qualifies for special education
 306f services pursuant to Subsection (1) enrolls in online courses with more than one online course
 306g provider, the student shall receive special education services in accordance with rules adopted
 306h by the State Board of Education that provide for cooperation and coordination in the
 306i provision of special education services.

306j (3) An online course provider that provides special education services to a private
 306k school or home school student with a disability in accordance with Part 3, Education of
 306l Children with Disabilities, and rules adopted by the State Board of Education under that part,
 306m qualifies for funding for students with disabilities under Section 53A-17a-111 to the extent the
 306n private school or home school student is enrolled in an online course.

307 ~~[Section 10. Section 53B-2a-106 is amended to read:~~

308 ~~———— 53B-2a-106. College campuses -- Duties.~~

309 ~~———— (1) Each Utah College of Applied Technology college campus shall, within the~~
 310 ~~geographic area served by the college campus:~~

311 ~~———— (a) offer a non-credit post-secondary and secondary career and technical education~~
 312 ~~curriculum;~~

313 ~~———— (b) offer that curriculum at:~~

314 ~~———— (i) low cost to adult students, as approved by the board of trustees; and~~

315 ~~———— (ii) no tuition to secondary students;~~

316 ~~———— (c) provide career and technical education that will result in:~~

317 ~~———— (i) appropriate licensing, certification, or other evidence of completion of training; and~~

318 ~~———— (ii) qualification for specific employment, with an emphasis on high demand, high~~
 319 ~~wage, and high skill jobs in business and industry;~~

320 ~~———— (d) develop cooperative agreements with school districts, charter schools, other higher~~
 321 ~~education institutions, businesses, industries, and community and private agencies to maximize~~
 322 ~~the availability of instructional facilities within the geographic area served by the college~~
 323 ~~campus; and~~

324 ~~———— (e) after consulting with school districts and charter schools within the geographic area~~
 325 ~~served by the college campus:~~

326 ~~———— (i) ensure that secondary students in the public education system have access to career ←H~~

327 ~~It~~ and technical education at each college campus; and
328 ~~—— (ii) prepare and submit an annual report to the Utah College of Applied Technology~~
329 ~~detailing:~~
330 ~~—— (A) how the career and technical education needs of secondary students within the~~
331 ~~region are being met;~~
332 ~~—— (B) what access secondary students within the region have to programs offered at~~
333 ~~college campuses;~~
334 ~~—— (C) how the emphasis on high demand, high wage, high skill jobs in business and~~
335 ~~industry described in Subsection (1)(c)(ii) is being provided; and] ~~It~~~~

336 ~~Ĥ→ [(D) student tuition and fees.~~
 337 ~~———— (2) A college campus may offer:~~
 338 ~~———— (a) a competency-based high school diploma approved by the State Board of Education~~
 339 ~~in accordance with Section 53A-1-402;~~
 340 ~~———— (b) non-credit, basic instruction in areas such as reading, language arts, and~~
 341 ~~mathematics that are necessary for student success in a chosen career and technical education~~
 342 ~~or job-related program; [and]~~
 343 ~~———— (c) non-credit courses of interest when similar offerings to the community are limited~~
 344 ~~and courses are financially self-supporting[.]; and~~
 345 ~~———— (d) secondary school level courses through the Statewide Online Education Program~~
 346 ~~created in Title 53A, Chapter 15, Part 12, Statewide Online Education Program Act.~~
 347 ~~———— (3) [A] Except as provided in Subsection (2)(d), a college campus may not:~~
 348 ~~———— (a) offer courses other than non-credit career and technical education or the non-credit,~~
 349 ~~basic instruction described in Subsections (2)(b) and (c);~~
 350 ~~———— (b) offer a degree;~~
 351 ~~———— (c) offer career and technical education or basic instruction outside the geographic area~~
 352 ~~served by the college campus without a cooperative agreement between an affected institution,~~
 353 ~~except as provided in Subsection (6);~~
 354 ~~———— (d) provide tenure or academic rank for its instructors; and~~
 355 ~~———— (e) participate in intercollegiate athletics.~~
 356 ~~———— (4) The mission of a college campus is limited to non-credit career and technical~~
 357 ~~education and may not expand to include credit-based academic programs typically offered by~~
 358 ~~community colleges or other institutions of higher education.~~
 359 ~~———— (5) A campus shall be recognized as a college campus of the Utah College of Applied~~
 360 ~~Technology, and regional affiliation shall be retained and recognized through local~~
 361 ~~designations such as "Bridgerland Applied Technology College: A Utah College of Applied~~
 362 ~~Technology Campus."~~
 363 ~~———— (6) (a) A college campus may offer career and technical education or basic instruction~~
 364 ~~outside the geographic area served by the college campus without a cooperative agreement, as~~
 365 ~~required in Subsection (3)(c), if:~~
 366 ~~———— (i) the career and technical education or basic instruction is specifically requested by:] ←Ĥ~~

367 ~~Ĥ→ [(A) an employer; or~~
368 ~~———— (B) a craft, trade, or apprenticeship program;~~
369 ~~———— (ii) the college campus notifies the affected institution about the request; and~~
370 ~~———— (iii) the affected institution is given an opportunity to make a proposal, prior to any~~
371 ~~contract being finalized or training being initiated by the college campus, to the employer;~~
372 ~~craft, trade, or apprenticeship program about offering the requested career and technical~~
373 ~~education or basic instruction, provided that the proposal shall be presented no later than one~~
374 ~~business week from the delivery of the notice described under Subsection (6)(b):~~
375 ~~———— (b) The requirements under Subsection (6)(a)(iii) do not apply if there is a prior~~
376 ~~training relationship.~~
377 ~~———— Section 11. Section 53B-16-108 is enacted to read:~~
378 ~~———— 53B-16-108. Courses offered through the Statewide Online Education Program.~~
379 ~~———— An institution of higher education listed in Section 53B-2-101 may offer secondary~~
380 ~~school level courses or concurrent enrollment courses through the Statewide Online Education~~
381 ~~Program created in Title 53A, Chapter 15, Part 12, Statewide Online Education Program Act.] ←Ĥ~~