

STUDENT ACCESS TO ONLINE COURSES

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kim F. Coleman

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill amends provisions of the Statewide Online Education Program Act.

Highlighted Provisions:

This bill:

- ▶ amends provisions authorizing an eligible student to enroll in an online course;
- ▶ removes a limitation on the number of online credits an eligible student may enroll in;
- ▶ requires a primary LEA of enrollment to provide physical space and technology for an eligible student to access an online course under certain conditions; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53A-15-1204, as last amended by Laws of Utah 2012, Chapter 238

53A-15-1208, as last amended by Laws of Utah 2012, Chapter 238

REPEALS:

53A-15-1214, as enacted by Laws of Utah 2011, Chapter 419



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

Section 1. Section **53A-15-1204** is amended to read:

53A-15-1204. Option to enroll in online courses offered through the Statewide Online Education Program.

(1) Subject to the course limitations provided in Subsection (2), an eligible student may enroll in an online course ~~[offered through the Statewide Online Education Program]~~ if:

(a) the eligible student meets the course prerequisites;

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

~~[(c) the online course is aligned with the student's student education/occupation plan (SEOP);]~~

~~[(d) the online course is consistent with the student's individual education plan (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.]~~

(c) (i) the eligible student's school:

(A) offers the course but the course is full at the same specific time that the eligible student intends to enroll; or

(B) does not offer the course but the same or similar course is offered as an online course; or

(ii) the student desires to take the course.

(2) An eligible student may enroll in online courses for no more than the following number of credits:

(a) in the 2011-12 and 2012-13 school years, two credits;

(b) in the 2013-14 school year, three credits;

(c) in the 2014-15 school year, four credits;

(d) in the 2015-16 school year, five credits; ~~[and]~~

(e) ~~[beginning with]~~ in the 2016-17 school year, six credits~~[-]; and~~

(f) beginning with the 2017-18 school year, an unlimited number of credits subject to Section [53A-15-1209](#).

~~[(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 of Education 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)]~~ (3) An eligible student's primary LEA of enrollment:

(a) in conjunction with the student and the student's parent or legal guardian, is responsible for preparing and implementing a student education/occupation plan (SEOP) for the eligible student, as provided in Section [53A-1a-106](#); ~~[and]~~

(b) shall assist an eligible student in scheduling courses in accordance with the student's SEOP, graduation requirements, and the student's post-secondary plans~~[-]; and~~

(c) if the primary LEA of enrollment has a campus, shall provide physical space and the technology necessary for the eligible student to access an online course if the eligible student intends to access the online course on a campus of the primary LEA of enrollment.

(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 graduation requirements and is consistent with the student's SEOP or post-secondary plans]; or~~

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

(6) The State Board of Education, including an employee of the State Board of Education, may not give preference to an online course or 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.

Section 2. Section **53A-15-1208** is amended to read:

53A-15-1208. Course credit acknowledgement.

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

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

(a) the online course provider shall receive a payment in the amount provided under Section 53A-15-1206; and

(b) the student's primary LEA of enrollment acknowledges that the State Board of Education will deduct funds allocated to the LEA under Chapter 17a, Minimum School Program Act, in the amount and at the time the online course provider qualifies to receive payment for the online course as provided in Subsection 53A-15-1206(4).

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

(b) The originating entity shall submit the course credit acknowledgement to the State Board of Education who shall forward it to the primary LEA of enrollment for course selection verification or the online course provider for acceptance.

(c) ~~[(i)]~~ A primary LEA of enrollment may ~~[only]~~ not reject a course credit acknowledgement ~~[if:]~~.

~~[(A) the online course is not aligned with the student's SEOP;]~~

~~[(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) the number of online course credits exceeds the maximum allowed for the year as provided in Section 53A-15-1204.]~~

~~[(ii) Verification of alignment of an online course with a student's SEOP does not require a meeting with the student.]~~

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

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

(ii) the course is not open for enrollment.

(e) A primary LEA of enrollment or online course provider shall submit an acceptance

or rejection of a course credit acknowledgement to the State Board of Education within 72 business hours of the receipt of a course credit acknowledgement from the State Board of Education pursuant to Subsection (3)(b).

(f) If an online course provider accepts a course credit acknowledgement, the online course provider shall forward to the primary LEA of enrollment the online course start date as established under Section 53A-15-1206.5.

(g) If an online course provider rejects a course credit acknowledgement, the online course provider shall include an explanation which the State Board of Education shall forward to the primary LEA of enrollment for the purpose of assisting a student with future online course selection.

(h) If a primary LEA of enrollment does not submit an acceptance or rejection of a course credit acknowledgement to the State Board of Education within 72 business hours of the receipt of a course credit acknowledgement from the State Board of Education pursuant to Subsection (3)(b), the State Board of Education shall consider the course credit acknowledgement accepted.

(i) [(†)] Upon acceptance of a course credit acknowledgement, the primary LEA of enrollment shall notify the student of the acceptance and the start date for the online course as established under Section 53A-15-1206.5.

~~[(ii) Upon rejection of a course credit acknowledgement, 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 acknowledgement.

(4) (a) A primary LEA of enrollment may not reject a course credit acknowledgement, because the LEA is negotiating, or intends to negotiate, an online course fee with the online course provider pursuant to Subsection 53A-15-1206(6).

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

152 Section 3. **Repealer.**
153 This bill repeals:
154 Section **53A-15-1214**, Review by legislative auditor general.
155 Section 4. **Effective date.**
156 This bill takes effect on July 1, 2017.

Legislative Review Note
Office of Legislative Research and General Counsel