

1 **STATEWIDE ONLINE EDUCATION PROGRAM AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Kirk A. Cullimore**

5 House Sponsor: Kera Birkeland

6

7 **LONG TITLE**

8 **General Description:**

9 This bill expands the Statewide Online Education Program to allow an online course
10 provider to offer a middle school course.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ makes amendments including amendments to the purpose of the Statewide Online
- 15 Education Program to allow an online course provider through the Statewide Online
- 16 Education Program to offer middle school courses; and
- 17 ▶ makes technical and conforming changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

- 24 **53F-4-501**, as last amended by Laws of Utah 2019, Chapter 186
- 25 **53F-4-502**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 26 **53F-4-505**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 27 **53F-4-513**, as renumbered and amended by Laws of Utah 2018, Chapter 2



28

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

30 Section 1. Section **53F-4-501** is amended to read:

31 **53F-4-501. Definitions.**

32 As used in this part:

33 (1) "Credit" means credit for a high school course, or the equivalent for a middle
34 school course, as determined by the state board.

35 ~~[(1)]~~ (2) "Eligible student" means a student:

36 (a) [a student] who intends to take a course for middle school or high school credit; and

37 (b) (i) who is enrolled in a district school or charter school in Utah; or

38 ~~[(b) beginning on July 1, 2013, a student:]~~

39 ~~[(i)]~~ (ii) (A) who attends a private school or home school; and

40 ~~[(ii)]~~ (B) whose custodial parent is a resident of Utah.

41 (3) "High school" means grades 9, 10, 11, or 12.

42 (4) "Middle school" means grades 7 and 8.

43 ~~[(2)]~~ (5) "Online course" means a course of instruction offered by the Statewide Online
44 Education Program through the use of digital technology.

45 ~~[(3)]~~ (6) "Plan for college and career readiness" means the same as that term is defined
46 in Section 53E-2-304.

47 ~~[(4)]~~ (7) "Primary LEA of enrollment" means the LEA in which an eligible student is
48 enrolled for courses other than online courses offered through the Statewide Online Education
49 Program.

50 ~~[(5)]~~ (8) "Released-time" means a period of time during the regular school day a
51 student is excused from school at the request of the student's parent pursuant to rules of the
52 state board.

53 Section 2. Section **53F-4-502** is amended to read:

54 **53F-4-502. Statewide Online Education Program created -- Designated as**
55 **program of the public education system -- Purposes.**

56 (1) The Statewide Online Education Program is created to enable an eligible student to
57 ~~[earn high school graduation credit],~~ through the completion of publicly funded online
58 ~~courses[-]:~~

- 59 (a) earn high school graduation credit; or
- 60 (b) earn middle school credit.
- 61 (2) Pursuant to Utah Constitution, Article X, Section 2, the Statewide Online
- 62 Education Program is designated as a program of the public education system.
- 63 (3) The purposes of an online school are to:
- 64 (a) provide a student with access to online learning options regardless of where the
- 65 student attends school, whether a public, private, or home school;
- 66 (b) provide high quality learning options for a student regardless of language,
- 67 residence, family income, or special needs;
- 68 (c) provide online learning options to allow a student to acquire the knowledge and
- 69 technology skills necessary in a digital world;
- 70 (d) utilize the power and scalability of technology to customize education so that a
- 71 student may learn in the student's own style preference and at the student's own pace;
- 72 (e) utilize technology to remove the constraints of traditional classroom learning,
- 73 allowing a student to access learning virtually at any time and in any place and giving the
- 74 student the flexibility to take advantage of the student's peak learning time;
- 75 (f) provide personalized learning, where a student can spend as little or as much time
- 76 as the student needs to master the material;
- 77 (g) provide greater access to self-paced programs enabling a high achieving student to
- 78 accelerate academically, while a struggling student may have additional time and help to gain
- 79 competency;
- 80 (h) allow a student to customize the student's schedule to better meet the student's
- 81 academic goals;
- 82 (i) provide quality learning options to better prepare a student for post-secondary
- 83 education and vocational or career opportunities; and
- 84 (j) allow a student to have an individualized educational experience.
- 85 (4) The program created under this part shall be known as the "Statewide Online
- 86 Education Program."
- 87 (5) The program name, "Statewide Online Education Program," shall be used in the
- 88 dissemination of information on the program.
- 89 Section 3. Section **53F-4-505** is amended to read:

90 **53F-4-505. Payment for an online course.**

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

93 (a) \$200 for the following courses, except a concurrent enrollment course:

94 (i) financial literacy;

95 (ii) health;

96 (iii) fitness for life; and

97 (iv) computer literacy;

98 (b) \$200 for driver education;

99 (c) \$250 for a course that meets core standards for Utah public schools in fine arts or
100 career and technical education, except a concurrent enrollment course;

101 (d) \$300 for the following courses:

102 (i) a course that meets core standards for Utah public schools requirements in social
103 studies, except a concurrent enrollment course; and

104 (ii) a world language course, except a concurrent enrollment course;

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

106 (i) a course that meets core standards for Utah public schools requirements for
107 language arts, mathematics, or science; and

108 (ii) a concurrent enrollment course; and

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

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

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

115 (4) An online learning provider shall receive payment for an online course as follows:

116 (a) for a .5 credit online course, 50% of the online course fee after the withdrawal
117 period described in Section 53F-4-506;

118 (b) for a 1 credit online course, 25% of the online course fee after the withdrawal
119 period described in Section 53F-4-506 and 25% of the online course fee upon the beginning of
120 the second .5 credit of the online course; and

121 (c) if a student completes a 1 credit online course within 12 months or a .5 credit
 122 course within nine weeks following the end of a traditional semester, 50% of the online course
 123 fee.

124 (5) (a) If a student fails to complete a 1 credit course within 12 months or a .5 credit
 125 course within nine weeks following the end of a traditional semester, the student may continue
 126 to be enrolled in the course until the student graduates from high school.

127 (b) To encourage an online course provider to provide remediation to a student who
 128 remains enrolled in an online course pursuant to Subsection (5)(a) and avoid the need for credit
 129 recovery, an online course provider shall receive a payment equal to 30% of the online course
 130 fee if the student completes the online course:

131 (i) for a high school online course, before the student graduates from high school[-]; or
 132 (ii) for a middle school online course, before the student completes middle school.

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

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

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

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

141 Section 4. Section **53F-4-513** is amended to read:

142 **53F-4-513. Time period to enroll in an online course.**

143 (1) To provide an LEA and online course providers with estimates of online course
 144 enrollment, a student should enroll in an online course, or declare an intention to enroll in an
 145 online course~~[- during the high school course registration period designated by the LEA.]:~~

146 (a) for a high school online course, during the time period the LEA designates for high
 147 school course registration; or

148 (b) for a middle school online course, during the time period the LEA designates for
 149 middle school course registration.

150 (2) Notwithstanding Subsection (1) and except as provided in Subsection (3), a student
 151 may enroll in an online course at any time during a calendar year.

152 (3) (a) A student may alter a course schedule by dropping a traditional classroom
153 course and adding an online course consistent with course schedule alteration procedures
154 adopted by the student's primary LEA of enrollment [~~or high school~~].

155 (b) A school district's or high school's deadline for dropping a traditional classroom
156 course and adding an online course shall be the same deadline for dropping and adding a
157 traditional classroom course.