

**STATEWIDE ONLINE EDUCATION PROGRAM**

**MODIFICATIONS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kirk A. Cullimore**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions of the Statewide Online Education Program (SOEP).

**Highlighted Provisions:**

This bill:

- ▶ requires the state board to provide longer notice periods for changes to the approval process for a certified online course provider;
- ▶ prohibits the state board from unenrolling a student under certain circumstances;
- ▶ establishes a deadline for making a payment to an authorized online course provider;
- ▶ establishes requirements for calculating a projected legislative appropriation for enrollment of students in the SOEP;
- ▶ requires the state board to create approval processes for new course offerings by an authorized online course provider;
- ▶ imposes requirements on the state board for conducting certain site visits;
- ▶ requires the state board to create a process to allow an individual to teach for an authorized online course provider while the individual is in the process of obtaining an approved license; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **53F-4-501**, as last amended by Laws of Utah 2021, Chapters 362, 413

34 **53F-4-502**, as last amended by Laws of Utah 2021, Chapter 362

35 **53F-4-503**, as last amended by Laws of Utah 2021, Chapter 362

36 **53F-4-504**, as last amended by Laws of Utah 2021, Chapter 413

37 **53F-4-505**, as last amended by Laws of Utah 2021, Chapter 362

38 **53F-4-507**, as last amended by Laws of Utah 2019, Chapter 186

39 **53F-4-514**, as last amended by Laws of Utah 2021, Chapter 413

40 REPEALS:

41 **53F-4-515**, as renumbered and amended by Laws of Utah 2018, Chapter 2



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

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

45 **53F-4-501. Definitions.**

46 As used in this part:

47 (1) "Authorized online course provider" means the entities listed in Subsection

48 53F-4-504(1).

49 [~~(1)~~] (2) (a) "Certified online course provider" means a provider that the state board  
50 approves to offer courses through the Statewide Online Education Program.

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

53 [~~(2)~~] (3) "Credit" means credit for a high school course, or the equivalent for a middle  
54 school course, as determined by the state board.

55 [~~(3)~~] (4) "Eligible student" means a student:

56 (a) who intends to take a course for middle school or high school credit; and

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

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

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

60 [(4)] (5) "High school" means grade 9, 10, 11, or 12.

61 [(5)] (6) "Middle school" means grade 7 or 8.

62 [(6)] (7) "Online course" means a course of instruction offered by the Statewide Online  
63 Education Program through the use of digital technology, regardless of whether the student  
64 participates in the course at home, at a school, at another location, or any combination of these.

65 (8) "Open-entry, open-exit" means a method of instructional delivery for an online  
66 course that allows:

67 (a) for flexible scheduling in response to a student's needs; and

68 (b) a student the flexibility to begin or end study at any time, progress through course  
69 material at the student's own pace, not subject to any student participation requirement, and  
70 demonstrate competency when the student masters the knowledge and skills taught in the  
71 course.

72 [(7)] (9) "Plan for college and career readiness" means the same as that term is defined  
73 in Section [53E-2-304](#).

74 [(8)] (10) "Primary LEA of enrollment" means the LEA in which an eligible student is  
75 enrolled for courses other than online courses offered through the Statewide Online Education  
76 Program.

77 [(9)] (11) "Released-time" means a period of time during the regular school day a  
78 student is excused from school at the request of the student's parent pursuant to rules of the  
79 state board.

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

81 **53F-4-502. Statewide Online Education Program created -- Designated as**  
82 **program of the public education system -- Purposes.**

83 (1) The Statewide Online Education Program is created to enable an eligible student to,  
84 through the completion of publicly funded online courses:

85 (a) earn high school graduation credit; or

86 (b) earn middle school credit.

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

89 (3) The purposes of [~~an online school~~] the Statewide Online Education Program are to:

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

92 (b) provide ~~[high quality]~~ digital learning options for a student regardless of language,  
93 residence, family income, or special needs;

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

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

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

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

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

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

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

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

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

113 ~~[(5)]~~ (4) The program name, "Statewide Online Education Program," shall be used in  
114 the dissemination of information on the program.

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

116 **53F-4-503. Option to enroll in online courses offered through the Statewide**  
117 **Online Education Program.**

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

120 (a) the student meets the course prerequisites;

- 121 (b) the course is open for enrollment;
- 122 (c) the online course is aligned with the student's plan for college and career readiness;
- 123 (d) the online course is consistent with the student's IEP, if the student has an IEP; and
- 124 (e) the online course is consistent with the student's international baccalaureate
- 125 program, if the student is participating in an international baccalaureate program.

126 (2) (a) Except as provided in Subsection (2)(b), an eligible student may enroll in online

127 courses for no more than six credits per school year.

128 (b) An eligible student may enroll in an online course for middle school credit for no

129 more than two credits per school year if the eligible student:

- 130 (i) does not have a primary LEA of enrollment; and
- 131 (ii) is enrolled in a private school.

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

133 online course for middle school credit [~~beginning January 1, 2022~~].

134 (b) An eligible student who does not have a primary LEA of enrollment may enroll in

135 an online course for middle school credit [~~beginning in the 2022-2023 school year~~].

