

SB0234S01 compared with SB0234

~~text~~ shows text that was in SB0234 but was deleted in SB0234S01.

text shows text that was not in SB0234 but was inserted into SB0234S01.

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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 ~~expands~~ amends provisions related to the Statewide Online Education Program ~~to allow an online course provider to offer a middle school course~~.

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 ~~courses~~ course credits a private school student may enroll in each year through the Statewide Online Education Program;

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- ▶ 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:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

53F-4-501. Definitions.

As used in this part:

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

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

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

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

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

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

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

(3) "High school" means ~~{grades}~~ grade 9, 10, 11, or 12.

(4) "Middle school" means ~~{grades}~~ grade 7 ~~{and}~~ or 8.

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

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

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

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

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

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

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

(a) earn high school graduation credit; or

(b) earn middle school credit.

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

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

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

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

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

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

(e) utilize technology to remove the constraints of traditional classroom learning, allowing a student to access learning virtually at any time and in any place and giving the

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student the flexibility to take advantage of the student's peak learning time;

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

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

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

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

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

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

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

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

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

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

(a) the student meets the course prerequisites;

(b) the course is open for enrollment;

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

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

(e) the online course is consistent with the student's international baccalaureate program, if the student is participating in an international baccalaureate program.

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

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

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

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

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

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

~~(3)]~~

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

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

(ii) is enrolled in a private school.

(3) (a) An eligible student who has a primary LEA of enrollment may enroll in an online course for middle school credit beginning January 1, 2022.

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

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

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

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

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

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

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

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

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

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

~~[(6)] (7) The state board, including an employee of the state board, may not give~~

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preference to an online course or online course provider.

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

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

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

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

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

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

(9) If the program lacks sufficient legislative appropriations to fund the enrollment in online courses for all eligible students who do not have a primary LEA of enrollment, the state board shall prioritize funding the enrollment of an eligible student who intends to graduate from high school during the school year in which the student enrolls in an online course.

Section ~~(3)4~~. Section **53F-4-505** is amended to read:

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

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

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

(i) financial literacy;

(ii) health;

(iii) fitness for life; and

(iv) computer literacy;

(b) \$200 for driver education;

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

(d) \$300 for the following courses:

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

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

(e) \$350 for the following courses:

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

(ii) a concurrent enrollment course; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section ~~(4)~~5. Section **53F-4-513** is amended to read:

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

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

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

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

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

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

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