

1 **STATEWIDE ONLINE EDUCATION PROGRAM AMENDMENTS**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Howard A. Stephenson**

5 House Sponsor: Bradley M. Daw

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions related to the Statewide Online Education Program.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ requires the program name, "Statewide Online Education Program," to be used in
13 the dissemination of information on the program;

14 ▶ provides that the State Board of Education, including an employee of the State
15 Board of Education, may not give preference to an online course or online course
16 provider;

17 ▶ modifies the fees paid to an online course provider for an online course;

18 ▶ modifies the date when an online course provider receives payment for an online
19 course;

20 ▶ prescribes when a student may withdraw from an online course;

21 ▶ prescribes procedures for the completion of a course credit acknowledgement;

22 ▶ prohibits a student who enrolls in an online course from being counted in
23 membership for a released-time class, if counting the student in membership for a
24 released-time class would result in the student being counted as more than one FTE;

25 ▶ permits a student taking an online course to take more than a full course load if
26 allowed under local school board or charter school governing board policy;

27 ▶ modifies requirements for reports on the performance of an online course provider;

28 ▶ provides for a declaration of intent to enroll in an online course and changes to a
29 high school course schedule;

- 30 ▶ provides for reporting of noncompliance, and enforcement of compliance, with
- 31 requirements of the Statewide Online Education Program;
- 32 ▶ provides for an audit of the Electronic High School;
- 33 ▶ specifies the purpose of the Electronic High School;
- 34 ▶ provides that the Electronic High School may only offer courses required for high
- 35 school graduation or that fulfill core curriculum course requirements;
- 36 ▶ removes the Electronic High School as an online course provider in the Statewide
- 37 Online Education Program; and
- 38 ▶ makes technical changes.

39 **Money Appropriated in this Bill:**

40 None

41 **Other Special Clauses:**

42 This bill provides effective dates.

43 **Utah Code Sections Affected:**

44 AMENDS:

45 **53A-15-1002 (Effective 07/01/12)**, as last amended by Laws of Utah 2011, Chapter
46 419

47 **53A-15-1003**, as enacted by Laws of Utah 2006, Chapter 227

48 **53A-15-1006 (Effective 07/01/12)**, as last amended by Laws of Utah 2011, Chapter
49 419

50 **53A-15-1202**, as enacted by Laws of Utah 2011, Chapter 419

51 **53A-15-1204**, as enacted by Laws of Utah 2011, Chapter 419

52 **53A-15-1205**, as enacted by Laws of Utah 2011, Chapter 419

53 **53A-15-1206**, as enacted by Laws of Utah 2011, Chapter 419

54 **53A-15-1207**, as enacted by Laws of Utah 2011, Chapter 419

55 **53A-15-1208**, as enacted by Laws of Utah 2011, Chapter 419

56 **53A-15-1209**, as enacted by Laws of Utah 2011, Chapter 419

57 **53A-15-1211**, as enacted by Laws of Utah 2011, Chapter 419

58 53A-15-1212, as enacted by Laws of Utah 2011, Chapter 419

59 ENACTS:

60 53A-15-1002.5, Utah Code Annotated 1953

61 53A-15-1008, Utah Code Annotated 1953

62 53A-15-1201.5, Utah Code Annotated 1953

63 53A-15-1206.5, Utah Code Annotated 1953

64 53A-15-1212.5, Utah Code Annotated 1953

65 53A-15-1216, Utah Code Annotated 1953

66 53A-15-1217, Utah Code Annotated 1953

67

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

69 Section 1. Section 53A-15-1002 (Effective 07/01/12) is amended to read:

70 53A-15-1002 (Effective 07/01/12). **Definitions.**

71 As used in this part:

72 (1) "Board" means the State Board of Education.

73 (2) "Electronic High School" means a rigorous program offering grade 9 - 12 level
74 online courses [~~through the Statewide Online Education Program~~] and coordinated by the
75 board.

