

# MAINE STATE LEGISLATURE

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SMG  
ROBS

Majority

L.D. 1736

Date: 2/19/14

(Filing No. S-392)

EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE

SENATE

126TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 689, L.D. 1736, "Resolve, To Create a State-run Virtual Academy Providing Maine Students with Access to Online Learning through Their Existing School Districts"

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

**'Resolve, To Provide Maine Students with Access to Online and Digital Learning Opportunities through Their Existing School Districts'**

Amend the resolve by striking out everything after the title and before the summary and inserting 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,** it is crucial that the Department of Education, education stakeholders and school administrative units begin their work as soon as possible to ensure the stakeholder group convened by the department pursuant to this resolve has sufficient time to obtain information and develop plans regarding the establishment of online and digital learning opportunities and the development of a memorandum of understanding that provides Maine secondary school students with the opportunity to access a virtual learning academy during the 2014-2015 school year; 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, be it

**Sec. 1. Stakeholder group to develop online and digital learning opportunities. Resolved:** That the Department of Education shall convene a stakeholder group to develop plans to establish online and digital learning opportunities, which may include a state-administered virtual academy and a state-administered digital learning exchange, that provide all public schools in the State access to online instruction, online courses and digital learning resources for their students. The stakeholder group

ROFS

1 must include a member of the Maine Charter School Commission, established in Title 5,  
2 section 12004-G, subsection 10-D, and representatives of education associations in the  
3 State, including but not limited to representatives of the Maine School Superintendents  
4 Association, the Maine School Boards Association, the Maine Principals' Association, the  
5 Maine Education Association, and Maine educators who are currently providing online  
6 and digital learning opportunities for their students through the virtual high school  
7 program. In designing online and digital learning opportunities, which may include a  
8 state-administered virtual academy and a state-administered digital learning exchange, the  
9 stakeholder group, in collaboration with the Department of Education, shall:

10 1. Ensure the virtual academy provides for a blended learning environment that offers  
11 access to virtual classes along with traditional classroom-based instruction;

12 2. Ensure the digital learning exchange provides expanded digital learning  
13 opportunities to all Maine students and establishes a clearinghouse of open educational  
14 resources available to all educators, parents and students;

15 3. Place particular emphasis on enhancing curriculum and addressing potential  
16 scheduling obstacles, including scheduling obstacles that may be encountered by students  
17 in career and technical education programs; and

18 4. Use as models the Vermont Virtual Learning Cooperative, the Virtual Learning  
19 Academy Charter School in New Hampshire and digital learning exchanges in other  
20 states and jurisdictions.

21 The stakeholder group, with the assistance of the Department of Education, shall  
22 complete the design of online and digital learning opportunities by January 15, 2015; and  
23 be it further

24 **Sec. 2. Access to a virtual learning academy during the 2014-2015 school**  
25 **year. Resolved:** That, by July 31, 2014, the stakeholder group convened pursuant to  
26 section 1, in collaboration with school administrative units in the State, shall make a good  
27 faith effort to develop a memorandum of understanding with the Virtual Learning  
28 Academy Charter School in New Hampshire to provide Maine secondary school students  
29 with access to virtual learning programs during the 2014-2015 school year through the  
30 Virtual Learning Academy Charter School in New Hampshire. The memorandum of  
31 understanding must include the agreement of participating school administrative units and  
32 the Virtual Learning Academy Charter School in New Hampshire to provide access to  
33 virtual learning programs that serve the best interest of Maine secondary school students  
34 and that reduce to the greatest extent possible the cost of admission to virtual learning  
35 programs during the 2014-2015 school year. On or before July 31, 2014, the  
36 Commissioner of Education shall notify the Legislature that the stakeholder group and the  
37 participating school administrative units in the State have either made a good faith effort  
38 to develop a memorandum of understanding in accordance with this section or failed to  
39 make a good faith effort. The Commissioner of Education shall submit a copy of any  
40 memorandum of understanding developed in accordance with this section to the Joint  
41 Standing Committee on Education and Cultural Affairs by July 31, 2014; and be it further

42 **Sec. 3. Report. Resolved:** That, by January 15, 2015, the Commissioner of  
43 Education or the commissioner's designee, on behalf of the stakeholder group pursuant to  
44 section 1, shall submit a report, including findings and any recommended legislation

2015

1 necessary to implement plans for the establishment of online and digital learning  
2 opportunities, which may include a state-administered virtual academy and a state-  
3 administered digital learning exchange, to the joint standing committee of the Legislature  
4 having jurisdiction over education matters. The joint standing committee may submit a  
5 bill related to the report to the First Regular Session of the 127th Legislature; and be it  
6 further

