

MAINE STATE LEGISLATURE

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Date: 6-14-11

(Filing No. S-304)

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
SENATE
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 206, L.D. 675, Bill, "An Act To Establish Multidistrict Online Classes in Maine"

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

Sec. 1. 20-A MRSA §19154, sub-§2, as enacted by PL 2009, c. 330, §4, is amended to read:

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

A. Beginning in the 2012-2013 school year, a student is eligible to enroll in an online learning program or course that is offered by a school in a school administrative unit, a private school approved for tuition purposes that enrolls at least 60% publicly funded students or an online learning provider approved by the department in accordance with section 19153. A student may enroll in an online course as long as:

(1) The online course is consistent with the content standards and the parameters for essential instruction established pursuant to section 6209;

(2) The student notifies the school administrative unit in which the student resides by the April 1st before the start of the school year that the student elects to take one or more online courses during the school year; and

(3) One or more of the following conditions exist:

(a) The course is not available to the student in the school administrative unit where the student is enrolled, either because the course is not offered locally or because a scheduling conflict prevents the student from enrolling in the course during the upcoming school year;

(b) The student was not successful in completing the course previously and is unable to retake the course locally with a different teacher; or

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1 (c) The student receives permission from the superintendent of the school
2 administrative unit in which the student resides.

3 This paragraph is repealed July 1, 2015.

4 B. Beginning in the 2012-2013 school year, if the student is enrolled in a full course
5 load without the online course, the student must receive approval to enroll in the
6 online course from the superintendent of the school administrative unit in which the
7 student resides.

8 This paragraph is repealed July 1, 2015.

9 **Sec. 2. 20-A MRSA §19154, sub-§3**, as enacted by PL 2009, c. 330, §4, is
10 amended to read:

11 **3. Agreements to share access to programs and courses.** ~~School~~ Notwithstanding
12 any other provision of this section, school administrative units may develop agreements
13 to share access to online learning courses and programs ~~offered by other school~~
14 administrative units.

15 **Sec. 3. 20-A MRSA §19154, sub-§§5 and 6** are enacted to read:

16 **5. Pilot project for full-time online enrollment.** A student may enroll full-time in
17 an online program during the 2012-2013 school year, the 2013-2014 school year and the
18 2014-2015 school year, as long as:

19 A. Each course in the online program meets the requirements of subsection 2,
20 paragraph A, subparagraph (1);

21 B. The student notifies the school administrative unit in which the student resides by
22 the April 1st before the start of the school year that the student elects to enroll full-
23 time in an online program;

24 C. No more than 5% of students in a school administrative unit are enrolled full-time
25 in an online program; and

26 D. The total cost for the online program taken by an individual student does not
27 exceed the state average tuition rate calculated under section 5804 for elementary
28 students or section 5805 for secondary students.

29 In the case of a school administrative unit that offers an online program exclusively to
30 students who reside, and whose parents reside, outside of the State, those students are not
31 subject to the cost limitation in paragraph D.

32 This subsection is repealed July 1, 2015.

33 **6. Funding.** A school administrative unit shall provide payments for students who
34 meet the eligibility requirements set forth in subsection 2 to enroll in an online learning
35 program or course as follows.

36 A. A school administrative unit shall provide at least \$5,000 in payments each year
37 for all eligible students to enroll as part-time students in an online learning program
38 or course.

39 B. Funds made available for eligible students under this section may be provided
40 from one or more of the following sources of funds:

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1 (1) State subsidy payments allocated to the school administrative unit pursuant to
2 chapter 606-B, including targeted technology resource funds allocated to the
3 school administrative unit pursuant to section 15681; and

4 (2) Revenues from local, state, federal or other sources that are appropriated,
5 allocated, granted or donated to the school administrative unit and that may be
6 used for the purposes set forth in this section.

7 C. The school administrative unit may authorize an expenditure of funds received by
8 the school administrative unit under paragraph B that exceeds \$5,000 when the
9 superintendent provides permission for an eligible student to enroll in an online
10 program or course pursuant to this section.