76 [~~(3) "Eligible student" has the meaning defined in Section 53A-15-1202.~~]

77 [~~(4)~~] (3) "Home-schooled student" means a student:

78 (a) [~~who~~] attends a home school;

79 (b) is exempt from school attendance pursuant to Section 53A-11-102; and

80 (c) attends no more than two regularly scheduled classes or courses in a public school
81 per semester.

82 [~~(5)~~] (4) "Open-entry, open-exit" means:

83 (a) a method of instructional delivery that allows for flexible scheduling in response to
84 individual student needs or requirements and demonstrated competency when knowledge and
85 skills have been mastered; and

86 (b) students have the flexibility to begin or end study at any time, progress through
87 course material at their own pace, and demonstrate competency when knowledge and skills
88 have been mastered.

89 Section 2. Section **53A-15-1002.5** is enacted to read:

90 **53A-15-1002.5. Electronic High School created -- Purpose.**

91 The Electronic High School is created:

92 (1) to provide an opportunity for a student who has failed a course to retake the course
93 and earn course credit;

94 (2) to allow a student to complete high school graduation requirements and exit high
95 school early;

96 (3) to allow a student to take a course online so that the student has greater flexibility
97 in scheduling courses during the regular school day; and

98 (4) to allow a home-schooled or private school student in Utah to take a course within
99 the Utah high school core curriculum.

100 Section 3. Section **53A-15-1003** is amended to read:

101 **53A-15-1003. Courses and credit.**

102 (1) The Electronic High School may only offer courses required for high school
103 graduation or that fulfill core curriculum course requirements established by the State Board of
104 Education.

105 [~~(1)~~] (2) The Electronic High School shall:

106 (a) offer courses in an open-entry, open-exit format; and

107 (b) offer core curriculum courses that are in conformance with course standards and
108 objectives established by the board.

109 [~~(2)~~] (3) Public schools shall:

110 (a) accept all credits awarded to students by the Electronic High School; and

111 (b) apply credits awarded for a core curriculum course toward the fulfillment of core
112 curriculum requirements.

113 Section 4. Section **53A-15-1006 (Effective 07/01/12)** is amended to read:

114 **53A-15-1006 (Effective 07/01/12). Payment for an Electronic High School course.**

115 ~~[(1) (a) The Electronic High School shall receive payment for an eligible student's~~
116 ~~enrollment in an online course as provided by Sections 53A-15-1206 through 53A-15-1208.]~~

117 ~~[(b) For fiscal year 2012-13, a private or home school student whose custodial parent~~
118 ~~or legal guardian is a resident of Utah may enroll in an Electronic High School course subject~~
119 ~~to the availability of funds appropriated by the Legislature for that purpose.]~~

120 ~~[(2) A student whose custodial parent or legal guardian is not a resident of Utah may~~
121 ~~enroll in an Electronic High School course for a fee set by the board, provided that the course~~
122 ~~can accommodate additional students.]~~

123 (1) Electronic High School courses are provided to students who are Utah residents, as
124 defined in Section 53A-2-201, free of charge.

125 (2) Nonresident students may enroll in Electronic High School courses for a fee set by
126 the board, provided that the course can accommodate additional students.

127 Section 5. Section **53A-15-1008** is enacted to read:

128 **53A-15-1008. Review by legislative auditor general.**

129 (1) The legislative auditor general shall conduct a performance audit of the Electronic
130 High School as directed by the Legislative Audit Subcommittee.

131 (2) In conducting the performance audit of the Electronic High School, the legislative
132 auditor general shall develop performance metrics using factors such as:

133 (a) course completion rate;

134 (b) number of credits earned; and

135 (c) cost of providing online courses.

136 (3) The legislative auditor general shall use the performance metrics developed under
137 Subsection (2) to evaluate the Electronic High School in comparison with other online
138 programs.

