

MAINE STATE LEGISLATURE

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EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE

SENATE

126TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 580, L.D. 1533, Bill, "An Act To Amend the Maine Online Learning Program"

Amend the bill by striking out the title and substituting the following:

'An Act To Establish the Maine Online Learning Collaborative'

Amend the bill by inserting after the title and before the enacting clause the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Maine's students must meet the requirements of the system of learning results within a standards-based learning system as set forth in the Maine Revised Statutes, Title 20-A, chapter 222; and

Whereas, the State can augment the capacity of Maine teachers to provide high-quality, 21st-century, technology-rich, online and blended learning experiences that present students with opportunities to meet the proficiency-based diploma requirements of Maine's standards-based learning system; and

Whereas, this legislation needs to take effect immediately in order to ensure that school administrative units have the capacity and resources necessary to provide high-quality, 21st-century, technology-rich, online and blended learning experiences to students; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill by inserting before section 1 the following:

Sec. 1. 20-A MRSA §19152, sub-§4, as amended by PL 2011, c. 353, §6, is further amended to read:

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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; ~~and~~

4 **Sec. 2. 20-A MRSA §19152, sub-§5,** as enacted by PL 2011, c. 353, §7, is
5 amended to read:

6 **5. Nonresident tuition students.** Permit school administrative units to provide
7 online educational opportunities to nonresident tuition students who reside, and whose
8 parents reside, outside the State.

9 This subsection is repealed July 1, 2014;

10 **Sec. 3. 20-A MRSA §19152, sub-§§6 and 7** are enacted to read:

11 **6. Standards-based.** Enable students to meet the standards of the system of learning
12 results within a standards-based learning system as set forth in chapter 222; and

13 **7. Build teaching capacity.** Augment the capacity of teachers who are residents of
14 this State and who have been properly certified in accordance with certification rules
15 adopted pursuant to chapter 502 to provide high-quality, 21st-century, technology-rich,
16 online and blended learning experiences for students.'

17 Amend the bill in section 1 in §19153 in subsection 1 in paragraph A in the last line
18 (page 1, line 9 in L.D.) by inserting after the following: "appropriate;" the following: 'and'

19 Amend the bill in section 1 in §19153 in subsection 1 by striking out all of
20 paragraphs B and C (page 1, lines 10 to 13 in L.D.) and inserting the following:

21 'B. The online learning provider's ability to satisfy the requirements under subsection
22 2.'

23 Amend the bill in section 1 in §19153 in subsection 1 in the blocked paragraph by
24 striking out all of the last sentence (page 1, lines 14 and 15 in L.D.).

25 Amend the bill in section 4 in subsection 4 in the 2nd and 3rd lines (page 1, lines 34
26 and 35 in L.D.) by striking out the following: "and cost comparisons between online
27 learning programs or courses and programs delivered by means of traditional methods"

28 Amend the bill by striking out all of section 6 and inserting the following:

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

30 **§19157. Maine Online Learning Collaborative**

31 The department shall form a partnership with a statewide consortium consisting of
32 school administrative units, public charter schools, private secondary schools approved
33 for the receipt of public funds under chapter 117, subchapter 2 that enroll 60% or more
34 publicly funded students and other educational organizations that meet the eligibility
35 requirements of subsection 2 to collaboratively develop a high-quality online learning
36 program to commence in the 2014-2015 school year that provides students in grades 9 to
37 12 access to digital learning through online and hybrid courses that are taught by teachers
38 properly certified in accordance with certification rules adopted pursuant to chapter 502.
39 The department shall develop approval criteria and a process for approving online

1 learning providers to implement online learning programs developed in accordance with
2 this section.

3 **1. Collaborative partnership.** The collaborative partnership formed under this
4 section shall:

5 A. Deliver educational programs that meet the diverse educational needs of students
6 in order to prepare them to contribute to the future welfare of the State;

7 B. Close the achievement gap between high-performing and low-performing
8 students, including the gap between economically disadvantaged students and their
9 more advantaged peers;

10 C. Provide a broader range of educational options to parents and, utilizing existing
11 resources, including learning technology, help to improve the academic achievement
12 of students;

13 D. Augment the capacity of school administrative units to provide public school
14 options for those students whose educational needs are not being met through the
15 regular public school program;

16 E. Through the use of available learning technology resources, create educational
17 opportunities for students that may not exist without the use of those resources;

18 F. Provide consistent, high-quality, public education options for students through the
19 use of available learning technology resources;

20 G. Enable students to meet the standards of the system of learning results within a
21 standards-based learning system as set forth in chapter 222; and

22 H. Augment the capacity of teachers properly certified in accordance with
23 certification rules adopted pursuant to chapter 502 to provide high-quality,
24 21st-century, technology-rich, online and blended learning experiences for students.

25 **2. Institutional eligibility.** An educational organization is eligible to be part of the
26 consortium under this section if:

27 A. It offers an online learning program or course at a secondary level for grades 9 to
28 12 students enrolled in:

29 (1) A public school in a school administrative unit;

30 (2) A public charter school; or

31 (3) A private secondary school approved for the receipt of public funds under
32 chapter 117, subchapter 2 that enrolls 60% or more publicly funded students;

33 B. The entire educational program for the student does not consist solely of online
34 learning programs and courses; and

35 C. The online learning provider uses only teachers who are residents of this State and
36 who have been certified by the department.