11 This subsection is repealed July 1, 2015.

12 Sec. 4. 20-A MRS §19154-A is enacted to read:

13 **§19154-A. School administrative unit online learning program**

14 1. **Course offerings.** A school administrative unit may offer an online learning
15 program to students in other school administrative units within and outside of the State as
16 long as:

17 A. The provider of the online learning program is either a school administrative unit
18 in the State, a private school approved for tuition purposes that enrolls at least 60%
19 publicly funded students or an online learning provider approved by the department
20 in accordance with section 19153;

21 B. The school administrative unit offering the online learning program provides
22 public notice of the availability of the program through the department website
23 established pursuant to subsection 2;

24 C. If a program is oversubscribed, the school administrative unit shall give
25 preference first to a student who is a resident of the school administrative unit and
26 2nd to other public school students in this State who are not residents of the school
27 administrative unit through the use of a random lottery to select among students;

28 D. A teacher employed by a school administrative unit or a private school approved
29 for tuition purposes that enrolls at least 60% publicly funded students and provides
30 instruction through an online learning program to students must hold a valid teaching
31 certificate in each content area being taught or receive approval from the
32 commissioner to teach a course; and

33 E. A teacher employed by a school administrative unit or a private school approved
34 for tuition purposes that enrolls at least 60% publicly funded students must receive
35 appropriate preservice and in-service training pertaining to the organization of the
36 online classroom, programs and courses, the technical aspects of online education,
37 the monitoring of student assessment and other pertinent training.

38 In the case of a school administrative unit that offers an online learning program or
39 course exclusively to students who reside, and whose parents reside, outside of the State,
40 those students are not subject to the lottery and enrollment preference provisions
41 established for an oversubscribed program in paragraph C.

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2. It establishes a 3-year pilot project, including eligibility provisions, for enrolling students in full-time online learning programs, beginning in the 2012-2013 school year and ending in the 2014-2015 school year. The pilot project provisions are repealed July 1, 2015.

3. It establishes provisions pertaining to online learning programs and online course offerings that a school administrative unit may offer to students who reside in the school administrative unit and to students who reside, and whose parents reside, outside of the school administrative unit or outside of the State. These provisions are repealed July 1, 2015.

4. It provides that school administrative units must provide at least \$5,000 in funding for students who meet the eligibility requirements to enroll in online courses and authorizes a school administrative unit to provide more than \$5,000 in funding when the superintendent provides permission for an eligible student to enroll in an online course. The funding provisions are repealed July 1, 2015.

5. It directs the Department of Education to provide information on online learning programs and courses offered by eligible providers on the department's publicly accessible website. This provision is repealed July 1, 2015.

6. It directs the Department of Education to create a working group to study the opportunities in and challenges of creating one online learning program for the State and to report to the Joint Standing Committee on Education and Cultural Affairs by January 4, 2012.

7. It requires the Department of Education to evaluate the multidistrict online learning programs that enroll students in one or more online courses, as well as the pilot project that enrolled full-time students, and to report the results of the evaluation to the joint standing committee of the Legislature having jurisdiction over education matters, which may submit a bill to the Legislature.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



125th MAINE LEGISLATURE

LD 675

LR 1850(02)

An Act To Establish Multidistrict Online Classes in Maine

Fiscal Note for Bill as Amended by Committee Amendment "A" S-304
Committee: Education and Cultural Affairs
Fiscal Note Required: Yes

Fiscal Note

State Mandate - Unfunded

State Mandates

Required Activity	Unit Affected	Local Cost
Requires resident school administrative units to pay for on-line courses that meet certain criteria offered by non-resident school administrative units for resident students under certain conditions.	School	Moderate statewide

The required local activities in this bill may represent a State mandate pursuant to the Constitution of Maine. Unless General Fund appropriations are provided to fund at least 90% of the additional costs or a Mandate Preamble is amended to the bill and two-thirds of the members of each House vote to exempt this mandate from the funding requirement, municipalities may not be required to implement these changes.

Fiscal Detail and Notes

This legislation requires that, from fiscal year 2012-13 through fiscal year 2014-15, school administrative units (SAU's) must provide up to a total of \$5,000 to support the costs of students enrolling in online courses offered by nonresident school administrative units.

Additional costs to the Department of Education to conduct the required study and evaluation and to provide the required information can be absorbed within existing budgeted resources.