

HB0247S03 compared with HB0247S02

~~{deleted text}~~ shows text that was in HB0247S02 but was deleted in HB0247S03.

inserted text shows text that was not in HB0247S02 but was inserted into HB0247S03.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{Representative Dan N. Johnson}~~Senator Ann Millner proposes the following substitute bill:

STATEWIDE ONLINE EDUCATION PROGRAM AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dan N. Johnson

Senate Sponsor: ~~{~~Ann Millner

LONG TITLE

General Description:

This bill amends the Statewide Online Education Program (the program).

Highlighted Provisions:

This bill:

- ▶ requires the Utah State Board of Education to:
 - update operating systems to allow for transfer of student information with the program;
 - dedicate staff to offer technical support for the program;
 - create a model cooperative agreement between a primary local education agency and an authorized online provider;
 - provide certain itemized reports to a primary LEA;

HB0247S03 compared with HB0247S02

- create a mandatory training for certain LEA staff about the program;
 - create a communication dashboard; and
 - collaborate with the Utah System of Higher Education to offer online concurrent enrollment options including within the program;
- ▶ allows the State Board of Education to contract with a private entity to administer the portion of the program designated for home and private school students and amends provisions to accommodate the potential administration by a private entity;
- ▶ requires a primary LEA to coordinate accommodations of a student's individualized education plan or section 504 accommodation plan;
 - ▶ establishes a deadline to acknowledge a course enrollment;
 - ▶ requires certain coordination between a primary LEA and an authorized online course provider; and
 - ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 53E-3-518**, as last amended by Laws of Utah 2023, Chapter 70
- 53F-4-501**, as last amended by Laws of Utah 2023, Chapters 226, 368
- 53F-4-502**, as last amended by Laws of Utah 2023, Chapter 368
- 53F-4-503**, as last amended by Laws of Utah 2023, Chapters 226, 368
- 53F-4-504**, as last amended by Laws of Utah 2023, Chapter 368
- 53F-4-505**, as last amended by Laws of Utah 2023, Chapter 368
- 53F-4-506**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 53F-4-507**, as last amended by Laws of Utah 2023, Chapter 368
- 53F-4-508**, as last amended by Laws of Utah 2019, Chapter 186
- 53F-4-509**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 53F-4-510**, as last amended by Laws of Utah 2019, Chapter 186
- 53F-4-511**, as last amended by Laws of Utah 2019, Chapter 186

HB0247S03 compared with HB0247S02

53F-4-512, as last amended by Laws of Utah 2019, Chapter 186

53F-4-513, as last amended by Laws of Utah 2021, Chapter 362

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

53F-4-516, as last amended by Laws of Utah 2019, Chapter 186

53F-4-517, as renumbered and amended by Laws of Utah 2018, Chapter 2

53F-4-518, as last amended by Laws of Utah 2023, Chapter 368

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

Section 1. Section **53E-3-518** is amended to read:

53E-3-518. Utah school information management system -- Local education agency requirements.

(1) As used in this section:

(a) "LEA data system" or "LEA's data system" means a data system that:

(i) is developed, selected, or relied upon by an LEA; and

(ii) the LEA uses to collect data or submit data to the state board related to:

(A) student information;

(B) educator information;

(C) financial information; or

(D) other information requested by the state board.

(b) "LEA financial information system" or "LEA's financial information system" means an LEA data system used for financial information.

(c) "Parent" means the same as that term is defined in Section 53G-6-201.

(d) "Utah school information management system" or "information management system" means the state board's data collection and reporting system described in this section.

(e) "User" means an individual who has authorized access to the information management system.

(2) On or before July 1, 2024, the state board shall have in place an information management system that meets the requirements described in this section.

