

Senator Kirk A. Cullimore proposes the following substitute bill:

STATEWIDE ONLINE EDUCATION PROGRAM AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kirk A. Cullimore

House Sponsor: Kera Birkeland

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ makes amendments, including amendments to the purpose of the Statewide Online Education Program, to allow an online course provider through the Statewide Online Education Program to offer online courses for middle school credit;
- ▶ establishes a limit on the number of middle school course credits a private school student may enroll in each year through the Statewide Online Education Program;
- ▶ establishes the dates on which eligible students may enroll in an online course for middle school credit;
- ▶ provides for the State Board of Education to prioritize enrollment for certain students if legislative appropriations are insufficient; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **53F-4-501**, as last amended by Laws of Utah 2019, Chapter 186

30 **53F-4-502**, as renumbered and amended by Laws of Utah 2018, Chapter 2

31 **53F-4-503**, as last amended by Laws of Utah 2019, Chapter 186

32 **53F-4-505**, as renumbered and amended by Laws of Utah 2018, Chapter 2

33 **53F-4-513**, as renumbered and amended by Laws of Utah 2018, Chapter 2



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

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

37 **53F-4-501. Definitions.**

38 As used in this part:

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

41 [~~(1)~~] (2) "Eligible student" means a student:

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

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

44 [~~(b) beginning on July 1, 2013, a student;~~]

45 (i) (ii) (A) who attends a private school or home school; and

46 (ii) (B) whose custodial parent is a resident of Utah.

47 (3) "High school" means grade 9, 10, 11, or 12.

48 (4) "Middle school" means grade 7 or 8.

49 [~~(2)~~] (5) "Online course" means a course of instruction offered by the Statewide Online
50 Education Program through the use of digital technology.

51 [~~(3)~~] (6) "Plan for college and career readiness" means the same as that term is defined
52 in Section **53E-2-304**.

53 [~~(4)~~] (7) "Primary LEA of enrollment" means the LEA in which an eligible student is
54 enrolled for courses other than online courses offered through the Statewide Online Education
55 Program.

56 [~~(5)~~] (8) "Released-time" means a period of time during the regular school day a

57 student is excused from school at the request of the student's parent pursuant to rules of the
58 state board.

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

60 **53F-4-502. Statewide Online Education Program created -- Designated as**
61 **program of the public education system -- Purposes.**

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

65 (a) earn high school graduation credit; or

66 (b) earn middle school credit.

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

69 (3) The purposes of an online school are to:

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

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

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

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

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

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

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

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

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

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

91 (4) The program created under this part shall be known as the "Statewide Online
92 Education Program."

93 (5) The program name, "Statewide Online Education Program," shall be used in the
94 dissemination of information on the program.

95 Section 3. Section **53F-4-503** is amended to read:

96 **53F-4-503. Option to enroll in online courses offered through the Statewide**
97 **Online Education Program.**

98 (1) Subject to ~~[the course limitations provided in Subsection (2);]~~ Subsections (2), (3),
99 and (9), an eligible student may enroll in an online course offered through the Statewide Online
100 Education Program if:

101 (a) the student meets the course prerequisites;

102 (b) the course is open for enrollment;

103 (c) the online course is aligned with the student's plan for college and career readiness;

104 (d) the online course is consistent with the student's IEP, if the student has an IEP; and

105 (e) the online course is consistent with the student's international baccalaureate

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

107 (2) ~~[An]~~ (a) Except as provided in Subsection (2)(b), an eligible student may enroll in
108 online courses for no more than [the following number of credits:] six credits per school year.

109 ~~[(a) in the 2011-12 and 2012-13 school years, two credits;]~~

110 ~~[(b) in the 2013-14 school year, three credits;]~~

111 ~~[(c) in the 2014-15 school year, four credits;]~~

112 ~~[(d) in the 2015-16 school year, five credits; and]~~

113 ~~[(e) beginning with the 2016-17 school year, six credits.]~~

114 (b) An eligible student may enroll in an online course for middle school credit for no
115 more than two credits per school year if the eligible student:

116 (i) does not have a primary LEA of enrollment; and

117 (ii) is enrolled in a private school.

