

MAINE STATE LEGISLATURE

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EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE

SENATE

124TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 531, L.D. 1446, Bill, "An Act To Create the Maine Online Learning Program"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting the following:

Sec. 1. 20-A MRSA §5001-A, sub-§2, ¶B, as amended by PL 2003, c. 688, Pt. H, §1 and affected by §3, is further amended to read:

B. A person who has:

- (1) Reached the age of 15 years or completed the 9th grade;
(2) Permission to leave school from that person's parent;
(3) Been approved by the principal for a suitable program of work and study or training;
(4) Permission to leave school from the school board or its designee; and
(5) Agreed in writing with that person's parent and the school board or its designee to meet annually until that person's 17th birthday to review that person's educational needs. When the request to be excused from school has been denied pursuant to this paragraph, the student's parent may appeal to the commissioner; or

Sec. 2. 20-A MRSA §5001-A, sub-§2, ¶D, as enacted by PL 1985, c. 123, §2, is amended to read:

D. A person who has matriculated and is attending an accredited, post-secondary, degree-granting institution as a full-time student. An exception to attendance in public school under this paragraph must be approved by the commissioner; or

Sec. 3. 20-A MRSA §5001-A, sub-§2, ¶E is enacted to read:

E. A person enrolled in an online learning program or course.

COMMITTEE AMENDMENT

Sec. 4. 20-A MRSA c. 802 is enacted to read:

CHAPTER 802

MAINE ONLINE LEARNING PROGRAM

§19151. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Online learning program or course. "Online learning program or course" means an interactive course or program that:

A. Is taught by a certified teacher and is delivered primarily electronically using the Internet or other computer-based methods in which a student enrolled in a course may have access to the teacher synchronously or asynchronously;

B. May be delivered to students at school as part of the regularly scheduled school day or may be delivered to students, in whole or in part, independently from a regular classroom schedule;

C. Is combined with other traditional delivery methods that include frequent student assessment and may include actual teacher contact time; and

D. Meets or exceeds the accountability standards and parameters for essential instruction established as part of the statewide system of learning results as set forth in section 6209.

2. Online learning provider. "Online learning provider" means a private organization that is approved by the department to provide online learning programs or courses to one or more school administrative units for kindergarten to grade 12 students.

3. Proctored environment. "Proctored environment" means an environment directly monitored by a teacher or administrative staff employed by an online learning provider or by an adult authorized by the program.

§19152. Program established

The Maine Online Learning Program, referred to in this chapter as "the program," is established to provide high-quality educational options for kindergarten to grade 12 students in this State using online learning programs and courses. The goals of the program are to:

1. Create opportunity. Create educational opportunities for students in this State that may not exist without such technology;

2. Close achievement gap. Close the achievement gap between high-performing and low-performing students, including the gap between minority and nonminority students and between economically disadvantaged students and their more advantaged peers;

3. Educational options. Use existing educational resources, along with technology, to provide parents a broader range of educational options and to help students in the State improve their academic achievement; and

1 4. Public school educational opportunities. Increase the capacity of school
2 administrative units to provide public school educational opportunities for students whose
3 educational needs are not being met in the regular public school program.

4 **§19153. Approval of online learning providers**

5 No later than June 30, 2010, the department shall provide school administrative units
6 with a list of providers approved to offer full-time and part-time online learning programs
7 and courses available for kindergarten to grade 12 students in the State. The department,
8 in consultation with the state board, shall develop approval criteria and a process for
9 approving online learning providers to implement online learning programs and courses.

10 1. Approval of online learning providers. The department shall approve online
11 learning providers on the basis of the online learning providers' demonstrated experience
12 in the operation and management of online learning programs and courses, including the
13 number of students served and proven academic success as measured by student
14 performance and state assessment results, as appropriate, and an online learning
15 provider's ability to satisfy the requirements under subsection 2.

16 2. Requirements. To be approved by the department, an online learning provider
17 must demonstrate and thereafter annually document that it meets all of the following
18 requirements.

19 A. The online learning provider must be nonsectarian in its programs, admission
20 policies, employment practices and operations.

21 B. Each course offered for a unit of credit must correlate with applicable state-
22 adopted academic standards prior to being offered. All courses must include
23 assessments.

24 C. A teacher employed by the online learning provider and providing instruction to
25 students must hold a valid teaching certificate in each content area being taught or
26 receive approval from the commissioner to teach the course.

27 D. A teacher employed by the online learning provider must receive appropriate
28 preservice and in-service training pertaining to the organization of the online
29 classroom, programs and courses, the technical aspects of online education, the
30 monitoring of student assessment and other pertinent training.