(3) The state board shall ensure that the information management system:

(a) interfaces with an LEA's data systems that meet the requirements described in

Subsection [(6);] (7);

HB0247S03 compared with HB0247S02

(b) serves as the mechanism for the state board to collect and report on all data that LEAs submit to the state board related to:

- (i) student information;
 - (ii) educator information;
 - (iii) financial information; and
 - (iv) other information requested by the state board;
- (c) includes a web-based user interface through which a user may:

- (i) enter data;
- (ii) view data; and
- (iii) generate customizable reports;

(d) includes a data warehouse and other hardware or software necessary to store or process data submitted by an LEA;

(e) provides for data privacy, including by complying with [~~Title 53E, Chapter 9, Student Privacy and Data Protection~~] Chapter 9, Student Privacy and Data Protection;

(f) restricts user access based on each user's role; and

(g) meets requirements related to a student achievement backpack described in Section 53E-3-511.

(4) On or before January 31, 2026, the state board shall:

(a) ensure the information management system described in this section allows for the transfer of a student's transcript, current IEP, or Section 504 accommodation plan including the tracking of necessary accommodations and services between:

- (i) different LEA student information systems; and
- (ii) an authorized online course provider and a primary LEA; and

(b) ensure the transfer capability described in Subsection (4)(a) is available for the same use within the operating system the state board uses for the Statewide Online Education Program described in Title 53F, Chapter 4, Part 5, Statewide Online Education Program.

~~[(4)]~~ (5) The state board shall establish the restrictions on user access described in Subsection (3)(f).

~~[(5)]~~ (6) (a) The state board shall make rules that establish the required capabilities for an LEA financial information system.

(b) In establishing the required capabilities for an LEA financial information system,

HB0247S03 compared with HB0247S02

the state board shall consider metrics and capabilities requested by the state treasurer or state auditor.

~~[(6)]~~ (7) (a) On or before July 1, 2024, an LEA shall ensure that:

(i) all of the LEA's data systems:

(A) meet the data standards established by the state board in accordance with Section 53E-3-501;

(B) are fully compatible with the state board's information management system; and

(C) meet specification standards determined by the state board; and

(ii) the LEA's financial information system meets the requirements described in Subsection ~~[(5)]~~ (6).

(b) An LEA shall ensure that an LEA data system purchased or developed on or after May 14, 2019, will be compatible with the information management system when the information management system is fully operational.

~~[(7)]~~ (8) (a) Subject to appropriations and Subsection ~~[(7)(b)]~~ (8)(b), the state board may use an appropriation under this section to help an LEA meet the requirements in the rules described in Subsection ~~[(5)]~~ (6) by:

(i) providing to the LEA funding for implementation and sustainment of the LEA financial information system, either through:

(A) awarding a grant to the LEA; or

(B) providing a reimbursement to the LEA; or

(ii) in accordance with Title 63G, Chapter 6a, Utah Procurement Code, procuring a financial information system on behalf of an LEA for the LEA to use as the LEA's financial information system.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules describing:

(i) how an LEA may apply to the state board for the assistance described in Subsection ~~[(7)(a)]~~ (8)(a); and

(ii) criteria for the state board to provide the assistance to an LEA.

~~[(8)]~~ (9) (a) Beginning July 1, 2024, the state board may take action against an LEA that is out of compliance with a requirement described in Subsection ~~[(6)]~~ (7) until the LEA complies with the requirement.

HB0247S03 compared with HB0247S02

(b) An action described in Subsection [~~(8)~~(a)] (9)(a) may include the state board withholding funds from the LEA.

[~~(9)~~] (10) (a) For purposes of this Subsection [~~(9)~~] (10), "education record" means the same as that term is defined in 20 U.S.C. Sec. 1232g.

(b) The state board shall, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establish a procedure under which:

(i) a parent may submit information as part of the education records for the parent's student;

(ii) the information submitted by the parent is maintained as part of the education records for the parent's student;

(iii) information submitted by the parent and maintained as part of the education records for the parent's student may be removed at the request of the parent; and

(iv) a parent has access only to the education records of the parent's student in accordance with Subsection [~~(9)~~(d)] (10)(d).