136 (4) Notwithstanding Subsection (2):

137 (a) a student's primary LEA of enrollment may allow an eligible student to enroll in

138 online courses for more than the number of credits specified in Subsection (2); or

139 (b) upon the request of an eligible student, the state board may allow the student to

140 enroll in online courses for more than the number of credits specified in Subsection (2), if the

141 online courses better meet the academic goals of the student.

142 (5) An eligible student's primary LEA of enrollment:

143 (a) in conjunction with the student and the student's parent, is responsible for preparing

144 and implementing a plan for college and career readiness for the eligible student, as provided in

145 Section [53E-2-304](#); and

146 (b) shall assist an eligible student in scheduling courses in accordance with the

147 student's plan for college and career readiness, graduation requirements, and the student's

148 post-secondary plans.

149 (6) An eligible student's primary LEA of enrollment may not:

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

151 graduation requirements and is consistent with the student's plan for college and career

152 readiness or post-secondary plans; or

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

154 (7) The state board, including an employee of the state board, may not give preference  
155 to an online course or authorized online course provider.

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

159 (b) For purposes of Subsection (8)(a):

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

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

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

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

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

169 Section 4. Section **53F-4-504** is amended to read:

170 **53F-4-504. Authorized online course providers -- Certified online course**  
171 **providers.**

172 (1) The following entities may offer online courses to eligible students through the  
173 Statewide Online Education Program:

174 (a) a charter school or district school created exclusively for the purpose of serving  
175 students online;

176 (b) an LEA program, approved by the LEA governing board, that is created exclusively  
177 for the purpose of serving students online;

178 (c) a program of an institution of higher education listed in Section **53B-2-101** that:

179 (i) offers secondary school level courses; and

180 (ii) is created exclusively for the purpose of serving students online; and

181 (d) [~~beginning in the 2021-2022 school year,~~] a certified online course provider.

182 (2) The state board shall approve an online course provider as a certified online course

183 provider if the online course provider:

- 184 (a) complies with the application procedures described in Section 53F-4-514;  
185 (b) meets the standards described in Section 53F-4-514; and  
186 (c) has prior experience offering online courses to secondary students.  
187 (3) The state board may revoke the approval described in Subsection (2) if the state

188 board:

189 (a) finds that a certified online course provider is not complying with the requirements  
190 described in Section 53F-4-514[?];

191 (b) provides written notice describing the findings of non-compliance to the certified  
192 online course provider;

193 (c) provides the certified online course provider with at least 90 days to remedy the  
194 findings of non-compliance;

195 (d) reevaluates the findings of non-compliance at least 90 days after the certified online  
196 course provider's remedy period described in Subsection (3)(c); and

197 (e) finds after reevaluation that the certified online course provider has failed to  
198 satisfactorily remedy the findings of non-compliance.

199 (4) Notwithstanding Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
200 state board shall provide a delayed effective date that is after the school year has ended for a  
201 change to an administrative rule related to the Statewide Online Education Program if the  
202 change would require an authorized online course provider to make program changes during  
203 the school year.

204 Section 5. Section 53F-4-505 is amended to read:

205 **53F-4-505. Payment for an online course.**

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

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

209 (i) financial literacy;

210 (ii) health;

211 (iii) fitness for life; and

212 (iv) computer literacy;

213 (b) \$200 for driver education;

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

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

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

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

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

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

223 (ii) a concurrent enrollment course; and

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

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

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

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

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

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

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

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

242 (b) To encourage an authorized online course provider to provide remediation to a  
243 student who remains enrolled in an online course pursuant to Subsection (5)(a) and avoid the  
244 need for credit recovery, an authorized online course provider shall receive a payment equal to



245 30% of the online course fee if the student completes the online course:

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

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

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

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

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

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

256 (8) The state board may not remove a student from an online course if the student is  
257 eligible for continued enrollment in the online course under Subsection (5).

258 Section 6. Section **53F-4-507** is amended to read:

259 **53F-4-507. State board to deduct funds and make payments -- Plan for the**  
260 **payment of online courses taken by private and home school students.**

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

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

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

267 (2) Notwithstanding Subsection (1) and subject to future budget constraints, the  
268 Legislature shall:

269 (a) consider enrollment projections provided by the authorized online course providers  
270 to account for enrollment growth during the appropriations process; and

271 (b) provide a supplemental appropriation to adequately fund the Statewide Online  
272 Education Program when the enrollment amount exceeds the projected enrollment amounts  
273 provided by the authorized online course providers.

274 [~~2~~] (3) (a) The state board shall deduct money from funds allocated to the student's  
275 primary LEA of enrollment under Chapter 2, State Funding -- Minimum School Program, to

276 pay for online course fees.

277 (b) Money shall be deducted under Subsection ~~[(2)]~~ (3) in the amount and at the time  
278 an authorized online course provider qualifies to receive payment for an online course provided  
279 to a public education student, not to exceed 90 days after qualification, as provided in  
280 Subsection 53F-4-505(4).

