

1 STATEWIDE ONLINE EDUCATION AMENDMENTS

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Howard A. Stephenson

5 House Sponsor: \_\_\_\_\_

6  
7 LONG TITLE

8 General Description:

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

10 Highlighted Provisions:

11 This bill:

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

14 ▶ allows an institution within the state system of higher education to offer a secondary  
15 school level course or a concurrent enrollment course through the Statewide Online  
16 Education Program;

17 ▶ provides that the website for the Statewide Online Education Program includes:

18 • a directory of available online courses with the online course provider listed for  
19 each course; and

20 • a registration page where a parent or guardian may submit an online course  
21 request;

22 ▶ specifies procedures for course registration, the payment of online course fees, and  
23 services for a student with a disability that are applicable to a private school or  
24 home school student enrolled in the program; and

25 ▶ 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 **53A-15-1205**, as last amended by Laws of Utah 2012, Chapter 238

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-15-1209**, as last amended by Laws of Utah 2012, Chapter 238

39 **53A-15-1212**, as last amended by Laws of Utah 2012, Chapter 238

40 **53B-2a-106**, as last amended by Laws of Utah 2009, Chapter 346

41 ENACTS:

42 **53A-15-1211.3**, Utah Code Annotated 1953

43 **53A-15-1218**, Utah Code Annotated 1953

44 **53B-16-108**, Utah Code Annotated 1953



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

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

48 **53A-15-1202. Definitions.**

49 As used in this part:

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

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

54 [(a)] (i) a student enrolled in a district school or charter school in Utah; or

55 [(b)] (ii) beginning on July 1, 2013, a student:

56 [(i)] (A) who attends a private school or home school; and

57 [(ii)] (B) whose custodial parent or legal guardian is a resident of Utah.

58 (b) "Eligible student" includes a student in a grade below grade 9 if the student's

59 primary LEA of enrollment allows the student to take a course required for high school  
 60 graduation.

61 (3) "Individualized education program" or "IEP" means a written statement for a  
 62 student with a disability that is developed, reviewed, and revised in accordance with the  
 63 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

64 [~~(3)~~] (4) "LEA" means a local education agency in Utah that has administrative control  
 65 and direction for public education.

66 [~~(4)~~] (5) "Online course" means a course of instruction offered by the Statewide Online  
 67 Education Program through the use of digital technology.

68 [~~(5)~~] (6) "Primary LEA of enrollment" means the LEA in which an eligible student is  
 69 enrolled for courses other than online courses offered through the Statewide Online Education  
 70 Program.

71 [~~(6)~~] (7) "Released-time" means a period of time during the regular school day a  
 72 student is excused from school at the request of the student's parent or guardian pursuant to  
 73 rules of the State Board of Education.

74 (8) "Student education/occupation plan" or "SEOP" has the meaning defined in Section  
 75 53A-1a-106.

76 Section 2. Section **53A-15-1203** is amended to read:

77 **53A-15-1203. Statewide Online Education Program created -- Designated as**  
 78 **program of the public education system -- Purposes.**

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

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

83 (3) A student's participation in the Statewide Online Education Program is not  
 84 considered dual enrollment under Section 53A-11-102.5.

85 [~~(3)~~] (4) The purposes of an online school are to:

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

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

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

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

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

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

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

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

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

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

107 Section 3. Section **53A-15-1204** is amended to read:

108 **53A-15-1204. Option to enroll in online courses offered through the Statewide**  
109 **Online Education Program.**

110 (1) (a) Subject to the course limitations provided in Subsection (2) and except as  
111 provided in Subsection (1)(b), an eligible student may enroll in an online course offered  
112 through the Statewide Online Education Program if:

113 ~~[(a)]~~ (i) the student meets the course prerequisites;

114 ~~[(b)]~~ (ii) the course is open for enrollment;

115 ~~[(c)]~~ (iii) the online course is aligned with the student's student education/occupation  
116 plan (SEOP);

117 ~~[(d)]~~ (iv) the online course is consistent with the student's [~~individual education plan~~]  
118 individualized education program (IEP), if the student has an IEP; and

119 ~~[(e)]~~ (v) the online course is consistent with the student's international baccalaureate  
120 program, if the student is participating in an international baccalaureate program.