(c) The rules made under this Subsection [~~(9)~~] (10) shall allow a parent to submit or remove information submitted by the parent under this Subsection [~~(9)~~] (10) at least annually, including at the time of:

(i) registering a student in a school; or

(ii) changing the school in which a student attends.

(d) Subject to the federal Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g, and related regulations, the state board shall provide a parent access to an education record concerning the parent's student.

(e) The state board shall create in the information management system a record tracking interoperability of education records described in this Subsection [~~(9)~~] (10) when a student is transitioning between schools or between LEAs.

Section 2. Section **53F-4-501** is amended to read:

53F-4-501. Definitions.

As used in this part:

(1) "Authorized online course provider" means the entities listed in Subsection 53F-4-504(1).

(2) (a) "Certified online course provider" means a provider that the state board

HB0247S03 compared with HB0247S02

approves to offer courses through the Statewide Online Education Program.

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

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

(4) "Eligible student" means a student:

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

(b) (i) who is enrolled in an LEA in Utah; or

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

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

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

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

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

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

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

(10) "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.

(11) "State board's contractor" means the private entity described in Section 53F-4-503 with which the state board contracts to administer the portion of the Statewide Online Education Program designated for a student who attends private school or home school.

Section 3. 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, through the completion of publicly funded online courses:

HB0247S03 compared with HB0247S02

(a) ~~by July 1, 2025,~~ earn college credit by July 1, 2025;

~~[(a)]~~ (b) earn high school graduation credit; or

~~[(b)]~~ (c) 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 the Statewide Online Education Program 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 digital 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 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 training, or career opportunities; and

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

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

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

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

HB0247S03 compared with HB0247S02

Online Education Program.

(1) Subject to Subsections ~~[(2) and (8);~~ (2), (9) and ~~(11);~~ 12 and for a public education student, with the advice of a school counselor at a student's primary LEA, 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; and
- (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 eligible student may enroll in online courses [~~for no more than~~] totaling up to six credits per school year.

(3) 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 or, in relation to a student who attends a private school or home school, the state board's contractor, 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) 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) An eligible student's primary LEA of enrollment may not:

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

HB0247S03 compared with HB0247S02

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 authorized online course provider.

(6) The state board, or, in relation to a student who attends a private school or home school, the state board's contractor, including an employee of the state board or the state board's contractor, may not give preference to an online course or authorized online course provider.

(7) (a) Except as provided in Subsection (7)(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)(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.

(8) The state board shall coordinate with the Utah System of Higher Education to study funding structures and access barriers related to concurrent enrollment for the Statewide Online Education Program and provide recommendations to the Education Interim Committee no later than the November 2024 meeting.

(9) Subject to legislative appropriations and for an eligible student who is enrolled at a public school, the state board shall provide Statewide Online Education Program academic counseling that:

(a) may advise an eligible student or an eligible student's parent regarding an online course enrollment including how an online course relates to graduation requirements described in Section 53E-4-204 and administrative rule;

(b) ~~provide~~ provides the training described in Section 53F-4-514;

(c) ~~provide~~ provides technical support to an LEA, school-based counselor, eligible student, or eligible student's parent;

(d) ~~assist~~ assists in gathering information, reports, and data an LEA requests; and

(e) ~~direct~~ directs an eligible student or an eligible student's parent to a school-specific counselor for advice regarding an online course enrollment in relation to an LEA, or

HB0247S03 compared with HB0247S02

school-specific graduation requirement and all other counseling services.

