

Representative Dan N. Johnson proposes the following substitute bill:

STATEWIDE ONLINE EDUCATION PROGRAM AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dan N. Johnson

Senate Sponsor: _____

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;
 - 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;
- ▶ 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;



- 26 ▶ requires certain coordination between a primary LEA and an authorized online
- 27 course provider; and
- 28 ▶ makes technical changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

- 35 **53E-3-518**, as last amended by Laws of Utah 2023, Chapter 70
- 36 **53F-4-501**, as last amended by Laws of Utah 2023, Chapters 226, 368
- 37 **53F-4-502**, as last amended by Laws of Utah 2023, Chapter 368
- 38 **53F-4-503**, as last amended by Laws of Utah 2023, Chapters 226, 368
- 39 **53F-4-504**, as last amended by Laws of Utah 2023, Chapter 368
- 40 **53F-4-505**, as last amended by Laws of Utah 2023, Chapter 368
- 41 **53F-4-506**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 42 **53F-4-507**, as last amended by Laws of Utah 2023, Chapter 368
- 43 **53F-4-508**, as last amended by Laws of Utah 2019, Chapter 186
- 44 **53F-4-509**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 45 **53F-4-510**, as last amended by Laws of Utah 2019, Chapter 186
- 46 **53F-4-511**, as last amended by Laws of Utah 2019, Chapter 186
- 47 **53F-4-512**, as last amended by Laws of Utah 2019, Chapter 186
- 48 **53F-4-513**, as last amended by Laws of Utah 2021, Chapter 362
- 49 **53F-4-514**, as last amended by Laws of Utah 2023, Chapter 368
- 50 **53F-4-516**, as last amended by Laws of Utah 2019, Chapter 186
- 51 **53F-4-517**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 52 **53F-4-518**, as last amended by Laws of Utah 2023, Chapter 368

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

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

56 **53E-3-518. Utah school information management system -- Local education**

57 **agency requirements.**

58 (1) As used in this section:

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

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

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

62 (A) student information;

63 (B) educator information;

64 (C) financial information; or

65 (D) other information requested by the state board.

66 (b) "LEA financial information system" or "LEA's financial information system" means

67 an LEA data system used for financial information.

68 (c) "Parent" means the same as that term is defined in Section [53G-6-201](#).69 (d) "Utah school information management system" or "information management
70 system" means the state board's data collection and reporting system described in this section.71 (e) "User" means an individual who has authorized access to the information
72 management system.73 (2) On or before July 1, 2024, the state board shall have in place an information
74 management system that meets the requirements described in this section.

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

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

77 Subsection [~~(6)~~; (7)];78 (b) serves as the mechanism for the state board to collect and report on all data that
79 LEAs submit to the state board related to:

80 (i) student information;

81 (ii) educator information;

82 (iii) financial information; and

83 (iv) other information requested by the state board;

84 (c) includes a web-based user interface through which a user may:

85 (i) enter data;

86 (ii) view data; and

87 (iii) generate customizable reports;

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

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

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

93 (g) meets requirements related to a student achievement backpack described in Section
94 [53E-3-511](#).

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

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

99 (i) different LEA student information systems; and

100 (ii) an authorized online course provider and a primary LEA; and

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

104 [~~(4)~~] (5) The state board shall establish the restrictions on user access described in
105 Subsection (3)(f).

106 [~~(5)~~] (6) (a) The state board shall make rules that establish the required capabilities for
107 an LEA financial information system.

108 (b) In establishing the required capabilities for an LEA financial information system,
109 the state board shall consider metrics and capabilities requested by the state treasurer or state
110 auditor.

111 [~~(6)~~] (7) (a) On or before July 1, 2024, an LEA shall ensure that:

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

113 (A) meet the data standards established by the state board in accordance with Section
114 [53E-3-501](#);

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

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

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

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

122 ~~[(7)]~~ (8) (a) Subject to appropriations and Subsection ~~[(7)(b)]~~ (8)(b), the state board
123 may use an appropriation under this section to help an LEA meet the requirements in the rules
124 described in Subsection ~~[(5)]~~ (6) by:

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

127 (A) awarding a grant to the LEA; or

128 (B) providing a reimbursement to the LEA; or

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

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

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

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

137 ~~[(8)]~~ (9) (a) Beginning July 1, 2024, the state board may take action against an LEA
138 that is out of compliance with a requirement described in Subsection ~~[(6)]~~ (7) until the LEA
139 complies with the requirement.

