

**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

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

39 **53B-2a-106**, as last amended by Laws of Utah 2009, Chapter 346

40 ENACTS:

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

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

43 **53B-16-108**, Utah Code Annotated 1953



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.

57 (b) "Eligible student" includes a student in a grade below grade 9 if the student's  
58 primary LEA of enrollment allows the student to take a course required for high school  
59 graduation.

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

63 [~~(3)~~] (4) "LEA" means a local education agency in Utah that has administrative control  
64 and direction for public education.

65 [~~(4)~~] (5) "Online course" means a course of instruction offered by the Statewide Online  
66 Education Program through the use of digital technology.

67 [~~(5)~~] (6) "Primary LEA of enrollment" means the LEA in which an eligible student is  
68 enrolled for courses other than online courses offered through the Statewide Online Education  
69 Program.

70 [~~(6)~~] (7) "Released-time" means a period of time during the regular school day a  
71 student is excused from school at the request of the student's parent or guardian pursuant to  
72 rules of the State Board of Education.

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

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

76 **53A-15-1203. Statewide Online Education Program created -- Designated as**  
77 **program of the public education system -- Purposes.**

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

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

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

84 [~~(3)~~] (4) The purposes of an online school are to:

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

87 (b) provide high quality learning options for a student regardless of language,

88 residence, family income, or special needs;

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

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

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

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

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

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

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

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

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

107 **53A-15-1204. Option to enroll in online courses offered through the Statewide**  
108 **Online Education Program.**

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

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

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

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

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

118 ~~[(e)]~~ (v) the online course is consistent with the student's international baccalaureate

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.

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

181 students in the Statewide Online Education Program, the State Board of Education shall make  
182 payments to a private school or home school student's online course provider as provided in  
183 Section 53A-15-1206.

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

185 **53A-15-1208. Course credit acknowledgment for a public school student.**

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

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

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

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

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

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

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

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

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

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

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

211 (ii) Verification of alignment of an online course with a student's SEOP does not

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 to the online 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,



243 because the LEA is negotiating, or intends to negotiate, an online course fee with the online  
244 course provider pursuant to Subsection [53A-15-1206](#)(6).

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

248 Section 7. Section **53A-15-1211.3** is enacted to read:

249 **53A-15-1211.3. Course credit acknowledgment for a private school or home**  
250 **school student.**

251 (1) The terms of a course credit acknowledgment for a private school or home school  
252 student include:

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

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

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

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

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

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

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

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

269 Section 8. Section **53A-15-1212** is amended to read:

270 **53A-15-1212. Dissemination of information on the Statewide Online Education**  
271 **Program.**

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

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 A private school or home school student with a disability who enrolls in an online  
304 course, and who may need additional education services or accommodations, may request

305 appropriate education services or accommodations through the student's school district of  
306 residence.

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  
327 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

- 336 (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:

367 (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.