(10) If an eligible student has an IEP or Section 504 accommodation plan:

(a) the eligible student's primary LEA:

(i) shall:

(A) forward a copy of the relevant portions of the eligible student's existing IEP or Section 504 accommodation plan to the authorized online course provider in accordance with federal law and guidelines; and

(B) ensure the authorized online course provider is provided an eligible student's updated IEP when revisions are made;

(ii) may:

(A) ensure the eligible student's IEP team and the authorized online course provider review a course enrollment for compliance with requirements described in Subsection (1); and

(B) as needed, coordinate additional IEP team reviews with the authorized online course provider to ensure appropriate services, supports, and accommodations are in place for the eligible student; and

(b) the authorized online course provider:

(i) shall implement an eligible student's IEP or section 504 accommodation plan; and

(ii) may seek assistance from the primary LEA to implement an eligible student's IEP or section 504 accommodation plan.

(11) The state board shall create a model cooperative agreement between a primary LEA and an authorized online course provider for use when the primary LEA determines that an authorized online course provider would best provide IEP services, including a requirement that a requirement that the eligible student's primary LEA provide funding for the IEP services.

(12) 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 or, in relation to a student who attends a private school or home school, the state board's contractor, 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.

(13) No later than April 1, 2025 and in accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state board may use funds the state board expends to administer to the Statewide Online Education Program to students who attend private school or home school to

HB0247S03 compared with HB0247S02

alternatively contract with a private entity:

(a) that has demonstrated an expertise or ability to administer a statewide program to deliver education services to students who attend private school or home school; and

(b) to administer the portion of the Statewide Online Education Program that is designated for students who attend private school or home school, including providing an enrollment platform or tool separate from the enrollment tool or platform the state board provides for the program.

(14) The state board's contractor described in Subsection (13) may use a percentage of the appropriation for home school and private school students that is equal to the proportion of the state board's administrative cost in relation to the appropriation for students enrolled in an LEA.

Section 5. Section **53F-4-504** is amended to read:

53F-4-504. Authorized online course providers -- Certified online course providers.

(1) The following entities are known as an authorized online course provider and may offer online courses to eligible students through the Statewide Online Education Program:

(a) [~~a charter school or district school~~] a school within an LEA created exclusively for the purpose of serving students online;

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

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

(i) offers secondary school level courses; and

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

(d) a certified online course provider.

(2) The state board shall approve an online course provider as a certified online course provider if the online course provider:

(a) complies with the application procedures described in Section 53F-4-514;

(b) is a for-profit or non-profit entity;

~~(b)~~ (c) meets the standards described in Section 53F-4-514; and

~~(c)~~ (d) unless the online course provider only serves private school or home school students, has a student information system that is compatible with the state board's information

HB0247S03 compared with HB0247S02

system described in Section 53E-3-518; and

~~[(c)]~~ ~~(f)(e)~~ has prior experience offering online courses to secondary students.

(3) The state board may revoke the approval described in Subsection (2) if the state board:

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

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

(c) provides the certified online course provider with at least 60 days to remedy the findings of non-compliance;

(d) reevaluates the findings of non-compliance at least 60 days after the certified online course provider's remedy period described in Subsection (3)(c); and

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

Section 6. 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:

HB0247S03 compared with HB0247S02

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

(ii) for an eligible student that is a private school or home school student, sequential mathematics courses, including Algebra I and II; and

[(ii)] (iii) 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) 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 authorized online course 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 authorized 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 authorized 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

HB0247S03 compared with HB0247S02

school district or charter school may:

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

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

(7) An authorized 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).

(8) The state board or, in relation to a student who attends a private school or home school, the state board's contractor, may not remove a student from an online course if the student is eligible for continued enrollment in the online course under Subsection (5).

(9) Upon request by a primary LEA, the state board shall provide an itemized report to the primary LEA showing the deduction described in Subsection 53F-4-508(2) by student and course enrolled.

Section 7. Section **53F-4-506** is amended to read:

53F-4-506. Withdrawal from an online course.

(1) An authorized online course provider shall establish a start date for an online course, including a start date for the second .5 credit of a 1 credit online course.