139 Section 6. Section **53A-15-1201.5** is enacted to read:

140 **53A-15-1201.5. Program name.**

141 (1) The program created under this part shall be known as the "Statewide Online

142 Education Program."

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

145 Section 7. Section **53A-15-1202** is amended to read:

146 **53A-15-1202. Definitions.**

147 As used in this part:

148 ~~[(1) "Adjusted per pupil revenues" means an amount equal to average charter high~~
149 ~~school per pupil revenues times 0.77.]~~

150 ~~[(2) "Average charter high school per pupil revenues" means an amount equal to~~
151 ~~charter high school revenues divided by the average daily membership of charter high schools~~
152 ~~statewide.]~~

153 ~~[(3) "Charter high school" means a charter school in which only students in grades 9,~~
154 ~~10, 11, or 12 are enrolled.]~~

155 ~~[(4) "Charter high school revenues" means an amount equal to total general fund~~
156 ~~revenues of charter high schools statewide as reported in the most recently published annual~~
157 ~~financial report.]~~

158 ~~[(5) (1) "District school" means a public school under the control of a local school~~
159 ~~board elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local~~
160 ~~School Boards.~~

161 ~~[(6) (2) "Eligible student" means:~~

162 (a) a student enrolled in a district school or charter school in Utah; or

163 (b) beginning on July 1, 2013, a student:

164 (i) who attends a private school or home school; and

165 (ii) whose custodial parent or legal guardian is a resident of Utah.

166 ~~[(7) (3) "LEA" means a local education agency in Utah that has administrative control~~
167 ~~and direction for public education.~~

168 ~~[(8) (4) "Online course" means a course of instruction offered by the Statewide Online~~
169 ~~Education Program through the use of digital technology.~~

170 [~~(9)~~] (5) "Primary LEA of enrollment" means the LEA in which an eligible student is
171 enrolled for courses other than online courses offered through the Statewide Online Education
172 Program.

173 (6) "Released-time" means a period of time during the regular school day a student is
174 excused from school at the request of the student's parent or guardian pursuant to rules of the
175 State Board of Education.

176 Section 8. Section **53A-15-1204** is amended to read:

177 **53A-15-1204. Option to enroll in online courses offered through the Statewide**
178 **Online Education Program.**

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

181 (a) the student meets the course prerequisites; [~~and~~]

182 (b) the course is open for enrollment[-];

183 (c) the online course is aligned with the student's student education/occupation plan
184 (SEOP);

185 (d) the online course is consistent with the student's individual education plan (IEP), if
186 the student has an IEP; and

187 (e) the online course is consistent with the student's international baccalaureate
188 program, if the student is participating in an international baccalaureate program.

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

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

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

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

194 (d) in the 2015-16 school year, five credits; and

195 (e) beginning with the 2016-17 school year, six credits.

196 (3) Notwithstanding Subsection (2):

197 (a) a student's primary LEA of enrollment may allow an eligible student to enroll in

198 online courses for more than the number of credits specified in Subsection (2); or

199 (b) upon the request of an eligible student, the State Board of Education may allow the
200 student to enroll in online courses for more than the number of credits specified in Subsection
201 (2), if the online courses better meet the academic goals of the student.

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

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

206 (b) shall assist an eligible student in scheduling courses in accordance with the
207 student's SEOP, graduation requirements, and the student's post-secondary plans.

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

209 (a) impose restrictions on a student's selection of an online course that fulfills
210 graduation requirements and is consistent with the student's SEOP or post-secondary plans; or

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

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

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

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

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

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

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

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

223 Section 9. Section **53A-15-1205** is amended to read:

224 **53A-15-1205. Authorized online course providers.**

225 **The following entities may offer online courses to eligible students through the**

226 **Statewide Online Education Program:**
227 ~~[(1) beginning with the 2012-13 2013-14 school year, the Electronic High School~~
228 ~~established in Part 10, Electronic High School Act;]~~
229 ~~[(2)] (1) beginning with the 2011-12 school year, a charter school or district school~~
230 ~~created exclusively for the purpose of serving students online; and~~
231 ~~[(3)] (2) beginning with the 2011-12 school year, an LEA program, approved by the~~
232 ~~LEA's governing board, that is created exclusively for the purpose of serving students online.~~

