

**Senator Lincoln Fillmore** proposes the following substitute bill:

**STATEWIDE ONLINE EDUCATION PROGRAM AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lincoln Fillmore**

House Sponsor: Kera Birkeland

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**LONG TITLE**

**General Description:**

This bill expands the Statewide Online Education Program.

**Highlighted Provisions:**

This bill:

- ▶ expands the Statewide Online Education Program to:
  - include grade 6 in certain circumstances; and
  - allow additional middle school credits per school year; 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-4-501**, as last amended by Laws of Utah 2021, Chapters 362, 413

**53F-4-503**, as last amended by Laws of Utah 2021, Chapter 362

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



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

27 **53F-4-501. Definitions.**

28 As used in this part:

29 (1) (a) "Certified online course provider" means a provider that the state board  
30 approves to offer courses through the Statewide Online Education Program.

31 (b) "Certified online course provider" does not include an entity described in  
32 Subsections 53F-4-504(1)(a) through (c).

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

35 (3) "Eligible student" means a student:

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

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

40 (4) "High school" means grade 9, 10, 11, or 12.

41 (5) "Middle school" means, only for purposes of student eligibility to participate in the  
42 Statewide Online Education Program, grade 6, 7, or 8.

43 (6) "Online course" means a course of instruction offered by the Statewide Online  
44 Education Program through the use of digital technology.

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

47 (8) "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 (9) "Released-time" means a period of time during the regular school day a student is  
51 excused from school at the request of the student's parent pursuant to rules of the state board.

52 Section 2. Section 53F-4-503 is amended to read:

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

55 (1) Subject to Subsections (2)~~[(3), and (9)]~~ and (8), an eligible student may enroll in  
56 an online course offered through the Statewide Online Education Program if:

- 57 (a) the student meets the course prerequisites;
- 58 (b) the course is open for enrollment;
- 59 (c) the online course is aligned with the student's plan for college and career readiness;
- 60 (d) the online course is consistent with the student's IEP, if the student has an IEP; and
- 61 (e) the online course is consistent with the student's international baccalaureate
- 62 program, if the student is participating in an international baccalaureate program.

63 (2) ~~[(a) Except as provided in Subsection (2)(b), an]~~ An eligible student may enroll in  
64 online courses for no more than six credits per school year.

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

67 ~~[(i) does not have a primary LEA of enrollment; and]~~

68 ~~[(ii) is enrolled in a private school.]~~

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

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

73 ~~[(4)]~~ (3) Notwithstanding Subsection (2):

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

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

79 ~~[(5)]~~ (4) An eligible student's primary LEA of enrollment:

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

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

86 ~~[(6)]~~ (5) An eligible student's primary LEA of enrollment may not:

87 (a) impose restrictions on a student's selection of an online course that fulfills

88 graduation requirements and is consistent with the student's plan for college and career  
89 readiness or post-secondary plans; or

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

91 [~~(7)~~] (6) The state board, including an employee of the state board, may not give  
92 preference to an online course or online course provider.

93 [~~(8)~~] (7) (a) Except as provided in Subsection [~~(8)(b)~~] (7)(b), a person may not provide  
94 an inducement or incentive to a public school student to participate in the Statewide Online  
95 Education Program.

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

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

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

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

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

102 [~~(9)~~] (8) If the program lacks sufficient legislative appropriations to fund the  
103 enrollment in online courses for all eligible students who do not have a primary LEA of  
104 enrollment, the state board shall prioritize funding the enrollment of an eligible student who  
105 intends to graduate from high school during the school year in which the student enrolls in an  
106 online course.

107 Section 3. **Effective date.**

108 This bill takes effect on July 1, 2023.