(2) Except as provided in Subsection (3), a student may withdraw from an online course:

(a) within 20 school calendar days of the start date, if the student enrolls in an online course on or before the start date established pursuant to Subsection (1); or

(b) within 20 school calendar days of enrolling in the online course, if the student enrolls in an online course after the start date established pursuant to Subsection (1).

(3) (a) A student may withdraw from a 1 credit online course within 20 school calendar days of the start date of the second .5 credit of the online course.

(b) An authorized online course provider shall refund a payment received for the second .5 credit of an online course if a student withdraws from the online course pursuant to Subsection (3)(a).

(c) If a student withdraws from a 1 credit online course as provided in Subsection (3)(a), the authorized online course provider shall receive payment for the student's completion of .5 credit of the 1 credit course in the same manner as an authorized online course provider

HB0247S03 compared with HB0247S02

receives payment for a student's completion of a .5 credit online course as described in Subsection 53F-4-505(4).

Section 8. Section **53F-4-507** is amended to read:

53F-4-507. ~~{State board}~~ Direction to deduct funds and make payments -- Plan for the payment of online courses taken by private and home school students.

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

~~[(a)]~~ (i) the anticipated increase of eligible home school and private school students enrolled in the Statewide Online Education Program; and

~~[(b)]~~ (ii) the value of the weighted pupil unit.

(b) The state board shall:

(i) ensure against expenditures for public school students from the funds appropriated for the Statewide Online Education Program for students who attend private school or home school; and

(ii) if the state board contracts with a private entity under Subsection 53F-4-503(9), delegate to the state board's contractor the management of the funds appropriated for the Statewide Online Education Program for students who attend private school or home school.

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

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

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

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

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

(b) Money shall be deducted under Subsection (3)(a) in the amount and at the time an

HB0247S03 compared with HB0247S02

authorized online course provider qualifies to receive payment for an online course provided to a public education student, not to exceed 90 days after qualification, as provided in Subsection 53F-4-505(4).

(c) [~~Beginning July 1, 2023, the~~] The state board or, in relation to a student who attends a private school or home school, the state board's contractor, shall deduct money from funds allocated for course fees for a private school or home school student in the amount and at the time an authorized online course provider qualifies to receive payment for an online course, not to exceed 90 days after qualification.

(4) From money deducted under Subsection (3), the state board or, in relation to a student who attends a private school or home school, the state board's contractor, shall make payments to the student's authorized online course provider as provided in Section 53F-4-505.

~~[(5) The Legislature shall establish a plan for the payment of online courses taken by a private school or home school student.]~~

Section 9. Section **53F-4-508** is amended to read:

53F-4-508. Course credit acknowledgment.

(1) A student's primary LEA of enrollment and the student's authorized online course provider shall:

(a) enter into a course credit acknowledgment in which the primary LEA of enrollment and the authorized online course provider acknowledge that the authorized online course provider is responsible for the instruction of the student in a specified online course[-]; and

(b) agree upon a process to provide the primary LEA with the ability to ensure consistency of a course request with a student's

~~(i) IEP or Section 504 accommodation plan;~~

~~(ii) graduation requirements; and~~

~~(iii) schedule, if applicable.~~

~~†~~ (2) The terms of the course credit acknowledgment shall provide that:

(a) the authorized online course provider shall receive a payment in the amount provided under Section 53F-4-505; and

(b) the student's primary LEA of enrollment acknowledges that the state board will deduct funds allocated to the LEA under Chapter 2, State Funding -- Minimum School Program, in the amount and at the time the authorized online course provider qualifies to

HB0247S03 compared with HB0247S02

receive payment for the online course as provided in Subsection 53F-4-505(4).

(3) (a) A course credit acknowledgment may originate with either an authorized online course provider or primary LEA of enrollment.

(b) The originating entity shall submit the course credit acknowledgment to the state board who shall forward it to the primary LEA of enrollment for course selection verification or the authorized online course provider for acceptance.

