

STATEWIDE ONLINE EDUCATION PROGRAM AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Kera Birkeland

LONG TITLE

General Description:

This bill expands the Statewide Online Education Program.

Highlighted Provisions:

This bill:

- ▶ expands the Statewide Online Education Program to:
 - include grade 6 in certain circumstances; and
 - allow additional middle school credits per school year; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2024:

- ▶ to the State Board of Education - Statewide Online Education Program Subsidy, as a one-time appropriation:
 - from the Public Education Economic Stabilization Account, One-time, \$1,696,000.

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

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

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

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

31 **53F-4-501. Definitions.**

32 As used in this part:

33 (1) (a) "Certified online course provider" means a provider that the state board
34 approves to offer courses through the Statewide Online Education Program.

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

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

39 (3) "Eligible student" means a student:

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

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

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

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

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

45 (5) "Middle school" means, only for purposes of student eligibility to participate in the
46 Statewide Online Education Program, grade 6, 7₂ or 8.

47 (6) "Online course" means a course of instruction offered by the Statewide Online
48 Education Program through the use of digital technology.

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

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

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

56 Section 2. Section **53F-4-503** is amended to read:

57 **53F-4-503. Option to enroll in online courses offered through the Statewide**

58 **Online Education Program.**

59 (1) Subject to Subsections (2)~~[(3), and (9)]~~ and (8), an eligible student may enroll in
60 an online course offered through the Statewide Online Education Program if:

- 61 (a) the student meets the course prerequisites;
- 62 (b) the course is open for enrollment;
- 63 (c) the online course is aligned with the student's plan for college and career readiness;
- 64 (d) the online course is consistent with the student's IEP, if the student has an IEP; and
- 65 (e) the online course is consistent with the student's international baccalaureate
66 program, if the student is participating in an international baccalaureate program.

67 (2) ~~[(a) Except as provided in Subsection (2)(b), an]~~ An eligible student may enroll in
68 online courses for no more than six credits per school year.

69 ~~[(b) An eligible student may enroll in an online course for middle school credit for no
70 more than two credits per school year if the eligible student:]~~

71 ~~[(i) does not have a primary LEA of enrollment; and]~~

72 ~~[(ii) is enrolled in a private school.]~~

73 ~~[(3) (a) An eligible student who has a primary LEA of enrollment may enroll in an
74 online course for middle school credit beginning January 1, 2022.]~~

75 ~~[(b) An eligible student who does not have a primary LEA of enrollment may enroll in
76 an online course for middle school credit beginning in the 2022-2023 school year.]~~

77 ~~[(4)]~~ (3) Notwithstanding Subsection (2):

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

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

83 ~~[(5)]~~ (4) An eligible student's primary LEA of enrollment:

84 (a) in conjunction with the student and the student's parent, is responsible for preparing
85 and implementing a plan for college and career readiness for the eligible student, as provided in

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

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

90 ~~[(6)]~~ (5) An eligible student's primary LEA of enrollment may not:

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

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

95 ~~[(7)]~~ (6) The state board, including an employee of the state board, may not give
96 preference to an online course or online course provider.

97 ~~[(8)]~~ (7) (a) Except as provided in Subsection ~~[(8)(b)]~~ (7)(b), a person may not provide
98 an inducement or incentive to a public school student to participate in the Statewide Online
99 Education Program.

100 (b) For purposes of Subsection ~~[(8)(a)]~~ (7)(a):

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

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

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

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

106 ~~[(9)]~~ (8) If the program lacks sufficient legislative appropriations to fund the
107 enrollment in online courses for all eligible students who do not have a primary LEA of
108 enrollment, the state board shall prioritize funding the enrollment of an eligible student who
109 intends to graduate from high school during the school year in which the student enrolls in an
110 online course.

111 Section 3. **Appropriation.**

112 The following sums of money are appropriated for the fiscal year beginning July 1,
113 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for

114 fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
115 Act, the Legislature appropriates the following sums of money from the funds or accounts
116 indicated for the use and support of the government of the state of Utah.

117 ITEM 1

118 To State Board of Education - Statewide Online Education Program Subsidy

119 From Public Education Economic Stabilization Account, One-time 1,696,000

120 Schedule of Programs:

121 Home and Private School Students 1,696,000

122 Section 4. **Effective date.**

123 This bill takes effect on July 1, 2023.