233 Section 10. Section **53A-15-1206** is amended to read:

234 **53A-15-1206. Payment for an online course.**

235 ~~[(1) The fee for an online course is an amount equal to the product of:]~~

236 ~~[(a) adjusted per pupil revenues; and]~~

237 ~~[(b) one-eighth the number of credits a student may earn for the online course.]~~

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

240 (a) \$200 for the following core curriculum courses, except a concurrent enrollment
241 course:

242 (i) financial literacy;

243 (ii) health;

244 (iii) fitness for life; and

245 (iv) computer literacy;

246 (b) \$200 for driver education;

247 (c) \$250 for a course that meets core curriculum requirements in fine arts or career and
248 technical education, except a concurrent enrollment course;

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

250 (i) a course that meets core curriculum requirements in social studies, except a
251 concurrent enrollment course; and

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

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

254 (i) a course that meets core curriculum requirements for language arts, mathematics, or
255 science; and

256 (ii) a concurrent enrollment course; and

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

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

260 (3) Beginning with the 2013-14 school year, the online course fees described in
261 Subsection (1) shall be adjusted each school year in accordance with the percentage change in
262 value of the weighted pupil unit from the previous school year.

263 ~~(2)~~ (4) An online learning provider shall receive payment for an online course as
264 follows:

265 (a) for a ~~[one semester]~~ .5 credit online course, 50% of the online course fee ~~[upon the~~
266 ~~student enrolling in the online course]~~ after the withdrawal period described in Section
267 53A-15-1206.5;

268 (b) for a ~~[full-year]~~ 1 credit online course, 25% of the online course fee ~~[upon the~~
269 ~~student enrolling in the online course]~~ after the withdrawal period described in Section
270 53A-15-1206.5 and 25% of the online course fee upon the beginning of the second [semester]
271 .5 credit of the online course; and

272 (c) if a student completes a ~~[full-year]~~ 1 credit online course within 12 months or a
273 ~~[one-semester]~~ .5 credit course within nine weeks following the end of ~~[the]~~ a traditional
274 semester, 50% of the online course fee.

275 ~~(3)~~ (5) (a) If a student fails to complete a ~~[one-year]~~ 1 credit course within 12 months
276 or a ~~[one-semester]~~ .5 credit course within nine weeks following the end of ~~[the]~~ a traditional
277 semester, the student may continue to be enrolled in the course until the student graduates from
278 high school.

279 (b) To encourage an online course provider to provide remediation to a student who
280 remains enrolled in an online course pursuant to Subsection ~~(3)~~ (5)(a) and avoid the need for
281 credit recovery, an online course provider shall receive a payment equal to 30% of the online

282 course fee if the student completes the online course before the student graduates from high
283 school.

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

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

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

289 (7) An online course provider who contracts with a vendor for the acquisition of online
290 course content or online course instruction may negotiate the payment for the vendor's service
291 independent of the fees specified in Subsections (1) through (3).

292 Section 11. Section **53A-15-1206.5** is enacted to read:

293 **53A-15-1206.5. Withdrawal from an online course.**

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

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

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

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

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

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

306 (c) If a student withdraws from a 1 credit online course as provided in Subsection
307 (3)(a), the online course provider shall receive payment for the student's completion of .5 credit
308 of the 1 credit course in the same manner as an online course provider receives payment for a
309 student's completion of a .5 credit online course as described in Subsection 53A-15-1206(4).

310 Section 12. Section **53A-15-1207** is amended to read:

311 **53A-15-1207. State Board of Education to deduct funds and make payments --**
312 **Plan for the payment of online courses taken by private and home school students.**

313 (1) ~~(a) [Upon the receipt of a course credit acknowledgment described in Section~~
314 ~~53A-15-1208, the]~~ The State Board of Education shall deduct ~~[an amount equal to the online~~
315 ~~course fee described in Section 53A-15-1206]~~ money from funds allocated to the student's
316 primary LEA of enrollment under Chapter 17a, Minimum School Program Act[-], to pay for
317 online course fees.