(c) (i) A primary LEA of enrollment may only reject a course credit acknowledgment if:

(A) the online course is not aligned with the student's plan for college and career readiness; or

~~[(B) the online course is not consistent with the student's IEP, if the student has an IEP;]~~

~~[(C) the online course is not consistent with the student's international baccalaureate program, if the student participates in an international baccalaureate program; or]~~

~~[(D)]~~ (B) the number of online course credits exceeds the maximum allowed for the year as provided in Section 53F-4-503.

(ii) Verification of alignment of an online course with a student's plan for college and career readiness does not require a meeting with the student.

(d) An authorized online course provider may only reject a course credit acknowledgment if:

(i) the student does not meet course prerequisites; or

(ii) the course is not open for enrollment.

(e) ~~[(A)]~~ Except as provided in Subsection (5), a primary LEA of enrollment or authorized online course provider shall submit an acceptance or rejection of a course credit acknowledgment to the state board within [72] 24 business hours of the receipt of a course credit acknowledgment from the state board pursuant to Subsection (3)(b).

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

(g) If an authorized online course provider rejects a course credit acknowledgment, the authorized online course provider shall include an explanation which the state board shall

HB0247S03 compared with HB0247S02

forward to the primary LEA of enrollment for the purpose of assisting a student with future online course selection.

(h) ~~[Hf] Except as provided in Subsection (5), if~~ a primary LEA of enrollment does not submit an acceptance or rejection of a course credit acknowledgment to the state board within ~~[72]~~ 24 business hours of the receipt of a course credit acknowledgment from the state board pursuant to Subsection (3)(b), the state board shall consider the course credit acknowledgment accepted.

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

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

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

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

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

(5) A primary LEA of enrollment may intervene and reject a course credit acknowledgment up to 72 business hours after the actual or constructive acceptance of a course credit acknowledgment under Subsection (4), if the primary LEA of enrollment determines the online course enrollment meets the criteria of Subsection (3)(c).

Section 10. Section **53F-4-509** is amended to read:

**53F-4-509. Online course credit hours included in daily membership --
Limitation.**

(1) Subject to Subsection (2), a student's primary LEA of enrollment shall include

HB0247S03 compared with HB0247S02

online course credit hours in calculating daily membership.

(2) A student may not count as more than one FTE, unless the student intends to complete high school graduation requirements, and exit high school, early, in accordance with the student's plan for college and career readiness.

(3) A student who enrolls in an online course may not be counted in membership for a released-time class, if counting the student in membership for a released-time class would result in the student being counted as more than one FTE.

(4) Except as provided in Subsection (5), a student enrolled in an online course may not earn ~~[no]~~ more credits in a year than the number of credits a student may earn in a year by taking a full course load during the regular school day in the student's primary LEA of enrollment.

(5) A student enrolled in an online course may earn more credits in a year than the number of credits a student may earn in a year by taking a full course load during the regular school day in the student's primary LEA of enrollment:

(a) if the student intends to complete high school graduation requirements, and exit high school, early, in accordance with the student's plan for college and career readiness; or

(b) if allowed under ~~[local school board or charter school governing board]~~ an LEA governing board policy.

Section 11. Section **53F-4-510** is amended to read:

53F-4-510. Administration of statewide assessments to students enrolled in online courses.

(1) A student enrolled in an online course that is a course for which a statewide assessment is administered under Title 53E, Chapter 4, Part 3, Assessments, shall take the statewide assessment.

(2) (a) The state board shall make rules providing for the administration of a statewide assessment to a student enrolled in an online course.

(b) Rules made under Subsection (2)(a) shall:

(i) provide for the administration of a statewide assessment upon a student completing an online course; and

(ii) require an authorized online course provider to proctor the statewide assessment.

Section 12. Section **53F-4-511** is amended to read:

HB0247S03 compared with HB0247S02

53F-4-511. Report on performance of authorized online course providers.