118 (3) (a) An eligible student who has a primary LEA of enrollment may enroll in an

119 online course for middle school credit beginning January 1, 2022.

120 (b) An eligible student who does not have a primary LEA of enrollment may enroll in
121 an online course for middle school credit beginning in the 2022-2023 school year.

122 [~~3~~] (4) Notwithstanding Subsection (2):

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

125 (b) upon the request of an eligible student, the state board may allow the student to
126 enroll in online courses for more than the number of credits specified in Subsection (2), if the
127 online courses better meet the academic goals of the student.

128 [~~4~~] (5) An eligible student's primary LEA of enrollment:

129 (a) in conjunction with the student and the student's parent, is responsible for preparing
130 and implementing a plan for college and career readiness for the eligible student, as provided in
131 Section 53E-2-304; and

132 (b) shall assist an eligible student in scheduling courses in accordance with the
133 student's plan for college and career readiness, graduation requirements, and the student's
134 post-secondary plans.

135 [~~5~~] (6) An eligible student's primary LEA of enrollment may not:

136 (a) impose restrictions on a student's selection of an online course that fulfills
137 graduation requirements and is consistent with the student's plan for college and career
138 readiness or post-secondary plans; or

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

140 [~~6~~] (7) The state board, including an employee of the state board, may not give
141 preference to an online course or online course provider.

142 [~~7~~] (8) (a) Except as provided in Subsection [~~7~~] (8)(b), a person may not provide an
143 inducement or incentive to a public school student to participate in the Statewide Online
144 Education Program.

145 (b) For purposes of Subsection [~~7~~] (8)(a):

146 (i) "Inducement or incentive" does not mean:

147 (A) instructional materials or software necessary to take an online course; or

148 (B) access to a computer or digital learning device for the purpose of taking an online
149 course.

- 150 (ii) "Person" does not include a relative of the public school student.
- 151 (9) If the program lacks sufficient legislative appropriations to fund the enrollment in
- 152 online courses for all eligible students who do not have a primary LEA of enrollment, the state
- 153 board shall prioritize funding the enrollment of an eligible student who intends to graduate
- 154 from high school during the school year in which the student enrolls in an online course.

155 Section 4. Section **53F-4-505** is amended to read:

156 **53F-4-505. Payment for an online course.**

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

158 credit online course is:

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

- 160 (i) financial literacy;
- 161 (ii) health;
- 162 (iii) fitness for life; and
- 163 (iv) computer literacy;

164 (b) \$200 for driver education;

165 (c) \$250 for a course that meets core standards for Utah public schools in fine arts or

166 career and technical education, except a concurrent enrollment course;

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

168 (i) a course that meets core standards for Utah public schools requirements in social

169 studies, except a concurrent enrollment course; and

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

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

172 (i) a course that meets core standards for Utah public schools requirements for

173 language arts, mathematics, or science; and

174 (ii) a concurrent enrollment course; and

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

176 (2) If a course meets the requirements of more than one course fee category described

177 in Subsection (1), the course fee shall be the lowest of the applicable course fee categories.

178 (3) Beginning with the 2013-14 school year, the online course fees described in

179 Subsection (1) shall be adjusted each school year in accordance with the percentage change in

180 value of the weighted pupil unit from the previous school year.

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

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

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

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

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

193 (b) To encourage an online course provider to provide remediation to a student who
194 remains enrolled in an online course pursuant to Subsection (5)(a) and avoid the need for credit
195 recovery, an online course provider shall receive a payment equal to 30% of the online course
196 fee if the student completes the online course;

197 (i) for a high school online course, before the student graduates from high school[-]; or

198 (ii) for a middle school online course, before the student completes middle school.

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

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

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

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

207 Section 5. Section 53F-4-513 is amended to read:

208 **53F-4-513. Time period to enroll in an online course.**

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

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

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

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

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

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