318 (b) Money shall be deducted under Subsection (1) in the amount and at the time an
319 online course provider qualifies to receive payment for an online course as provided in
320 Subsection 53A-15-1206(4).

321 (2) From money deducted under Subsection (1), the State Board of Education shall
322 make payments to the student's online course provider as provided in Section 53A-15-1206.

323 ~~[(3) A balance remaining at the time a student graduates shall lapse into the Uniform~~
324 ~~School Fund.]~~

325 ~~[(4)]~~ (3) The Legislature shall establish a plan, which shall take effect beginning on
326 July 1, 2013, for the payment of online courses taken by a private school or home school
327 student.

328 Section 13. Section **53A-15-1208** is amended to read:

329 **53A-15-1208. Course credit acknowledgement.**

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

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

335 (a) the online course provider shall receive a payment in the amount provided under
336 Section ~~[53A-15-1207]~~ 53A-15-1206; and

337 ~~[(b) the online course provider shall refund a payment received for a student who~~

338 ~~enrolls in an online course if the student withdraws from the online course within 10 days; and]~~
339 ~~[(c)-(b)]~~ (b) the student's primary LEA of enrollment acknowledges that the State
340 Board of Education will deduct ~~[an amount equal to the online course fee from]~~ funds allocated
341 to the LEA under Chapter 17a, Minimum School Program Act[-], in the amount and at the time
342 the online course provider qualifies to receive payment for the online course as provided in
343 Subsection 53A-15-1206(4).

344 ~~[(3) A primary LEA of enrollment and an online course provider shall submit a copy of~~
345 ~~a course credit acknowledgement to the State Board of Education in accordance with~~
346 ~~procedures established by the State Board of Education.]~~

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

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

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

354 (A) the online course is not aligned with the student's SEOP;

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

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

358 (D) the number of online course credits exceeds the maximum allowed for the year as
359 provided in Section 53A-15-1204.

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

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

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

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

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

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

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

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

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

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

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

386 (j) If the online course student has an individual education plan (IEP) or 504
387 accommodations, the primary LEA of enrollment shall forward the IEP or description of 504
388 accommodations to the online course provider within 72 business hours after the primary LEA
389 of enrollment receives notice that the online course provider accepted the course credit
390 acknowledgement.

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

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

397 Section 14. Section **53A-15-1209** is amended to read:

398 **53A-15-1209. Online course credit hours included in daily membership --**
 399 **Limitation.**

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

402 (2) A student may not count as more than one FTE, unless the student intends to
 403 complete high school graduation requirements, and exit high school, early, in accordance with
 404 the student's education/occupation plan (SEOP).

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

408 [~~(3)~~] (4) Except as provided in Subsection [~~(4)~~] (5), a student enrolled in an online
 409 course may earn no more credits in a [~~semester~~] year than the number of credits a student may
 410 earn in a year by taking a full course load during the regular school day in [~~a high school~~
 411 ~~classroom~~] the student's primary LEA of enrollment.

412 [~~(4)~~] (5) A student enrolled in an online course may earn more credits in a [~~semester~~]
 413 year than the number of credits a student may earn in a year by taking a full course load during
 414 the regular school day in [~~a high school classroom~~] the student's primary LEA of enrollment:

415 (a) if the student intends to complete high school graduation requirements, and exit
 416 high school, early, in accordance with the student's education/occupation plan (SEOP)[~~];~~ or

417 (b) if allowed under local school board or charter school governing board policy.

418 Section 15. Section **53A-15-1211** is amended to read:

419 **53A-15-1211. Report on performance of online course providers.**

420 (1) The State Board of Education, in collaboration with online course providers, shall
 421 develop a report on the performance of online course providers, which may be used to evaluate

422 the Statewide Online Education Program and assess the quality of an online course provider.