(1) The state board, in collaboration with authorized online course providers and, if applicable, the state board's contractor, shall develop a report on the performance of authorized ~~and~~ online course providers, which may be used to evaluate the Statewide Online Education Program and assess the quality of an authorized ~~and~~ online course provider.

(2) A report on the performance of an authorized online course provider shall include:

(a) scores aggregated by test on statewide assessments administered under Title 53E, Chapter 4, Part 3, Assessments, taken by students at the end of an online course offered through the Statewide Online Education Program;

(b) the percentage of the authorized online course provider's students who complete online courses within the applicable time period specified in Subsection 53F-4-505(4)(c);

(c) the percentage of the authorized online course provider's students who complete online courses after the applicable time period specified in Subsection 53F-4-505(4)(c) and before the student graduates from high school; and

(d) the pupil-teacher ratio for the combined online courses of the authorized online course provider.

(3) The state board shall post a report on the performance of an authorized online course provider on the Statewide Online Education Program's website described in Section 53F-4-512.

Section 13. Section **53F-4-512** is amended to read:

53F-4-512. Dissemination of information on the Statewide Online Education Program.

(1) The state board shall develop a website for the Statewide Online Education Program which shall include:

(a) a description of the Statewide Online Education Program, including its purposes;

(b) notwithstanding Subsection (2), information on who is eligible to enroll, and how an eligible student may enroll, in an online course;

(c) a directory of authorized online course providers;

(d) a link to a course catalog for each authorized online course provider; and

(e) a report on the performance of authorized online course providers as required by Section 53F-4-511.

HB0247S03 compared with HB0247S02

(2) An authorized online course provider shall provide the following information on the authorized online course provider's website:

- (a) a description of the Statewide Online Education Program, including its purposes;
- (b) information on who is eligible to enroll, and how an eligible student may enroll, in an online course;
- (c) a course catalog;
- (d) scores aggregated by test on statewide assessments administered under Title 53E, Chapter 4, Part 3, Assessments, taken by students at the end of an online course offered through the Statewide Online Education Program;
- (e) the percentage of an authorized online course provider's students who complete online courses within the applicable time period specified in Subsection 53F-4-505(4)(c);
- (f) the percentage of an authorized online course provider's students who complete online courses after the applicable time period specified in Subsection 53F-4-505(4)(c) and before the student graduates from high school; and
- (g) the authorized online [~~learning~~] course provider's pupil-teacher ratio for the online courses combined.

(3) The state board's contractor shall provide on the contractor's website information regarding enrollment and participation by a private school or home school student through the contractor.

Section 14. 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 an authorized online course [~~providers~~] provider with estimates of online course enrollment, a student should enroll in an online course, or declare an intention to enroll in an online course:

- (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

HB0247S03 compared with HB0247S02

course and adding an online course consistent with course schedule alteration procedures adopted by the student's primary LEA of enrollment.

(b) [~~A school district's or high school's~~] An LEA or 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.

Section 15. Section **53F-4-514** is amended to read:

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

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

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

(a) a course credit acknowledgement form and procedures for completing and submitting to the state board or, in relation to a student who attends a private school or home school, the state board's contractor, a course credit acknowledgement;

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

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

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

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

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

(e) no later than July 1, 2024, a process within existing systems at the state board or, in relation to a student who attends a private school or home school, the state board's contractor, to allow a certified online course provider access to an educator's licensing, endorsement,

HB0247S03 compared with HB0247S02

certification, and assignment information if the educator is teaching an online course for the certified online course provider;

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

(i) a definition for the term site visit;

(ii) the minimum amount of time required for:

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

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

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

(iv) a process to ensure a site visit allows for observation of instruction without interfering with the instruction[-];

(g) annual mandatory training for relevant staff at a primary LEA that includes:

(i) program requirements for a primary LEA including reporting requirements and methods;

(ii) uses of resources and tools to ensure adequate monitoring of an eligible student's progress;

(iii) federal and state requirements for accommodating enrollments that involve special education;