31 E. The online learning provider must verify ongoing student attendance and progress
32 and performance in each course as documented by ongoing assessments in a
33 proctored environment and provide examples of student course work.

34 F. Administrators, teachers and other educational staff employed by the online
35 learning provider must comply with the fingerprinting and national criminal history
36 record check requirements as set forth in section 6103.

37 G. The online learning program must comply with the State's information technology
38 accessibility policies and standards.

1 **§19154. Enrollment and eligibility**

2 Full-time students enrolled in an online learning program are considered to have met
3 the compulsory attendance requirement set forth in section 5001-A, subsection 2,
4 paragraph E. The following provisions apply for enrollment and eligibility.

5 1. Full-time or part-time. School administrative units may enroll students in an
6 online learning program or course on a full-time and part-time basis. If a program is
7 oversubscribed, a school district shall use a random lottery to select enrolled students,
8 subject to any statutorily imposed enrollment preferences.

9 2. Eligibility. A kindergarten to grade 12 student enrolled in a public school
10 residing in the State who is 20 years of age or younger is eligible to enroll in the program.

11 3. Agreements to access programs and courses. School administrative units may
12 develop agreements to access online learning courses and programs offered by other
13 school administrative units.

14 4. Assessment. Students enrolled in an online learning program or course for a unit
15 of credit shall participate in any applicable final exams, grade-level assessments and state
16 assessments in a proctored environment.

17 **§19155. Report**

18 The department shall provide the Legislature annually with a report that includes, but
19 is not limited to, the following information:

20 1. Programs and courses. A list of programs and courses offered through the
21 program;

22 2. Students. The number of students participating in the program, including the
23 number of full-time students, part-time students and full-time equivalent students
24 enrolled;

25 3. Student performance. Student performance for students enrolled in online
26 learning programs or courses, including the academic achievement of students enrolled in
27 each course offered through the program;

28 4. Expenditures. Expenditures of state and nonstate funds made for online learning
29 programs and courses; and

30 5. Limitation. The number of students who were unable to enroll in an online
31 learning program or course because of space limitation.

32 **Sec. 5. Department of Education review of online learning initiatives;**
33 **report; additional necessary implementing legislation.** In establishing the Maine
34 Online Learning Program under the Maine Revised Statutes, Title 20-A, chapter 802, the
35 Department of Education shall review the online learning initiatives established in other
36 states and jurisdictions, including the best practices established by these online learning
37 initiatives related to funding, governance, approval requirements for online learning
38 providers, teacher quality, assessment of student performance, accessibility of programs
39 and materials for individuals with disabilities, alignment with accessible instructional
40 materials provisions of the federal Individuals with Disabilities Education Improvement
41 Act of 2004, Public Law 108-446, and alignment with the universal design provisions of

1 the 1998 amendments to the federal Higher Education Act of 1965, Public Law 105-244.
2 No later than January 1, 2010, the Commissioner of Education shall submit to the Joint
3 Standing Committee on Education and Cultural Affairs a report that contains findings,
4 recommendations and any proposed legislation necessary to further the implementation of
5 the Maine Online Learning Program. Following receipt and review of the report, the Joint
6 Standing Committee on Education and Cultural Affairs may submit a bill to the Second
7 Regular Session of the 124th Legislature.'

8 **SUMMARY**

9 This amendment replaces the bill and directs the Department of Education to
10 establish the Maine Online Learning Program, which will provide high-quality
11 educational options for kindergarten to grade 12 students using online learning programs
12 and courses, beginning no later than June 30, 2010. The amendment accomplishes the
13 following.

14 1. It clarifies the funding provisions of the bill, including removing the provision
15 directing the Department of Education to establish a master contract agreement with
16 approved online learning providers and requiring local school administrative units to
17 enter into cooperative agreements based on the master contract agreement.

18 2. It requires that all teachers who are employed by the online learning provider and
19 who provide instruction to students must hold a valid teaching certificate in each content
20 area being taught or they must receive approval from the Commissioner of Education to
21 teach in the online learning program.

22 3. It allows school administrative units to develop agreements to access online
23 learning programs or courses offered by other school administrative units.

24 4. It requires that the Department of Education consider the accessibility of online
25 programs and materials for individuals with disabilities as part of the department's review
26 of online learning initiatives in other states and jurisdictions.

27 5. It provides that the online learning program must comply with the State's
28 government information technology accessibility policies and standards.

29 **FISCAL NOTE REQUIRED**

30 (See attached)



Approved: 05/24/09 *MJC*

124th MAINE LEGISLATURE

LD 1446

LR 1488(02)

An Act To Create the Maine Online Learning Program

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Education to establish the Maine Online Learning Program can be absorbed within existing budgeted resources.