281 (c) Beginning July 1, 2023, the state board shall deduct money from funds allocated for  
282 course fees for a private school or home school student in the amount and at the time an  
283 authorized online course provider qualifies to receive payment for an online course, not to  
284 exceed 90 days after qualification.

285 ~~[(3)]~~ (4) From money deducted under Subsection ~~[(2)]~~ (3), the state board shall make  
286 payments to the student's authorized online course provider as provided in Section 53F-4-505.

287 ~~[(4)]~~ (5) The Legislature shall establish a plan~~[, which shall take effect beginning on~~  
288 ~~July 1, 2013,]~~ for the payment of online courses taken by a private school or home school  
289 student.

290 Section 7. Section **53F-4-514** is amended to read:

291 **53F-4-514. State board -- Rulemaking -- Fees.**

292 (1) The state board shall make rules in accordance with this part and Title 63G,  
293 Chapter 3, Utah Administrative Rulemaking Act, that establish:

294 (a) ~~[establish]~~ a course credit acknowledgement form and procedures for completing  
295 and submitting to the state board a course credit acknowledgement;

296 (b) ~~[establish]~~ procedures for the administration of a statewide assessment to a student  
297 enrolled in an online course; and

298 (c) ~~[establish]~~ protocols for an online course provider to obtain approval to become a  
299 certified online course provider, including:

300 (i) the application procedure for an online course provider to obtain approval to  
301 become a certified online course provider; ~~[and]~~

302 (ii) the standards that a certified online course provider and any online course the  
303 certified online course provider offers shall meet~~[-]~~;

304 (d) a process to allow an authorized online course provider described in Subsection  
305 53F-4-504(1) to submit a new online course that does not have an existing state board course  
306 code for approval by the state board;

307 (e) no later than July 1, 2024, a process within existing systems at the state board to  
308 allow a certified online course provider access to an educator's licensing, endorsement,  
309 certification, and assignment information if the educator is teaching an online course for the  
310 certified online course provider;

311 (f) a process for an authorized online course provider that:

312 (i) allows an individual to teach an online course while the individual is in the process  
313 of obtaining a license or endorsement approved by the state board;

314 (ii) is no more stringent than the process allowed for an LEA; and

315 (iii) allows a certified online provider licensing options including:

316 (A) contracting with a license granting organization, approved by the state board, that  
317 is not an LEA;

318 (B) partnering with an LEA in utilizing the LEA's existing state-board-approved  
319 licensing process; or

320 (C) designing a local certification and endorsement process in cooperation with and  
321 approved by the state board; and

322 (g) in consultation with the authorized online course providers, the parameters for  
323 conducting a site visit including:

324 (i) a definition for the term site visit;

325 (ii) the minimum amount of time required for:

326 (A) notice to an authorized online course provider of a site visit; and

327 (B) an authorized online course provider to prepare for a site visit;

328 (iii) the documents, data, and artifacts subject to inspection during a site visit; and

329 (iv) a process to ensure a site visit does not interfere with student instruction.

330 (2) (a) When establishing the standards described in Subsection (1)(c)(ii), the state  
331 board shall:

332 (i) establish rules and minimum standards regarding accreditation;

333 (ii) require an online course to be aligned with the core standards described in Section  
334 [53E-4-202](#);

335 (iii) require proof that a national organization responsible for college athletics  
336 endorses:

337 (A) the certified online course provider; or

338 (B) the online course that a certified online course provider offers;  
 339 (iv) permit an open-entry, open-exit method of instructional delivery that allows a  
 340 student the flexibility to:  
 341 (A) schedule in response to individual needs or requirements;  
 342 (B) demonstrate competency when the student has mastered knowledge and skills;  
 343 (C) begin or end study at any time; and  
 344 (D) progress through course material at the student's own pace; and  
 345 (v) except as provided in Subsection (3), require an individual who teaches a course for  
 346 a certified online course provider to hold a teaching license issued by the state board.

347 (b) When establishing the standards described in Subsection (1)(c)(ii), the state board  
 348 may not:

- 349 (i) specify a minimum duration for an online course;
- 350 (ii) specify a minimum amount of time that a student must spend in an online course;

351 or

- 352 (iii) limit the class size of an online course.

353 (3) The state board may not prohibit an individual from teaching an online course for  
 354 an authorized online course provider while the individual is in the process of obtaining a  
 355 license or endorsement issued by the state board.

356 [~~3~~] (4) The state board may establish a fee, in accordance with Section 63J-1-504, in  
 357 an amount to pay the costs to the state board of the application approval process and the  
 358 monitoring of a certified online course provider's compliance with the standards described in  
 359 Subsection (1)(c)(ii).

360 [~~4~~] (5) (a) Fee revenue collected in accordance with Subsection [~~3~~] (4) shall be:  
 361 [~~b~~] (i) deposited into the Uniform School Fund as a dedicated credit; and  
 362 [~~c~~] (ii) used to pay the costs to the state board of reviewing certified online course  
 363 providers' applications and compliance with the standards described in Subsection (1)(c)(ii).

364 Section 8. **Repealer.**

365 This bill repeals:

366 Section 53F-4-515, **Review by legislative auditor general.**