(iv) appropriate circumstances and methodologies for reducing an eligible student's schedule; and

(v) other components the state board determines are necessary; and

(3) (a) When establishing the standards described in Subsection (2)(c)(ii) the state board shall:

(i) establish rules and minimum standards regarding accreditation;

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

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

(A) the certified online course provider; or

(B) the online course that a certified online course provider offers;

(iv) permit an open-entry, open-exit method of instructional delivery that allows a

HB0247S03 compared with HB0247S02

student the flexibility to:

- (A) schedule in response to individual needs or requirements;
- (B) demonstrate competency when the student has mastered knowledge and skills;
- (C) begin or end study at any time; and
- (D) progress through course material at the student's own pace; and
- (v) except as provided in Subsection [~~(4)~~] (5), require an individual who teaches a

course for a certified online course provider to hold a teaching license issued by the state board.

(b) When establishing the standards described in Subsection (2)(c)(ii), the state board may not:

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

or

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

(4) No later than January 31, 2026, the state board shall create a communication dashboard for the program and only related to eligible students enrolled in a public school that may include:

(a) a counselor contact list for an eligible student that is accessible to an authorized online course provider; and

(b) progress monitoring fields that are accessible to the primary LEA, the eligible student's counselor, and the eligible student's parent containing:

(i) grade progress reporting of an eligible student by an authorized online course provider;

(ii) an ability to flag a student that is at-risk of failing an online course; and

(iii) other relevant capabilities the state board determines to be necessary in consultation with LEA users of the dashboard.

[~~(4)~~] (5) If an individual possesses a provider-specific license described in Section 53E-6-201, the state board may not prohibit the individual from teaching an online course for an authorized online course provider while the individual is in the process of obtaining an endorsement or additional license issued by the state board.

[~~(5)~~] (6) The state board may establish a fee, in accordance with Section 63J-1-504, in an amount to pay the costs to the state board of the application approval process and the

HB0247S03 compared with HB0247S02

monitoring of a certified online course provider's compliance with the standards described in Subsection (2)(c)(ii).

~~[(6)]~~ (7) (a) Fee revenue collected in accordance with Subsection ~~[(5)]~~ (6) shall be:

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

(ii) used to pay the costs to the state board of reviewing certified online course

providers' applications and compliance with the standards described in Subsection (2)(c)(ii).

Section 16. Section **53F-4-516** is amended to read:

53F-4-516. Report of noncompliance -- Action to ensure compliance.

(1) The state superintendent shall report to the state board any report of noncompliance of this part made to a staff member of ~~[the staff of]~~ the state board or, in relation to a student who attends a private school or home school, the state board's contractor.

(2) The state board and, if applicable, the state board's contractor, shall take appropriate action to ensure compliance with this part.

Section 17. Section **53F-4-517** is amended to read:

53F-4-517. Agreements for online instruction.

(1) In addition to offering online courses to students through the ~~[Statewide Online Education Program]~~ program, a school district or charter school may enter into an agreement with another school district or charter school or a consortium of school districts or charter schools to provide online instruction to the school district's or charter school's students.

(2) Online instruction offered pursuant to Subsection (1) is not subject to the requirements of this part.

Section 18. Section **53F-4-518** is amended to read:

53F-4-518. Small school student access to college and career readiness courses.

Subject to legislative appropriations and Subsection 53F-4-514(2)(h), and notwithstanding Subsections 53F-4-509(2) and (3), the state board shall:

(1) use funds from an appropriation for the Statewide Online Education Program to pay for an online course fee described in Section 53F-4-505 for a student who is enrolled in a public high school that enrolls fewer than 1,000 students; and

(2) after the funds described in Subsection (1) have been expended, make a deduction as described in Subsection 53F-4-507(3).

Section 19. **Effective date.**

HB0247S03 compared with HB0247S02

This bill takes effect on May 1, 2024.