7 **Sec. 4. Moratorium. Resolved:** That, notwithstanding the Maine Revised  
8 Statutes, Title 1, section 302; and Title 20-A, chapter 112; or any other law to the  
9 contrary, a virtual public charter school that has not commenced operations as of the  
10 effective date of this section may not commence operations, regardless of whether the  
11 Maine Charter School Commission, established in Title 5, section 12004-G, subsection  
12 10-D, has approved, authorized or executed a contract for that virtual public charter  
13 school prior to the effective date of this section, and the Maine Charter School  
14 Commission may not approve an application for a virtual public charter school, including  
15 any application pending on the effective date of this section, execute a contract for a  
16 virtual public charter school or otherwise authorize a virtual public charter school until:

17 1. July 31, 2014, if the Commissioner of Education notifies the Legislature that the  
18 stakeholder group and the participating school administrative units in the State did not  
19 make a good faith effort to develop a memorandum of understanding in accordance with  
20 section 2; or

21 2. January 15, 2015, if the commissioner notifies the Legislature that the stakeholder  
22 group and the participating school administrative units in the State made a good faith  
23 effort to develop a memorandum of understanding in accordance with section 2.

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

26 **SUMMARY**

27 This amendment, which is the majority report of the Joint Standing Committee on  
28 Education and Cultural Affairs, strikes and replaces the resolve to accomplish the  
29 following.

30 1. It directs the Department of Education to convene a stakeholder group to develop  
31 plans to establish online and digital learning opportunities, which may include a state-  
32 administered virtual academy and a state-administered digital learning exchange, that  
33 provide all public schools in the State access to online instruction, online courses and  
34 digital learning resources for their students.

35 2. It directs the stakeholder group, in collaboration with the Department of Education,  
36 to complete the design of online and digital learning opportunities for Maine students and  
37 submit a report, including findings and any necessary implementing legislation, to the  
38 joint standing committee of the Legislature having jurisdiction over education matters by  
39 January 15, 2015.

40 3. It directs the stakeholder group, in collaboration with school administrative units in  
41 the State, to develop a memorandum of understanding with the Virtual Learning  
42 Academy Charter School in New Hampshire to provide Maine secondary school students

**COMMITTEE AMENDMENT**

1049

COMMITTEE AMENDMENT "A" to S.P. 689, L.D. 1736

1 with access to virtual learning programs during the 2014-2015 school year and it directs  
2 the Commissioner of Education to notify the Legislature whether or not the stakeholder  
3 group and the participating school administrative units in the State made a good faith  
4 effort to develop a memorandum of understanding in accordance on or before July 31,  
5 2014.

6 4. It imposes a moratorium on the authorization and operation of virtual public  
7 charter schools subject to authorization by the Maine Charter School Commission until  
8 January 15, 2015 unless the Commissioner of Education notifies the Legislature that the  
9 stakeholder group and the participating school administrative units in the State failed to  
10 make a good faith effort to develop a memorandum of understanding on or before July  
11 31, 2014.

12 5. It stipulates that the moratorium established by the resolve regarding the  
13 authorization or operation of virtual public charter schools prohibits a virtual public  
14 charter school that has not commenced operations as of the effective date of the resolve  
15 from commencing operations, regardless of whether the Maine Charter School  
16 Commission has approved, authorized or executed a contract authorizing that virtual  
17 public charter school prior to the effective date of the resolve; and it prohibits the Maine  
18 Charter School Commission from executing a contract or authorizing a virtual public  
19 charter school, including an application for a virtual public charter school pending  
20 approval by the commission on the effective date of the resolve.

21 **FISCAL NOTE REQUIRED**

22 **(See attached)**



Approved: 02/18/14 *mac*

# 126th MAINE LEGISLATURE

LD 1736

LR 2724(02)

**Resolve, To Create a State-run Virtual Academy Providing Maine Students with Access to Online Learning through Their Existing School Districts**

**Fiscal Note for Bill as Amended by Committee Amendment "A" (S-392)**

**Committee: Education and Cultural Affairs**

**Fiscal Note Required: Yes**

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## Fiscal Note

Potential current biennium cost increase - Local School Administrative Units

### Fiscal Detail and Notes

Providing Maine secondary students with access to virtual learning programs at the Virtual Learning Academy Charter School in New Hampshire during the 2014-2015 school year if a memorandum of understanding between those school administrative units that wish to participate and the Virtual Learning Academy Charter School can be reached may result in increased costs to the participating local school units. The total fiscal impact will depend on the cost of admission into the virtual learning programs and the number of students that participate.

Additional costs to the Department of Education to convene the stakeholder group to develop the required plans and submit the required report can be absorbed within existing budgeted resources.