37 **3. Student eligibility.** Only students in grades 9 to 12 may enroll in programs under
38 this section, except that an educational organization may request and the commissioner
39 may grant an exception to allow a student in grade 7 or grade 8 to enroll if requirements

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1 established by the commissioner in rule are met. A student is not eligible to enroll in
2 programs offered under this section if the student is a nonresident tuition student who
3 resides, and whose parents reside, outside the State.

4 **4. Fund established.** The Maine Online Learning Collaborative Fund is established
5 as a nonlapsing fund in the department. The fund is administered by the department to
6 provide reimbursement to school administrative units for online learning programs
7 provided under this section. The fund receives funds appropriated, allocated or
8 transferred to the department for the purposes of this section.

9 **5. Request for proposals; approval criteria.** The approval criteria and a request
10 for proposal process developed by the department for approving online learning providers
11 under this section must be reviewed and approved by the joint standing committee of the
12 Legislature having jurisdiction over education and cultural affairs before the request for
13 proposals is publicized by the department.

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

16 Amend the bill in section 7 in the 4th line (page 5, line 11 in L.D.) by striking out the
17 following: "Program Reimbursement" and inserting the following: 'Collaborative'

18 Amend the bill by inserting after section 7 the following:

19 **'Sec. 8. Appropriations and allocations.** The following appropriations and
20 allocations are made.

21 **EDUCATION, DEPARTMENT OF**
22 **Maine Online Learning Collaborative Fund N164**

23 Initiative: Provides base allocations to reimburse school administrative units for the costs
24 associated with online learning programs.

25	OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
26	All Other	\$500	\$500
27			
28	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$500</u>	<u>\$500</u>
29			

30 Amend the bill by adding before the summary the following:

31 **'Emergency clause.** In view of the emergency cited in the preamble, this
32 legislation takes effect when approved.'

33 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
34 section number to read consecutively.

35 **SUMMARY**

36 This amendment adds an emergency preamble and an emergency clause to the bill
37 and amends the laws governing the Maine Online Learning Program by adding 2
38 provisions to the goals of the program that would enable students to meet the standards of

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1 the system of learning results and that would augment the capacity of teachers who are
2 certified in the State to provide high-quality online and blended learning experiences for
3 students.

4 The amendment also strikes the provisions in the bill that propose to establish the
5 Maine Online Learning Program Reimbursement Fund and replaces the fund with
6 provisions to authorize the Department of Education to establish the Maine Online
7 Learning Collaborative, a partnership with a statewide consortium consisting of Maine
8 school administrative units, public charter schools and approved private secondary
9 schools that enroll 60% or more publicly funded students and other educational
10 organizations to collaboratively develop a high-quality online learning program to
11 commence in the 2014-2015 school year that provides students in grades 9 to 12 access to
12 part-time digital learning through online and hybrid courses that are taught by Maine
13 certified teachers.

14 The amendment also requires the Department of Education to develop approval
15 criteria and a process for approving online learning providers to implement online
16 learning programs with the Maine Online Learning Collaborative; and provides that the
17 request for proposals must be reviewed and approved by the joint standing committee of
18 the Legislature having jurisdiction over education and cultural affairs before the request
19 for proposals is publicized by the department.

20 The amendment also adds an appropriations and allocations section.

21 **FISCAL NOTE REQUIRED**

22 (See attached)

COMMITTEE AMENDMENT



126th MAINE LEGISLATURE

LD 1533

LR 1886(02)

An Act To Amend the Maine Online Learning Program

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-302)
Committee: Education and Cultural Affairs
Fiscal Note Required: Yes

Fiscal Note

Potential current biennium cost increase - General Fund

	FY 2013-14	FY 2014-15	Projections FY 2015-16	Projections FY 2016-17
Appropriations/Allocations				
Other Special Revenue Funds	\$500	\$500	\$500	\$500

Fiscal Detail and Notes

This bill establishes the Maine Online Learning Collaborative Fund as a nonlapsing fund within the Department of Education to provide reimbursement to local school administrative units for certain online learning programs. This bill provides base Other Special Revenue Funds allocations of \$500 per year beginning in fiscal year 2013-14 for the Maine Online Learning Collaborative Fund to authorize the expenditure of funds.

This legislation requires the State Controller to transfer available balances remaining in the Maine Learning Technology Fund, Other Special Revenue Funds account to the Maine Online Learning Collaborative Fund no later than 10 days after this legislation becomes effective. The State's accounting system does not have an Other Special Revenue Funds account with that specific name. However, there are currently 4 Maine Learning Technology Initiative, Other Special Revenue Funds accounts that have cash balances totaling \$1,175,491. Given the current language in this legislation, the State Controller has indicated that all available funds would be taken from all accounts under the Maine Learning Technology Initiative program. Also, because this legislation does not include language that would allow for only those balances available after "accounting for all commitments or obligations" to be transferred to the Maine Online Learning Collaborative Fund, the State Controller would be obligated to transfer the cash balances in the Other Special Revenue Funds accounts without consideration of what commitments or obligations currently exist. General Fund appropriations may be required to address those commitments and obligations.