

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1533

S.P. 580

In Senate, May 14, 2013

### An Act To Amend the Maine Online Learning Program

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by President ALFOND of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 20-A MRSA §19153, sub-§1**, as enacted by PL 2009, c. 330, §4, is  
3 repealed and the following enacted in its place:

4 **1. Approval of online learning providers.** The department shall approve an online  
5 learning provider on the basis of:

6 A. The online learning provider's demonstrated experience in the operation and  
7 management of online learning programs and courses, including the number of  
8 students served and proven academic success as measured by student performance  
9 and state assessment results, as appropriate;

10 B. The online learning provider's demonstrated experience in collaborating with  
11 schools to develop innovative practices related to online learning; and

12 C. The online learning provider's ability to satisfy the requirements under subsection  
13 2.

14 The requirements and process for applying for approval may change annually. An online  
15 learning provider must apply for approval annually.

16 **Sec. 2. 20-A MRSA §19153, sub-§2, ¶B**, as enacted by PL 2009, c. 330, §4, is  
17 amended to read:

18 B. Each course offered for a unit of credit must correlate with applicable state-  
19 adopted academic standards prior to being offered. Courses may be of varying  
20 lengths and may be worth varying amounts of credit to assist in remedial course work  
21 and proficiency-based pathways to graduation. All courses must include  
22 assessments.

23 **Sec. 3. 20-A MRSA §19153, sub-§2, ¶H** is enacted to read:

24 H. The online learning provider must use surveys to gauge the satisfaction of its  
25 students with the online learning provider and the courses offered by that online  
26 learning provider. These surveys must be approved by the department.

27 **Sec. 4. 20-A MRSA §19155, sub-§§3 to 5**, as enacted by PL 2009, c. 330, §4,  
28 are amended to read:

29 **3. Student performance.** Student performance for students enrolled in online  
30 learning programs or courses, including the academic achievement of students enrolled in  
31 each course offered through the program and rates of success for completion of courses  
32 and meeting standards;

33 **4. Expenditures.** Expenditures of state and nonstate funds made for online learning  
34 programs and courses and cost comparisons between online learning programs or courses  
35 and programs delivered by means of traditional methods; and

36 **5. Limitation.** The number of students who were unable to enroll in an online  
37 learning program or course because of space limitation-; and

1           **Sec. 5. 20-A MRSA §19155, sub-§6** is enacted to read:

2           **6. Surveys.** The results of surveys administered pursuant to section 19153,  
3 subsection 2, paragraph H that are used to help gauge the quality of the online learning  
4 provider and the courses offered by that online learning provider.

5           **Sec. 6. 20-A MRSA §19157** is enacted to read:

6           **§19157. Maine Online Learning Program Reimbursement Fund**

7           The Maine Online Learning Program Reimbursement Fund is established as a  
8 nonlapsing fund in the department. The reimbursement fund is administered by the  
9 department to provide reimbursement to school administrative units as provided in this  
10 section.

11           **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
12 following terms have the following meanings.

13           A. "Cost of an online course" means the cost to a school administrative unit of the  
14 services provided by an online learning provider for an online learning program or  
15 course taken by a student of the school administrative unit.

16           B. "Full-year online course" means an online learning program or course that is the  
17 equivalent of a course of study that is provided for an entire academic year.

18           C. "Guaranteed reimbursement course" means an online learning program or course  
19 provided to a student for which a school administrative unit may receive guaranteed  
20 reimbursement from the reimbursement fund.

21           D. "Module unit" means 1/20th of a full-year online course.

22           E. "Reimbursement fund" means the Maine Online Learning Program  
23 Reimbursement Fund established in this section.

24           **2. Eligibility.** A school administrative unit is eligible for reimbursement for the cost  
25 of an online course administered to a student if:

26           A. The online learning program or course is a secondary level course;

27           B. The student is enrolled in public school in the school administrative unit, not  
28 including a nonresident tuition student who resides, and whose parents reside, outside  
29 the State;

30           C. The entire educational program for the student does not consist solely of online  
31 learning programs and courses; and

32           D. The online learning provider:

33                   (1) Has been approved by the department pursuant to section 19153; and

34                   (2) Uses only teachers who are residents of this State and who have been  
35 certified by the department.

1           The requirements of this paragraph may be waived by the department if the online  
2           learning program or course taken by the student is not offered by an approved online  
3           learning provider.

4           **3. Reimbursement upon completion.** A school administrative unit may receive  
5           reimbursement for the cost of an online course from the reimbursement fund only after  
6           providing the department with satisfactory evidence, as determined by the department, of  
7           successful completion of the online learning program or course by the student of that  
8           school administrative unit.

9           **4. Reimbursement rate; responsibility of school administrative unit.** The rate of  
10          reimbursement to a school administrative unit under this section is 90% of the cost of the  
11          online course for each student, up to a maximum reimbursement of \$900 for a full-year  
12          online course or \$45 per module unit for an online learning program or course that is  
13          shorter than a full-year online course. The school administrative unit is responsible for:

14          A. Ten percent of the cost of an online course that is no more than \$1,000 for a full-  
15          year online course or, for a course shorter than a full-year online course, 10% of the  
16          cost of the module unit that is no more than \$50 per module unit;

17          B. Any amount of the cost of an online course that exceeds \$1,000 for a full-year  
18          online course or \$50 per module unit for an online learning program or course that is  
19          shorter than a full-year online course; and

20          C. The cost of an online course that is not completed by the student, including any  
21          costs under an agreement between the school administrative unit and the online  
22          learning provider.