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

142 ~~[(9)]~~ (10) (a) For purposes of this Subsection ~~[(9)]~~ (10), "education record" means the
143 same as that term is defined in 20 U.S.C. Sec. 1232g.

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

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

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

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

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

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

157 (i) registering a student in a school; or

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

159 (d) Subject to the federal Family Education Rights and Privacy Act, 20 U.S.C. Sec.
160 1232g, and related regulations, the state board shall provide a parent access to an education
161 record concerning the parent's student.

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

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

166 **53F-4-501. Definitions.**

167 As used in this part:

168 (1) "Authorized online course provider" means the entities listed in Subsection
169 [53F-4-504](#)(1).

170 (2) (a) "Certified online course provider" means a provider that the state board
171 approves to offer courses through the Statewide Online Education Program.

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

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

176 (4) "Eligible student" means a student:

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

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

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

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

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

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

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

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

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

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

194 Section 3. Section **53F-4-502** is amended to read:

195 **53F-4-502. Statewide Online Education Program created -- Designated as**
196 **program of the public education system -- Purposes.**

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

- 199 (a) by July, 1, 2025, earn college credit;
200 [~~(a)~~] (b) earn high school graduation credit; or
201 [~~(b)~~] (c) earn middle school credit.

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

204 (3) The purposes of the Statewide Online Education Program are to:

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

207 (b) provide digital learning options for a student regardless of language, residence,
208 family income, or special needs;

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

211 (d) utilize the power and scalability of technology to customize education so that a

212 student may learn in the student's own style preference and at the student's own pace;

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

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

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

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

223 (i) provide quality learning options to better prepare a student for post-secondary
224 education [~~and~~], vocational training, or career opportunities; and

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

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

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

229 **53F-4-503. Option to enroll in online courses offered through the Statewide**
230 **Online Education Program.**

231 (1) Subject to Subsections [~~(2) and (8);~~] (2), (9) and (11) and with the advice of a
232 school counselor at a student's primary LEA, an eligible student may enroll in an online course
233 offered through the Statewide Online Education Program if:

234 (a) the student meets the course prerequisites;

235 (b) the course is open for enrollment; and

236 (c) the online course is aligned with the student's plan for college and career
237 readiness[;].

238 [~~(d) the online course is consistent with the student's IEP, if the student has an IEP;~~
239 ~~and]~~

240 [~~(e) the online course is consistent with the student's international baccalaureate~~
241 ~~program, if the student is participating in an international baccalaureate program.]~~

242 (2) An eligible student may enroll in online courses [~~for no more than~~] totaling up to

243 six credits per school year.

244 (3) Notwithstanding Subsection (2):

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

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

250 (4) An eligible student's primary LEA of enrollment:

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

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

257 (5) An eligible student's primary LEA of enrollment may not:

258 (a) impose restrictions on a student's selection of an online course that fulfills
259 graduation requirements and is consistent with the student's plan for college and career
260 readiness or post-secondary plans; or

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

262 (6) The state board, including an employee of the state board, may not give preference
263 to an online course or authorized online course provider.

264 (7) (a) Except as provided in Subsection (7)(b), a person may not provide an
265 inducement or incentive to a public school student to participate in the Statewide Online
266 Education Program.

267 (b) For purposes of Subsection (7)(a):

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

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

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

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

273 (8) The state board shall coordinate with the Utah System of Higher Education to study

274 funding structures and access barriers related to concurrent enrollment for the Statewide Online
275 Education Program and provide recommendations to the Education Interim Committee no later
276 than the November 2024 meeting.

277 (9) Subject to legislative appropriations, the state board shall provide Statewide Online
278 Education Program academic counseling that:

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

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

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

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

286 (e) direct an eligible student or an eligible student's parent to a school-specific
287 counselor for advice regarding an online course enrollment in relation to an LEA, or
288 school-specific graduation requirement and all other counseling services.

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

290 (a) the eligible student's primary LEA:

291 (i) shall:

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

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

297 (ii) may:

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

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

303 (b) the authorized online course provider:

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

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

307 (11) The state board shall create a model cooperative agreement between a primary
308 LEA and an authorized online course provider for use when the primary LEA determines that
309 an authorized online course provider would best provide IEP services.

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

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

315 **53F-4-504. Authorized online course providers -- Certified online course**
316 **providers.**

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

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

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

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

324 (i) offers secondary school level courses; and

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

326 (d) a certified online course provider.