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

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

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

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

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

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

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

130           (3) Notwithstanding Subsection (2):

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

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

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

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

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

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

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

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

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

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

151           (b) For purposes of Subsection (7)(a):

152 (i) "Inducement or incentive" does not mean:  
 153 (A) instructional materials or software necessary to take an online course; or  
 154 (B) access to a computer or digital learning device for the purpose of taking an online  
 155 course.

156 (ii) "Person" does not include a relative of the public school student.

157 Section 4. Section **53A-15-1205** is amended to read:

158 **53A-15-1205. Authorized online course providers.**

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

161 (1) [~~beginning with the 2011-12 school year,~~] a charter school or district school created  
 162 exclusively for the purpose of serving students online; [~~and~~]

163 (2) [~~beginning with the 2011-12 school year,~~] an LEA program, approved by the LEA's  
 164 governing board, that is created exclusively for the purpose of serving students online[~~;~~]; and

165 (3) a program of an institution of higher education that:

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

167 (b) is created exclusively for the purpose of serving students online.

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

169 **53A-15-1207. State Board of Education to deduct funds and make payments --**

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

171 (1) (a) The State Board of Education shall deduct money from funds allocated to the  
 172 student's primary LEA of enrollment under Chapter 17a, Minimum School Program Act, to pay  
 173 for online course fees.

174 (b) Money shall be deducted under Subsection (1) in the amount and at the time an  
 175 online course provider qualifies to receive payment for an online course as provided in  
 176 Subsection **53A-15-1206**(4).

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

179 [~~(3) The Legislature shall establish a plan, which shall take effect beginning on July 1,  
 180 2013, for the payment of online courses taken by a private school or home school student.]~~

181 (3) From money appropriated for the participation of private school and home school  
 182 students in the Statewide Online Education Program, the State Board of Education shall make

183 payments to a private school or home school student's online course provider as provided in  
184 Section 53A-15-1206.

185 Section 6. Section **53A-15-1208** is amended to read:

186 **53A-15-1208. Course credit acknowledgment for a public school student.**

187 (1) A student's primary LEA of enrollment and the student's online course provider  
188 shall enter into a course credit acknowledgment in which the primary LEA of enrollment and  
189 the online course provider acknowledge that the online course provider is responsible for the  
190 instruction of the student in a specified online course.

191 (2) The terms of the course credit acknowledgment for a public school student shall  
192 provide that:

193 (a) the online course provider shall receive a payment in the amount provided under  
194 Section [53A-15-1206](#); and

195 (b) the student's primary LEA of enrollment acknowledges that the State Board of  
196 Education will deduct funds allocated to the LEA under Chapter 17a, Minimum School  
197 Program Act, in the amount and at the time the online course provider qualifies to receive  
198 payment for the online course as provided in Subsection [53A-15-1206\(4\)](#).

199 (3) (a) A course credit acknowledgment for a public school student may originate with  
200 either an online course provider or primary LEA of enrollment.

201 (b) The originating entity shall submit the course credit acknowledgment to the State  
202 Board of Education who shall forward it to the primary LEA of enrollment for course selection  
203 verification or the online course provider for acceptance.

204 (c) (i) A primary LEA of enrollment may only reject a course credit acknowledgment  
205 if:

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

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

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

210 (D) the number of online course credits exceeds the maximum allowed for the year as  
211 provided in Section [53A-15-1204](#).

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

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

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

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

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

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

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

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

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

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

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

243 (4) (a) A primary LEA of enrollment may not reject a course credit acknowledgment,  
244 because the LEA is negotiating, or intends to negotiate, an online course fee with the online



245 course provider pursuant to Subsection [53A-15-1206](#)(6).

