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**ONLINE COURSE ACCESS AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kera Birkeland**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill provides an exception to the requirement that the State Board of Education deduct money from a student's primary local education agency to pay fees for a course in which the student enrolls through the Statewide Online Education Program.

**Highlighted Provisions:**

This bill:

- ▶ provides that the State Board of Education use an appropriation to the Statewide Online Education Program to pay for a student's online course instead of deducting funds from a student's primary local education agency of enrollment under certain conditions; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**53F-4-507**, as last amended by Laws of Utah 2019, Chapter 186

**53F-4-508**, as last amended by Laws of Utah 2019, Chapter 186



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

29 Section 1. Section **53F-4-507** is amended to read:

30 **53F-4-507. State board to deduct funds and make payments -- Plan for the**  
31 **payment of online courses taken by private and home school students.**

32 (1) [~~For a fiscal year that begins on or after July 1, 2018, and subject~~] Subject to future  
33 budget constraints, the Legislature shall adjust the appropriation for the Statewide Online  
34 Education Program based on:

35 (a) the anticipated increase of eligible home school and private school students  
36 enrolled in the Statewide Online Education Program; and

37 (b) the value of the weighted pupil unit.

38 (2) (a) [~~The~~] Except as provided in Subsection (3), the state board shall deduct money  
39 from funds allocated to the student's primary LEA of enrollment under Chapter 2, State  
40 Funding -- Minimum School Program, to pay for online course fees.

41 (b) [~~Money shall be deducted~~] The state board shall deduct money under Subsection  
42 (2)(a) in the amount and at the time an online course provider qualifies to receive payment for  
43 an online course as provided in Subsection 53F-4-505(4).

44 [~~(3)~~] (c) From money deducted under Subsection (2)(a) or described in Subsection (3),  
45 the state board shall make payments to the student's online course provider as provided in  
46 Section 53F-4-505.

47 (3) Subject to legislative appropriations, and notwithstanding Subsections  
48 53F-4-509(2) and (3), the state board shall use an appropriation for the Statewide Online  
49 Education Program to pay for an online course fee described in Section 53F-4-505 for a student  
50 who is enrolled in a public high school that enrolls fewer than 1,000 students.

51 (4) The Legislature shall establish a plan[~~, which shall take effect beginning on July 1,~~  
52 ~~2013,~~] for the payment of online courses taken by a private school or home school student.

53 Section 2. Section **53F-4-508** is amended to read:

54 **53F-4-508. Course credit acknowledgment.**

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

- 59 (2) The terms of the course credit acknowledgment shall provide that:
- 60 (a) the online course provider shall receive a payment in the amount provided under  
61 Section [53F-4-505](#); and
- 62 (b) the student's primary LEA of enrollment acknowledges that the state board will  
63 deduct funds allocated to the LEA under Chapter 2, State Funding -- Minimum School  
64 Program, in accordance with Section [53F-4-507](#), in the amount and at the time the online  
65 course provider qualifies to receive payment for the online course as provided in Subsection  
66 [53F-4-505](#)(4).
- 67 (3) (a) A course credit acknowledgment may originate with either an online course  
68 provider or primary LEA of enrollment.
- 69 (b) The originating entity shall submit the course credit acknowledgment to the state  
70 board who shall forward it to the primary LEA of enrollment for course selection verification  
71 or the online course provider for acceptance.
- 72 (c) (i) A primary LEA of enrollment may only reject a course credit acknowledgment  
73 if:
- 74 (A) the online course is not aligned with the student's plan for college and career  
75 readiness;
- 76 (B) the online course is not consistent with the student's IEP, if the student has an IEP;
- 77 (C) the online course is not consistent with the student's [~~international baccalaureate~~]  
78 International Baccalaureate program, if the student participates in an [~~international~~  
79 ~~baccalaureate~~] International Baccalaureate program; or
- 80 (D) the number of online course credits exceeds the maximum allowed for the year as  
81 provided in Section [53F-4-503](#).
- 82 (ii) Verification of alignment of an online course with a student's plan for college and  
83 career readiness does not require a meeting with the student.
- 84 (d) An online course provider may only reject a course credit acknowledgment if:
- 85 (i) the student does not meet course prerequisites; or
- 86 (ii) the course is not open for enrollment.
- 87 (e) A primary LEA of enrollment or online course provider shall submit an acceptance  
88 or rejection of a course credit acknowledgment to the state board within 72 business hours of  
89 the receipt of a course credit acknowledgment from the state board pursuant to Subsection

90 (3)(b).

91 (f) If an online course provider accepts a course credit acknowledgment, the online  
92 course provider shall forward to the primary LEA of enrollment the online course start date as  
93 established under Section 53F-4-506.

94 (g) If an online course provider rejects a course credit acknowledgment, the online  
95 course provider shall include an explanation which the state board shall forward to the primary  
96 LEA of enrollment for the purpose of assisting a student with future online course selection.

97 (h) If a primary LEA of enrollment does not submit an acceptance or rejection of a  
98 course credit acknowledgment to the state board within 72 business hours of the receipt of a  
99 course credit acknowledgment from the state board pursuant to Subsection (3)(b), the state  
100 board shall consider the course credit acknowledgment accepted.

101 (i) (i) Upon acceptance of a course credit acknowledgment, the primary LEA of  
102 enrollment shall notify the student of the acceptance and the start date for the online course as  
103 established under Section 53F-4-506.

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

106 (j) If the online course student has an individual education plan (IEP) or 504  
107 accommodations, the primary LEA of enrollment shall forward the IEP or description of 504  
108 accommodations to the online course provider within 72 business hours after the primary LEA  
109 of enrollment receives notice that the online course provider accepted the course credit  
110 acknowledgment.

111 (4) (a) A primary LEA of enrollment may not reject a course credit acknowledgment,  
112 because the LEA is negotiating, or intends to negotiate, an online course fee with the online  
113 course provider pursuant to Subsection 53F-4-505(6).

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

117 **Section 3. Effective date.**

118 This bill takes effect on May 4, 2022.