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

424 [~~(a) data on the performance of the online course provider's students on statewide~~
425 ~~assessments administered under Chapter 1, Part 6, Achievement Tests;~~]

426 (a) scores aggregated by test on statewide assessments administered under Chapter 1,
427 Part 6, Achievement Tests, taken by students at the end of an online course offered through the
428 Statewide Online Education Program;

429 (b) the percentage of the online course provider's students who complete online courses
430 within the applicable time period specified in Subsection 53A-15-1206(4)(c); [and]

431 (c) the percentage of the online course provider's students who complete online courses
432 after the applicable time period specified in Subsection 53A-15-1206(4)(c) and before the
433 student graduates from high school; and

434 [~~(c)~~] (d) the pupil-teacher ratio for the combined online courses of the online course
435 provider.

436 (3) The State Board of Education shall post a report on the performance of an online
437 course provider on the Statewide Online Education Program's website.

438 Section 16. Section **53A-15-1212** is amended to read:

439 **53A-15-1212. Dissemination of information on the Statewide Online Education**
440 **Program.**

441 (1) The State Board of Education shall develop a website for the Statewide Online
442 Education Program which shall include:

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

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

446 (c) a directory of online course providers;

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

448 (e) a report on the performance of online course providers as required by Section
449 53A-15-1211.

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

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

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

455 (c) a course ~~[catalogue]~~ catalog;

456 ~~[(d) data on the performance of the online course provider's students on statewide
457 assessments administered under Chapter 1, Part 6, Achievement Tests;]~~

458 [(d) scores aggregated by test on statewide assessments administered under Chapter 1,
459 Part 6, Achievement Tests, taken by students at the end of an online course offered through the
460 Statewide Online Education Program;

461 (e) the percentage of an online course provider's students who complete online courses
462 within the applicable time period specified in Subsection 53A-15-1206(4)(c); [and]

463 [(f) the percentage of an online course provider's students who complete online courses
464 after the applicable time period specified in Subsection 53A-15-1206(4)(c) and before the
465 student graduates from high school; and

466 ~~[(f)]~~ [(g) the online learning provider's pupil-teacher ratio for the online courses
467 combined.

468 ~~[(3) An LEA shall provide information both written and online on the Statewide
469 Online Education Program, including:]~~

470 ~~[(a) a description of the Statewide Online Education Program, including its purposes;]~~

471 ~~[(b) information on who is eligible to enroll, and how an eligible student may enroll, in
472 an online course; and]~~

473 ~~[(c) information on how to access the Statewide Online Education Program website.]~~

474 ~~[(4) An LEA shall include the written information described in Subsection (3) in high
475 school course registration materials.]~~

476 Section 17. Section **53A-15-1212.5** is enacted to read:

477 **53A-15-1212.5. Time period to enroll in an online course.**

478 (1) To provide an LEA and online course providers with estimates of online course
479 enrollment, a student should enroll in an online course, or declare an intention to enroll in an
480 online course, during the high school course registration period designated by the LEA.

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

483 (3) (a) A student may alter a course schedule by dropping a traditional classroom
484 course and adding an online course consistent with course schedule alteration procedures
485 adopted by the student's primary LEA of enrollment or high school.

486 (b) A school district's or high school's deadline for dropping a traditional classroom
487 course and adding an online course shall be the same deadline for dropping and adding a
488 traditional classroom course.

489 Section 18. Section **53A-15-1216** is enacted to read:

490 **53A-15-1216. Report of noncompliance -- Action to ensure compliance.**

491 (1) The state superintendent shall report to the State Board of Education any report of
492 noncompliance of this part made to a member of the staff of the State Board of Education.

493 (2) The State Board of Education shall take appropriate action to ensure compliance
494 with this part.

495 Section 19. Section **53A-15-1217** is enacted to read:

496 **53A-15-1217. Agreements for online instruction.**

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

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

503 Section 20. **Effective date.**

504 (1) Except as provided in Subsection (2), this bill takes effect on May 8, 2012.

505 (2) The amendments to the following sections take effect on July 1, 2012:

506 (a) Section 53A-15-1002; and

507 (b) Section 53A-15-1006.