

ONLINE COURSE ACCESS AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kera Birkeland

Senate Sponsor: _____

LONG TITLE

General Description:

This bill provides an exception to the requirement that the State Board of Education deduct money from a student's primary LEA to pay fees for a course the student enrolls in through the Statewide Online Education Program.

Highlighted Provisions:

This bill:

- ▶ provides that the State Board of Education use an appropriation to the Statewide Online Education Program to pay for a student's online course instead of deducting funds from a student's primary LEA of enrollment under certain conditions; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

53F-4-508, as last amended by Laws of Utah 2019, Chapter 186

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



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

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

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

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

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

37 (2) (a) [~~The~~] Except as provided in Subsection (3), the state board shall deduct money
38 from funds allocated to the student's primary LEA of enrollment under Chapter 2, State
39 Funding -- Minimum School Program, to pay for online course fees.

40 (b) [~~Money shall be deducted~~] The state board shall deduct money under Subsection
41 (2)(a) in the amount and at the time an online course provider qualifies to receive payment for
42 an online course as provided in Subsection **53F-4-505**(4).

43 [~~(3)~~] (c) From money deducted under Subsection (2)(a) or described in Subsection (3),
44 the state board shall make payments to the student's online course provider as provided in
45 Section **53F-4-505**.

46 (3) Subject to legislative appropriations, and notwithstanding Subsections
47 **53F-4-509**(2) and (3), the state board shall use an appropriation for the Statewide Online
48 Education Program to pay for an online course fee described in Section **53F-4-505** for a student
49 who is enrolled in a public high school that enrolls fewer than 1,000 students.

50 (4) The Legislature shall establish a plan[~~, which shall take effect beginning on July 1,~~
51 ~~2013,~~] for the payment of online courses taken by a private school or home school student.

52 Section 2. Section **53F-4-508** is amended to read:

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

54 (1) A student's primary LEA of enrollment and the student's online course provider
55 shall enter into a course credit acknowledgment in which the primary LEA of enrollment and
56 the online course provider acknowledge that the online course provider is responsible for the
57 instruction of the student in a specified online course.

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

59 (a) the online course provider shall receive a payment in the amount provided under
60 Section [53F-4-505](#); and

61 (b) the student's primary LEA of enrollment acknowledges that the state board will
62 deduct funds allocated to the LEA under Chapter 2, State Funding -- Minimum School
63 Program in accordance with Section [53F-4-507](#), in the amount and at the time the online course
64 provider qualifies to receive payment for the online course as provided in Subsection
65 [53F-4-505](#)(4).

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

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

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

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

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

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

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

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

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

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

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

86 (e) A primary LEA of enrollment or online course provider shall submit an acceptance
87 or rejection of a course credit acknowledgment to the state board within 72 business hours of
88 the receipt of a course credit acknowledgment from the state board pursuant to Subsection
89 (3)(b).

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

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

96 (h) If a primary LEA of enrollment does not submit an acceptance or rejection of a
97 course credit acknowledgment to the state board within 72 business hours of the receipt of a
98 course credit acknowledgment from the state board pursuant to Subsection (3)(b), the state
99 board shall consider the course credit acknowledgment accepted.

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

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

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

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

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