

## Statewide Public Education Online Program

### Q & A

#### Applicable to Students with Disabilities

1. Who is eligible to participate in this program?

Currently, students enrolled in a school district or charter school in Utah, including students with disabilities and English language learners, are eligible for enrollment in the Statewide Public Online Program (Program) (*Utah Code 53A-15-1202(6)*). Home-schooled or private school students dually enrolled in a Utah Local Education Agency (LEA) must be enrolled in a Utah LEA in at least two “traditional” school courses, provided by the LEA of enrollment, to be eligible for the Program.

Beginning July 1, 2013, a student who attends a private school or home school and whose custodial parent or legal guardian is a resident of Utah will be eligible for the Statewide Public Education Online Program (*53A-15-120*). Currently, enrollment in this phase does not stipulate enrollment in a Primary LEA. The Legislature will determine how this portion of the program will be funded.

2. Who is an eligible “online course provider”?

*Online course provider* (Provider) means a district school, a charter school or an LEA program created for the purpose of serving Utah students grades 9-12 online (*R277-726-1(K)*).

Beginning with the 2012–13 school year, the Electronic High School is intended to be an authorized online course provider for the Program (*53A-15-1205(1)*).

3. Who is the “primary LEA of enrollment?”

The *primary LEA of enrollment* means a student’s LEA defined under Section 53A-15-1202(9) (*R277-726-1(L.)*).

4. Who is the “primary school of enrollment?”

The *primary school of enrollment* means a student’s school of record, where the student takes the majority of his/her classes, and which maintains the student’s cumulative file, enrollment information and transcript (*R277-726-1(M)*).

5. Who is accountable for students eligible for services under the IDEA and Utah State Board of Education Special Education Rules (USBE SER)?

The Utah State Board of Education (USBE) has determined that only one LEA retains accountability for a student's receipt of a Free Appropriate Public Education (FAPE). Based on that determination, for purposes of this statewide public education online program, accountability for FAPE and compliance with the Individuals with Disabilities Education Act (IDEA) and USBE Special Education Rules (USBE SER), including monitoring and dispute resolution, lies with the primary LEA of enrollment. Primary LEAs of enrollment will need to develop policies and procedures for implementing the Program. Those policies and procedures should include provisions for students with disabilities (*R277-726-3, 5*). For students with an IEP, participation in the statewide public education online program may necessitate a revision of the student's IEP, which would be initiated by the counselor at the primary school of enrollment or based on the LEA's specific policies and procedures for implementing this program.

Online course providers (Providers) are expected to comply with IDEA and Section 504 requirements (*R277-726-7(C)*). Providers in the Statewide Public Education Online Program must provide the special education services and accommodations that the student requires, as per the IEP or 504 plan (*Id*). If a Board investigation finds that a Provider has violated IDEA or Section 504 provisions for students taking online courses, the Provider shall compensate the student's Primary LEA of enrollment for all costs related to compliance (*R277-726-6(G,H,I,J)*).

6. How will UPIPS address monitoring for students enrolled in the Statewide Public Education Online Program?

Students enrolled in the Program have been included in the special files list for UPIPS monitoring.

7. Does attendance in the Statewide Public Education Online Program usurp the IEP process?

**No.** Students with disabilities who are otherwise eligible for the Program are welcome to enroll in the Statewide Public Education Online Program by completing the Course Credit Acknowledgment (CCA) process for all students who are eligible for participation in the Program. The CCA form has been developed by the USOE, is available on the USOE website, and includes clarification about whether a student has an IEP or 504 plan.

The primary school of enrollment will designate a counselor to review the CCA form to ensure consistency with graduation requirements, the student's SEOP, and the student's IEP or Section 504 plan, if applicable (*R277-726-3(B)*). If approved, the counselor gives preliminary approval to the CCA and submits the CCA (*R77-726-3, 5*).

Each LEA should develop policies and procedures for the administration of this program. As the gatekeeper of the CCA process, the counselor should establish whether the student has an IEP or Section 504 plan and include relevant school staff, such as the IEP team or student's teacher(s), in the preliminary approval process. If a student with an IEP wants to enroll in the program, it is recommended that the student's IEP team meet to consider and plan for the requested changes in order to ensure that the student will continue to receive the special education and related services required for a free appropriate public education (FAPE).

The student's IEP team and CCA counselor may consider the following questions helpful in determining the student's need for services and /or accommodations in the online subject matter or in accessing the online course content.

8. How might the student's current IEP need to be modified or amended to ensure FAPE in light of attendance in the Program? *Consider the following:*
  - a. What is the expected impact on academics and social emotional development of the student? Consider both intended and unintended consequences.
  - b. Has the student had specific instruction in using a variety of programs on the computer?
  - c. Has the team considered the technological skills required for this class?
  - d. Has the team considered what specialized instruction the student may require for this class?
  - e. Has the team considered the need for supplementary aids and services for this class?
  - f. Other questions as determined.
9. What is the Course Credit Acknowledgment (CCA) form?

The CCA form and other information pertaining to the Statewide Public Education Online Program has been developed and is available on the USOE website. The following links have been provided for your convenience.

<http://www.schools.utah.gov/edonline/USOE-Management-and-Staff.aspx>

<https://adobeformscentral.com/?f=kO7zLg6Eyme1pAULEG6Wug>

<http://www.schools.utah.gov/edonline/Students-and-Parents/Student-and-Parent-Online-Course-Plan.aspx>

<http://www.schools.utah.gov/edonline/Info-for-Primary-Schools-and-LEAs.aspx>

<http://www.schools.utah.gov/edonline/Info-for-Online-Provider-LEAs.aspx>

10. What about student confidentiality?

Providers are responsible for confidentiality provisions in State and Federal law. Currently, all Providers in the Program should be familiar with confidentiality requirements applicable to public education. If the current definition of Providers is changed, further consideration will be necessary.

11. Will Course Online Providers of the Statewide Public Education Online Program be accountable for student progress?

The Utah State Board of Education (USBE) shall develop a report on the performance of online course providers, which may be used to evaluate the Statewide Public Education Online Program and assess the quality of an online course Provider (*53A-15-1211*).

12. What funding flows to Providers of the Statewide Public Education Online Program?

The funding formula for the Program is stipulated by *53A-15-1206*, *1207* and *USBE R277-726-6(D-K)*.

Special Education funding is received by the primary LEA of enrollment who is accountable for the provision of FAPE to the student.