246 (b) If a primary LEA of enrollment negotiates an online course fee with an online  
247 course provider before the start date of an online course, a course credit acknowledgment may  
248 be amended to reflect the negotiated online course fee.

249 Section 7. Section **53A-15-1209** is amended to read:

250 **53A-15-1209. Online course credit hours included in daily membership --**

251 **Limitation -- Exception for a private school or home school student.**

252 (1) Subject to Subsection (2) and except as provided in Subsection (6), a student's  
253 primary LEA of enrollment shall include online course credit hours in calculating daily  
254 membership.

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

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

261 (4) Except as provided in Subsection (5), a student enrolled in an online course may  
262 earn no more credits in a year than the number of credits a student may earn in a year by taking  
263 a full course load during the regular school day in the student's primary LEA of enrollment.

264 (5) A student enrolled in an online course may earn more credits in a year than the  
265 number of credits a student may earn in a year by taking a full course load during the regular  
266 school day in the student's primary LEA of enrollment:

267 (a) if the student intends to complete high school graduation requirements, and exit  
268 high school, early, in accordance with the student's education/occupation plan (SEOP); or

269 (b) if allowed under local school board or charter school governing board policy.

270 (6) A public school may not include online course credit hours of a private school or  
271 home school student in calculating daily membership.

272 Section 8. Section **53A-15-1211.3** is enacted to read:

273 **53A-15-1211.3. Course credit acknowledgment for a private school or home**  
274 **school student.**

275 (1) The terms of a course credit acknowledgment for a private school or home school

276 student include:

277 (a) the online course provider shall acknowledge that the online course provider is  
278 responsible for the instruction of the student in a specified online course; and

279 (b) the online course provider shall receive a payment in the amount provided under  
280 Section [53A-15-1206](#).

281 (2) A course credit acknowledgment for a private school or home school student may  
282 originate with either an online course provider or the student's parent or guardian.

283 (3) An online course provider may only reject a course credit acknowledgment if:

284 (a) the private school or home school student does not meet course prerequisites; or

285 (b) the course is not open for enrollment.

286 (4) If an online course provider accepts a course credit acknowledgment for a private  
287 school or home school student, the online course provider shall notify the student's parent or  
288 guardian of the online course start date as established under Section [53A-15-1206.5](#).

289 (5) If an online course provider rejects a course credit acknowledgment for a private  
290 school or home school student, the online course provider shall notify the student's parent or  
291 guardian and include an explanation for the purpose of assisting the student with future online  
292 course selection.

293 Section 9. Section **53A-15-1212** is amended to read:

294 **53A-15-1212. Dissemination of information on the Statewide Online Education**  
295 **Program.**

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

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

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

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

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

304 ~~[and]~~

305 (e) a report on the performance of online course providers as required by Section  
306 [53A-15-1211](#)~~[-]~~; and

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

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

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

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

315 (c) a course catalog;

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

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

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

324 (g) the online learning provider's pupil-teacher ratio for the online courses combined.

325 Section 10. Section **53A-15-1218** is enacted to read:

326 **53A-15-1218. Services to a private school or home school student with a disability.**

327 A private school or home school student with a disability who enrolls in an online  
328 course, and who may need additional education services or accommodations, may request  
329 appropriate education services or accommodations through the student's school district of  
330 residence.

331 Section 11. Section **53B-2a-106** is amended to read:

332 **53B-2a-106. College campuses -- Duties.**

333 (1) Each Utah College of Applied Technology college campus shall, within the  
334 geographic area served by the college campus:

335 (a) offer a non-credit post-secondary and secondary career and technical education  
336 curriculum;

337 (b) offer that curriculum at:

- 338 (i) low cost to adult students, as approved by the board of trustees; and
- 339 (ii) no tuition to secondary students;
- 340 (c) provide career and technical education that will result in:
  - 341 (i) appropriate licensing, certification, or other evidence of completion of training; and
  - 342 (ii) qualification for specific employment, with an emphasis on high demand, high
  - 343 wage, and high skill jobs in business and industry;
- 344 (d) develop cooperative agreements with school districts, charter schools, other higher
- 345 education institutions, businesses, industries, and community and private agencies to maximize
- 346 the availability of instructional facilities within the geographic area served by the college
- 347 campus; and
- 348 (e) after consulting with school districts and charter schools within the geographic area
- 349 served by the college campus:
  - 350 (i) ensure that secondary students in the public education system have access to career
  - 351 and technical education at each college campus; and
  - 352 (ii) prepare and submit an annual report to the Utah College of Applied Technology
  - 353 detailing:
    - 354 (A) how the career and technical education needs of secondary students within the
    - 355 region are being met;
    - 356 (B) what access secondary students within the region have to programs offered at
    - 357 college campuses;
    - 358 (C) how the emphasis on high demand, high wage, high skill jobs in business and
    - 359 industry described in Subsection (1)(c)(ii) is being provided; and
    - 360 (D) student tuition and fees.
  - 361 (2) A college campus may offer:
    - 362 (a) a competency-based high school diploma approved by the State Board of Education
    - 363 in accordance with Section [53A-1-402](#);
    - 364 (b) non-credit, basic instruction in areas such as reading, language arts, and
    - 365 mathematics that are necessary for student success in a chosen career and technical education
    - 366 or job-related program; [~~and~~]
    - 367 (c) non-credit courses of interest when similar offerings to the community are limited
    - 368 and courses are financially self-supporting[~~;~~]; and

369           (d) secondary school level courses or concurrent enrollment courses through the  
370 Statewide Online Education Program created in Title 53A, Chapter 15, Part 12, Statewide  
371 Online Education Program Act.

372           (3) [A] Except as provided in Subsection (2)(d), a college campus may not:

373           (a) offer courses other than non-credit career and technical education or the non-credit,  
374 basic instruction described in Subsections (2)(b) and (c);

375           (b) offer a degree;

376           (c) offer career and technical education or basic instruction outside the geographic area  
377 served by the college campus without a cooperative agreement between an affected institution,  
378 except as provided in Subsection (6);

379           (d) provide tenure or academic rank for its instructors; and

380           (e) participate in intercollegiate athletics.

381           (4) The mission of a college campus is limited to non-credit career and technical  
382 education and may not expand to include credit-based academic programs typically offered by  
383 community colleges or other institutions of higher education.

384           (5) A campus shall be recognized as a college campus of the Utah College of Applied  
385 Technology, and regional affiliation shall be retained and recognized through local  
386 designations such as "Bridgerland Applied Technology College: A Utah College of Applied  
387 Technology Campus."

388           (6) (a) A college campus may offer career and technical education or basic instruction  
389 outside the geographic area served by the college campus without a cooperative agreement, as  
390 required in Subsection (3)(c), if:

391           (i) the career and technical education or basic instruction is specifically requested by:

392           (A) an employer; or

393           (B) a craft, trade, or apprenticeship program;

394           (ii) the college campus notifies the affected institution about the request; and

395           (iii) the affected institution is given an opportunity to make a proposal, prior to any  
396 contract being finalized or training being initiated by the college campus, to the employer,  
397 craft, trade, or apprenticeship program about offering the requested career and technical  
398 education or basic instruction, provided that the proposal shall be presented no later than one  
399 business week from the delivery of the notice described under Subsection (6)(b).

400 (b) The requirements under Subsection (6)(a)(iii) do not apply if there is a prior  
401 training relationship.

402 Section 12. Section **53B-16-108** is enacted to read:

403 **53B-16-108. Courses offered through the Statewide Online Education Program.**

404 An institution of higher education listed in Section [53B-2-101](#) may offer secondary  
405 school level courses or concurrent enrollment courses through the Statewide Online Education  
406 Program created in Title 53A, Chapter 15, Part 12, Statewide Online Education Program Act.

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**Legislative Review Note**  
**as of 3-3-14 7:40 AM**

**Office of Legislative Research and General Counsel**