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## EDUCATION AND CULTURAL AFFAIRS

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# STATE OF MAINE <br> SENATE <br> 125TH LEGISLATURE <br> FIRST REGULAR SESSION 

COMMITTEE AMENDMENT " " 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
(c) The student receives permission from the superintendent of the school administrative unit in which the student resides.

This paragraph is repealed July $1,2015$.
B. Beginning in the 2012-2013 school year, if the student is enrolled in a full course load without the online course, the student must receive approval to enroll in the online course from the superintendent of the school administrative unit in which the student resides.
This paragraph is repealed July 1, 2015.
Sec. 2. 20-A MRSA §19154, sub-§3, as enacted by PL 2009, c. 330, §4, is amended to read:
3. Agreements to share access to programs and courses. Scheol Notwithstanding any other provision of this section, school administrative units may develop agreements to share access to online learning courses and programs effered by other sehool administrative units.

Sec. 3. 20-A MRSA $£ 19154$, sub-§§5 and 6 are enacted to read:
5. Pilot project for full-time online enrollment. A student may enroll full-time in an online program during the 2012-2013 school year, the 2013-2014 school year and the 2014-2015 school year, as long as:
A. Each course in the online program meets the requirements of subsection 2 , paragraph A, subparagraph (1);
B. 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 enroll fulltime in an online program;
C. No more than $5 \%$ of students in a school administrative unit are enrolled full-time in an online program; and
D. The total cost for the online program taken by an individual student does not exceed the state average tuition rate calculated under section 5804 for elementary students or section 5805 for secondary students.

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

This subsection is repealed July 1, 2015.
6. Funding. A school administrative unit shall provide payments for students who meet the eligibility requirements set forth in subsection 2 to enroll in an online learning program or course as follows.
A. A school administrative unit shall provide at least $\$ 5,000$ in payments each year for all eligible students to enroll as part-time students in an online learning program or course.
B. Funds made available for eligible students under this section may be provided from one or more of the following sources of funds:
(1) State subsidy payments allocated to the school administrative unit pursuant to chapter 606-B, including targeted technology resource funds allocated to the school administrative unit pursuant to section 15681; and
(2) Revenues from local, state, federal or other sources that are appropriated, allocated, granted or donated to the school administrative unit and that may be used for the purposes set forth in this section.
C. The school administrative unit may authorize an expenditure of funds received by the school administrative unit under paragraph B that exceeds $\$ 5,000$ when the superintendent provides permission for an eligible student to enroll in an online program or course pursuant to this section.

This subsection is repealed July $1,2015$.
Sec. 4. 20-A MRSA §19154-A is enacted to read:

## §19154-A. School administrative unit online learning program

1. Course offerings. A school administrative unit may offer an online learning program to students in other school administrative units within and outside of the State as long as:
A. The provider of the online learning program is either a school administrative unit in the State, 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;
B. The school administrative unit offering the online learning program provides public notice of the availability of the program through the department website established pursuant to subsection 2;
C. If a program is oversubscribed, the school administrative unit shall give preference first to a student who is a resident of the school administrative unit and 2 nd to other public school students in this State who are not residents of the school administrative unit through the use of a random lottery to select among students;
D. A teacher employed by a school administrative unit or a private school approved for tuition purposes that enrolls at least $60 \%$ publicly funded students and provides instruction through an online learning program to students must hold a valid teaching certificate in each content area being taught or receive approval from the commissioner to teach a course; and
E. A teacher employed by a school administrative unit or a private school approved for tuition purposes that enrolls at least $60 \%$ publicly funded students must receive appropriate preservice and in-service training pertaining to the organization of the online classroom, programs and courses, the technical aspects of online education, the monitoring of student assessment and other pertinent training.

In the case of a school administrative unit that offers an online learning program or course exclusively to students who reside, and whose parents reside, outside of the State, those students are not subject to the lottery and enrollment preference provisions established for an oversubscribed program in paragraph C.
2. Department website. The department shall maintain a publicly accessible website listing the online learning program or courses that are made available by school administrative units in accordance with this section. School administrative units offering an online course to students in other school administrative units shall provide the department with the name of the online course, the name of the provider of the online course, a link to more information about the online course, the number of slots available to students in other school administrative units and the tuition rate for each online course. The department shall make this information available on its publicly accessible website and shall update the website regularly.

This section is repealed July 1, 2015.
Sec. 5. Department of Education to establish working group. The Department of Education shall create a working group to study the opportunities in and challenges of creating one online school for the State for students in kindergarten to grade 12. This working group must include teachers, administrators, parents, information technology specialists and other persons, groups or entities that have an interest in online learning. No later than January 4, 2012, the Department of Education shall report the findings of the working group along with any suggested legislation to the Joint Standing Committee on Education and Cultural Affairs. The Joint Standing Committee on Education and Cultural Affairs may submit a bill regarding the subject of the study to the Second Regular Session of the 125th Legislature.

Sec. 6. Online learning program evaluation. The Department of Education shall evaluate the implementation of the multidistrict online learning programs as set forth in the Maine Revised Statutes, Title 20-A, section 19154, subsections 2, 5 and 6 and section 19154-A. No later than January 31, 2015, the Department of Education shall report the findings of its evaluation along with any suggested legislation to the joint standing committee of the Legislature having jurisdiction over education matters. The joint standing committee may submit a bill regarding the evaluation required under this section to the First Regular Session of the 127th Legislature.'

## SUMMARY

This amendment strikes and replaces the bill to provide several provisions that allow nonresident students to enroll in a school administrative unit's online learning program, with the school administrative unit in which the student resides providing the student's tuition payment to the enrolling school administrative unit for the online program. The amendment accomplishes the following.

1. It expands the eligibility provisions to permit a student 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 of Education and provides that a school administrative unit must pay for an online course that meets the content area requirements of the system of learning results when the school administrative unit does not offer the course or the student cannot take the course for certain reasons. These eligibility and course offering provisions are repealed July 1, 2015.
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)