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

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

330 (b) meets the standards described in Section **53F-4-514**;

331 (c) has a student information system that is compatible with the state board's
332 information system described in Section **53E-3-518**; and

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

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

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

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

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

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

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

346 Section 6. Section 53F-4-505 is amended to read:

347 **53F-4-505. Payment for an online course.**

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

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

351 (i) financial literacy;

352 (ii) health;

353 (iii) fitness for life; and

354 (iv) computer literacy;

355 (b) \$200 for driver education;

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

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

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

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

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

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

365 (ii) a concurrent enrollment course; and

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

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

369 (3) The online course fees described in Subsection (1) shall be adjusted each school
370 year in accordance with the percentage change in value of the weighted pupil unit from the
371 previous school year.

372 (4) An authorized online course provider shall receive payment for an online course as
373 follows:

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

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

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

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

385 (b) To encourage an authorized online course provider to provide remediation to a
386 student who remains enrolled in an online course pursuant to Subsection (5)(a) and avoid the
387 need for credit recovery, an authorized online course provider shall receive a payment equal to
388 30% of the online course fee if the student completes the online course:

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

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

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

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

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

396 (7) An authorized online course provider who contracts with a vendor for the
397 acquisition of online course content or online course instruction may negotiate the payment for

398 the vendor's service independent of the fees specified in Subsections (1) through (3).

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

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

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

405 **53F-4-506. Withdrawal from an online course.**

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

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

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

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

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

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

419 (c) If a student withdraws from a 1 credit online course as provided in Subsection
420 (3)(a), the authorized online course provider shall receive payment for the student's completion
421 of .5 credit of the 1 credit course in the same manner as an authorized online course provider
422 receives payment for a student's completion of a .5 credit online course as described in
423 Subsection 53F-4-505(4).

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

425 **53F-4-507. State board to deduct funds and make payments -- Plan for the**
426 **payment of online courses taken by private and home school students.**

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

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

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

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

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

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

439 (c) in the fiscal year beginning July 1, 2025, keep all other appropriations for the
440 Statewide Online Education Program separate from the appropriations described in Section
441 [53F-4-518](#).

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

445 (b) Money shall be deducted under Subsection (3)(a) in the amount and at the time an
446 authorized online course provider qualifies to receive payment for an online course provided to
447 a public education student, not to exceed 90 days after qualification, as provided in Subsection
448 [53F-4-505](#)(4).

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

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

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

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

458 **53F-4-508. Course credit acknowledgment.**

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

460 provider shall:

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

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

466 (i) IEP or Section 504 accommodation plan;

467 (ii) graduation requirements; and

468 (iii) schedule, if applicable.

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

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

472 (b) the student's primary LEA of enrollment acknowledges that the state board will
473 deduct funds allocated to the LEA under Chapter 2, State Funding -- Minimum School
474 Program, in the amount and at the time the authorized online course provider qualifies to
475 receive payment for the online course as provided in Subsection 53F-4-505(4).

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

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

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

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

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

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

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

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

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

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

496 (ii) the course is not open for enrollment.

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

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

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

508 (h) ~~[H]~~ Except as provided in Subsection (5), if a primary LEA of enrollment does not
509 submit an acceptance or rejection of a course credit acknowledgment to the state board within
510 ~~[72]~~ 24 business hours of the receipt of a course credit acknowledgment from the state board
511 pursuant to Subsection (3)(b), the state board shall consider the course credit acknowledgment
512 accepted.

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

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

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

522 acknowledgment.]

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

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

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

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

534 **53F-4-509. Online course credit hours included in daily membership --**
535 **Limitation.**

536 (1) Subject to Subsection (2), a student's primary LEA of enrollment shall include
537 online course credit hours in calculating daily membership.

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

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

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

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

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

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

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

556 **53F-4-510. Administration of statewide assessments to students enrolled in online**
557 **courses.**

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

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

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

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

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

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

568 **53F-4-511. Report on performance of authorized online course providers.**

569 (1) The state board, in collaboration with authorized online course providers, shall
570 develop a report on the performance of authorized online course providers, which may be used
571 to evaluate the Statewide Online Education Program and assess the quality of an authorized
572 online course provider.

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

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

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

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

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

584 (3) The state board shall post a report on the performance of an authorized online
585 course provider on the Statewide Online Education Program's website described in Section
586 53F-4-512.