23          **5. Allocation of guaranteed reimbursement courses.** Each school year, a school  
24          administrative unit may reserve funds in the reimbursement fund for which  
25          reimbursement is guaranteed. A school administrative unit may reserve funds for full-  
26          year online courses or module units of online learning programs or courses. The number  
27          of guaranteed reimbursement courses a school administrative unit may reserve funds for  
28          is based on the student population of each secondary school in that school administrative  
29          unit as follows:

30          A. A school administrative unit may reserve funds for up to 10 full-year online  
31          courses or 200 module units per school year for each secondary school in that school  
32          administrative unit with at least 875 students;

33          B. A school administrative unit may reserve funds for up to 7 full-year online  
34          courses or 140 module units per school year for each secondary school in that school  
35          administrative unit with at least 600 students but fewer than 875 students;

36          C. A school administrative unit may reserve funds for up to 5 full-year online  
37          courses or 100 module units per school year for each secondary school in that school  
38          administrative unit with at least 455 students but fewer than 600 students; and

39          D. A school administrative unit may reserve funds for up to 3 full-year online  
40          courses or 60 module units per school year for each secondary school in that school  
41          administrative unit with fewer than 455 students.

1           **6. Timing and method of reservation of guaranteed reimbursement courses.** A  
2 school administrative unit may reserve funds in the reimbursement fund in accordance  
3 with this subsection.

4           A. A school administrative unit may reserve up to 50% of the guaranteed  
5 reimbursement courses as specified in subsection 5 during the first 4 months of the  
6 academic school year. The balance of the funds for the cost of guaranteed  
7 reimbursement courses as specified in subsection 5 may be reserved during the 2nd 4  
8 months of the academic school year.

9           B. By September 1st annually of an academic year and by February 1st annually for  
10 that same academic year, each superintendent of a school administrative unit shall  
11 notify the department of the guaranteed reimbursement courses for which the school  
12 administrative unit is reserving funds. For each guaranteed reimbursement course,  
13 the superintendent shall provide the name and state identification number of the  
14 student, the title of the online learning program or course or module unit and the  
15 length and cost of that program or course or module unit.

16           **7. Additional course reservations.** A school administrative unit may request more  
17 guaranteed reimbursement course reservations beyond those specified in subsection 5 at  
18 any time. The department, using any available unused funds in the reimbursement fund,  
19 shall grant such reservation requests on a first-come first-served basis.

20           **8. Release of reimbursement funds.** Once a school administrative unit has reserved  
21 reimbursement funds pursuant to subsection 6 or been granted additional course  
22 reservation funds pursuant to subsection 7, those funds remain reserved for that school  
23 administrative unit until:

24           A. The school administrative unit requests reimbursement and provides satisfactory  
25 evidence of successful student completion of the online learning program or course.  
26 Upon receipt of the request and accompanying evidence, the department shall provide  
27 the reimbursement funds related to that online learning program or course to the  
28 school administrative unit;

29           B. The school administrative unit reports to the department that the student has  
30 terminated work on the online learning program or course without successful  
31 completion; or

32           C. The funds are unclaimed by the school administrative unit more than 2 years after  
33 the school administrative unit reserved the funds pursuant to subsection 6 or was  
34 granted additional course reservation funds pursuant to subsection 7.

35           **9. Unused guaranteed reimbursement course reservations.** Unused guaranteed  
36 reimbursement course reservations and the funds related to those unused reservations are  
37 controlled by this subsection.

38           A. If a school administrative unit does not reserve the total number of guaranteed  
39 reimbursement courses allowed pursuant to subsection 5 by the date specified in  
40 subsection 6, the guaranteed reimbursement courses not reserved by that school  
41 administrative unit are available for reservation by another school administrative unit  
42 on a first-come first-served basis.

1 B. Funds related to guaranteed reimbursement course reservations not used in an  
2 academic year carry over to the following academic year.

3 C. Funds reserved pursuant to subsection 6 or granted pursuant to subsection 7 that  
4 are not used for a reason specified in subsection 8, paragraph B or C may be reserved  
5 by a school administrative unit on a first-come first-served basis.

6 **10. Rules.** The department shall adopt routine technical rules, as defined in Title 5,  
7 chapter 375, subchapter 2-A, to implement the provisions of this section.

8 **Sec. 7. Transfer of funds.** Notwithstanding any provision of law to the contrary,  
9 the State Controller shall transfer the available balance remaining in the Maine Learning  
10 Technology Fund, Other Special Revenue Funds account to the Maine Online Learning  
11 Program Reimbursement Fund as established in the Maine Revised Statutes, Title 20-A,  
12 section 19157 no later than 10 days following the effective date of this Act.

### 13 **SUMMARY**

14 This bill amends the laws governing the Maine Online Learning Program by:

15 1. Including an online learning provider's demonstrated experience in collaborating  
16 with schools to develop innovative practices related to online learning as a basis for  
17 approval of the online learning provider by the Department of Education;

18 2. Requiring an online learning provider to reapply for approval annually;

19 3. Allowing courses offered by online learning providers to be of varying lengths and  
20 worth varying amounts of credit;

21 4. Requiring an online learning provider to use surveys approved by the department  
22 to gauge the satisfaction of its students with the online learning provider and the courses  
23 offered by that online learning provider and the department to provide the results of these  
24 surveys to the Legislature; and

25 5. Establishing the Maine Online Learning Program Reimbursement Fund to provide  
26 funds to a school administrative unit for the cost of courses provided by an online  
27 learning provider to students in that school administrative unit. The bill establishes  
28 eligibility requirements, guaranteed reimbursement allocations, dollar amount limits and  
29 procedures for carrying over unused allocations. The fund is funded by a transfer of the  
30 balance of funds remaining in the Maine Learning Technology Fund.