

1                   **STATEWIDE ONLINE EDUCATION PROGRAM FUNDING**  
2   **AMENDMENTS**

3   2024 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Dan N. Johnson**

6   Senate Sponsor: Ann Millner



8 **LONG TITLE**

9 **General Description:**

10                   This bill provides rulemaking authority to the Utah State Board of Education (USBE)  
11 for Statewide Online Education Program (the program) funding.

12 **Highlighted Provisions:**

13                   This bill:

- 14                   ▶ authorizes the USBE to create an administrative rule regarding funding distribution
- 15 for the program; and
- 16                   ▶ makes technical changes.

17 **Money Appropriated in this Bill:**

18                   None

19 **Other Special Clauses:**

20                   This bill provides a special effective date.

21 **Utah Code Sections Affected:**

22 AMENDS:

23                   **53F-4-507**, as last amended by Laws of Utah 2023, Chapter 368

24                   **53F-4-514**, as last amended by Laws of Utah 2023, Chapter 368



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

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



28           **53F-4-507. State board to deduct funds and make payments -- Plan for the**  
29 **payment of online courses taken by private and home school students.**

30           (1) Subject to future budget constraints, the Legislature shall adjust the appropriation  
31 for the Statewide Online Education Program based on:

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

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

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

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

39           (b) provide a supplemental appropriation to adequately fund the Statewide Online  
40 Education Program when the enrollment amount exceeds the projected enrollment amounts  
41 provided by the authorized online course providers~~;~~ and.

42           ~~[(c) in the fiscal year beginning July 1, 2025, keep all other appropriations for the~~  
43 ~~Statewide Online Education Program separate from the appropriations described in Section~~  
44 ~~53F-4-518.]~~

45           (3) (a) The state board shall deduct money from funds allocated to the student's  
46 primary LEA of enrollment under Chapter 2, State Funding -- Minimum School Program, to  
47 pay for online course fees.

48           (b) Money shall be deducted under Subsection (3)(a) in the amount and at the time an  
49 authorized online course provider qualifies to receive payment for an online course provided to  
50 a public education student, not to exceed 90 days after qualification, as provided in Subsection  
51 [53F-4-505](#)(4).

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

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

58           (5) The Legislature shall establish a plan for the payment of online courses taken by a

59 private school or home school student.

60 Section 2. Section **53F-4-514** is amended to read:

61 **53F-4-514. State board -- Rulemaking -- Fees.**

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

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

69 (a) a course credit acknowledgement form and procedures for completing and  
70 submitting to the state board a course credit acknowledgement;

71 (b) procedures for the administration of a statewide assessment to a student enrolled in  
72 an online course; and

73 (c) protocols for an online course provider to obtain approval to become a certified  
74 online course provider, including:

75 (i) the application procedure for an online course provider to obtain approval to  
76 become a certified online course provider; and

77 (ii) the standards that a certified online course provider and any online course the  
78 certified online course provider offers shall meet;

79 (d) in accordance with Title 53E, Chapter 4, Academic Standards, Assessments, and  
80 Materials, criteria for an authorized online course provider to submit for approval an online  
81 course that does not have an existing state board course code;

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

86 (f) in consultation with the authorized online course providers, the parameters for  
87 conducting a site visit including:

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

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

- 90 (A) notice to an authorized online course provider of a site visit; and
- 91 (B) an authorized online course provider to prepare for a site visit;
- 92 (iii) the documents, data, and artifacts subject to inspection during a site visit; and
- 93 (iv) a process to ensure a site visit allows for observation of instruction without
- 94 interfering with the instruction[-]; and
- 95 (g) a percentage allocation of the ~~H~~→ **carryforward funds from the** ←~~H~~ legislative
- 95a appropriation for different portions of the
- 96 program including:
- 97 (i) private and home school student enrollments described in Subsection
- 98 53F-4-507(3)(c); and
- 99 (ii) small school enrollment described in Section 53F-4-518.
- 100 (3) (a) When establishing the standards described in Subsection (2)(c)(ii) the state
- 101 board shall:
- 102 (i) establish rules and minimum standards regarding accreditation;
- 103 (ii) require an online course to be aligned with the core standards described in Section
- 104 53E-4-202;
- 105 (iii) require proof that a national organization responsible for college athletics
- 106 endorses:
- 107 (A) the certified online course provider; or
- 108 (B) the online course that a certified online course provider offers;
- 109 (iv) permit an open-entry, open-exit method of instructional delivery that allows a
- 110 student the flexibility to:
- 111 (A) schedule in response to individual needs or requirements;
- 112 (B) demonstrate competency when the student has mastered knowledge and skills;
- 113 (C) begin or end study at any time; and
- 114 (D) progress through course material at the student's own pace; and
- 115 (v) except as provided in Subsection (4), require an individual who teaches a course for
- 116 a certified online course provider to hold a teaching license issued by the state board.
- 117 (b) When establishing the standards described in Subsection (2)(c)(ii), the state board
- 118 may not:
- 119 (i) specify a minimum duration for an online course;
- 120 (ii) specify a minimum amount of time that a student must spend in an online course;

121 or

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

123 (4) If an individual possesses a provider-specific license described in Section  
124 [53E-6-201](#), the state board may not prohibit the individual from teaching an online course for  
125 an authorized online course provider while the individual is in the process of obtaining an  
126 endorsement or additional license issued by the state board.

127 (5) The state board may establish a fee, in accordance with Section [63J-1-504](#), in an  
128 amount to pay the costs to the state board of the application approval process and the  
129 monitoring of a certified online course provider's compliance with the standards described in  
130 Subsection (2)(c)(ii).

131 (6) (a) Fee revenue collected in accordance with Subsection (5) shall be:

132 (i) deposited into the Uniform School Fund as a dedicated credit; and

133 (ii) used to pay the costs to the state board of reviewing certified online course  
134 providers' applications and compliance with the standards described in Subsection (2)(c)(ii).

135 Section 3. **Effective date.**

136 This bill takes effect on July 1, 2024.