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

588 **53F-4-512. Dissemination of information on the Statewide Online Education**
589 **Program.**

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

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

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

595 (c) a directory of authorized online course providers;

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

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

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

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

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

604 (c) a course catalog;

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

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

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

613 (g) the authorized online [~~learning~~] course provider's pupil-teacher ratio for the online
614 courses combined.

615 Section 14. Section **53F-4-513** is amended to read:

616 **53F-4-513. Time period to enroll in an online course.**

617 (1) To provide an LEA and an authorized online course [~~providers~~] provider with
618 estimates of online course enrollment, a student should enroll in an online course, or declare an
619 intention to enroll in an online course:

620 (a) for a high school online course, during the time period the LEA designates for high
621 school course registration; or

622 (b) for a middle school online course, during the time period the LEA designates for
623 middle school course registration.

624 (2) Notwithstanding Subsection (1) and except as provided in Subsection (3), a student
625 may enroll in an online course at any time during a calendar year.

626 (3) (a) A student may alter a course schedule by dropping a traditional classroom
627 course and adding an online course consistent with course schedule alteration procedures
628 adopted by the student's primary LEA of enrollment.

629 (b) [~~A school district's or high school's~~] An LEA or school's deadline for dropping a
630 traditional classroom course and adding an online course shall be the same deadline for
631 dropping and adding a traditional classroom course.

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

633 **53F-4-514. State board -- Rulemaking -- Fees.**

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

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

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

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

645 (c) protocols for an online course provider to obtain approval to become a certified

646 online course provider, including:

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

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

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

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

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

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

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

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

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

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

665 (iv) a process to ensure a site visit allows for observation of instruction without

666 interfering with the instruction[-];

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

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

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

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

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

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

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

679 (i) establish rules and minimum standards regarding accreditation;
680 (ii) require an online course to be aligned with the core standards described in Section
681 [53E-4-202](#);

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

684 (A) the certified online course provider; or
685 (B) the online course that a certified online course provider offers;
686 (iv) permit an open-entry, open-exit method of instructional delivery that allows a
687 student the flexibility to:

688 (A) schedule in response to individual needs or requirements;
689 (B) demonstrate competency when the student has mastered knowledge and skills;
690 (C) begin or end study at any time; and
691 (D) progress through course material at the student's own pace; and
692 (v) except as provided in Subsection [~~(4)~~] (5), require an individual who teaches a
693 course for a certified online course provider to hold a teaching license issued by the state board.

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

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

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

700 (4) No later than January 31, 2026, the state board shall create a communication
701 dashboard for the program that may include:

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

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

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

708 (ii) an ability to flag a student that is at-risk of failing an online course; and
709 (iii) other relevant capabilities the state board determines to be necessary in
710 consultation with LEA users of the dashboard.

711 ~~[(4)]~~ (5) If an individual possesses a provider-specific license described in Section
712 53E-6-201, the state board may not prohibit the individual from teaching an online course for
713 an authorized online course provider while the individual is in the process of obtaining an
714 endorsement or additional license issued by the state board.

715 ~~[(5)]~~ (6) The state board may establish a fee, in accordance with Section 63J-1-504, in
716 an amount to pay the costs to the state board of the application approval process and the
717 monitoring of a certified online course provider's compliance with the standards described in
718 Subsection (2)(c)(ii).

719 ~~[(6)]~~ (7) (a) Fee revenue collected in accordance with Subsection ~~[(5)]~~ (6) shall be:

- 720 (i) deposited into the Uniform School Fund as a dedicated credit; and
721 (ii) used to pay the costs to the state board of reviewing certified online course
722 providers' applications and compliance with the standards described in Subsection (2)(c)(ii).

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

724 **53F-4-516. Report of noncompliance -- Action to ensure compliance.**

725 (1) The state superintendent shall report to the state board any report of noncompliance
726 of this part made to a staff member of ~~[the staff of]~~ the state board.

727 (2) The state board shall take appropriate action to ensure compliance with this part.

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

729 **53F-4-517. Agreements for online instruction.**

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

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

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

737 **53F-4-518. Small school student access to college and career readiness courses.**

738 Subject to legislative appropriations and Subsection 53F-4-514(2)(h), and

739 notwithstanding Subsections 53F-4-509(2) and (3), the state board shall:

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

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

745 Section 19. **Effective date.**

746 This bill takes effect on May 1, 2024.