

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Amend the Maine Online Learning Program

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §19153, sub-§1, as enacted by PL 2009, c. 330, §4, is repealed and the following enacted in its place:

1. Approval of online learning providers. The department shall approve an online learning provider on the basis of:

A. The online learning provider's demonstrated experience in the operation and management of online learning programs and courses, including the number of students served and proven academic success as measured by student performance and state assessment results, as appropriate;

B. The online learning provider's demonstrated experience in collaborating with schools to develop innovative practices related to online learning; and

C. The online learning provider's ability to satisfy the requirements under subsection 2.

The requirements and process for applying for approval may change annually. An online learning provider must apply for approval annually.

Sec. 2. 20-A MRSA §19153, sub-§2, ¶B, as enacted by PL 2009, c. 330, §4, is amended to read:

B. Each course offered for a unit of credit must correlate with applicable state-adopted academic standards prior to being offered. Courses may be of varying lengths and may be worth varying amounts of credit to assist in remedial course work and proficiency-based pathways to graduation. All courses must include assessments.

Sec. 3. 20-A MRSA §19153, sub-§2, ¶H is enacted to read:

H. The online learning provider must use surveys to gauge the satisfaction of its students with the online learning provider and the courses offered by that online learning provider. These surveys must be approved by the department.

Sec. 4. 20-A MRSA §19155, sub-§§3 to 5, as enacted by PL 2009, c. 330, §4, are amended to read:

3. Student performance. Student performance for students enrolled in online learning programs or courses, including the academic achievement of students enrolled in each course offered through the program and rates of success for completion of courses and meeting standards;

4. Expenditures. Expenditures of state and nonstate funds made for online learning programs and courses and cost comparisons between online learning programs or courses and programs delivered by means of traditional methods; and

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

Sec. 5. 20-A MRSA §19155, sub-§6 is enacted to read:

6. Surveys. The results of surveys administered pursuant to section 19153, subsection 2, paragraph H that are used to help gauge the quality of the online learning provider and the courses offered by that online learning provider.

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

§ 19157. Maine Online Learning Program Reimbursement Fund

The Maine Online Learning Program Reimbursement Fund is established as a nonlapsing fund in the department. The reimbursement fund is administered by the department to provide reimbursement to school administrative units as provided in this section.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Cost of an online course" means the cost to a school administrative unit of the services provided by an online learning provider for an online learning program or course taken by a student of the school administrative unit.

B. "Full-year online course" means an online learning program or course that is the equivalent of a course of study that is provided for an entire academic year.

C. "Guaranteed reimbursement course" means an online learning program or course provided to a student for which a school administrative unit may receive guaranteed reimbursement from the reimbursement fund.

D. "Module unit" means 1/20th of a full-year online course.

E. "Reimbursement fund" means the Maine Online Learning Program Reimbursement Fund established in this section.

2. Eligibility. A school administrative unit is eligible for reimbursement for the cost of an online course administered to a student if:

A. The online learning program or course is a secondary level course;

B. The student is enrolled in public school in the school administrative unit, not including a nonresident tuition student who resides, and whose parents reside, outside the State;

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

D. The online learning provider:

(1) Has been approved by the department pursuant to section 19153; and

(2) Uses only teachers who are residents of this State and who have been certified by the department.

The requirements of this paragraph may be waived by the department if the online learning program or course taken by the student is not offered by an approved online learning provider.

3. Reimbursement upon completion. A school administrative unit may receive reimbursement for the cost of an online course from the reimbursement fund only after providing the department with satisfactory evidence, as determined by the department, of successful completion of the online learning program or course by the student of that school administrative unit.

4. Reimbursement rate; responsibility of school administrative unit. The rate of reimbursement to a school administrative unit under this section is 90% of the cost of the online course for each student, up to a maximum reimbursement of \$900 for a full-year online course or \$45 per module unit for an online learning program or course that is shorter than a full-year online course. The school administrative unit is responsible for:

A. Ten percent of the cost of an online course that is no more than \$1,000 for a full-year online course or, for a course shorter than a full-year online course, 10% of the cost of the module unit that is no more than \$50 per module unit;

B. Any amount of the cost of an online course that exceeds \$1,000 for a full-year online course or \$50 per module unit for an online learning program or course that is shorter than a full-year online course; and

C. The cost of an online course that is not completed by the student, including any costs under an agreement between the school administrative unit and the online learning provider.

5. Allocation of guaranteed reimbursement courses. Each school year, a school administrative unit may reserve funds in the reimbursement fund for which reimbursement is guaranteed. A school administrative unit may reserve funds for full-year online courses or module units of online learning programs or courses. The number of guaranteed reimbursement courses a school administrative unit may reserve funds for is based on the student population of each secondary school in that school administrative unit as follows:

A. A school administrative unit may reserve funds for up to 10 full-year online courses or 200 module units per school year for each secondary school in that school administrative unit with at least 875 students;

B. A school administrative unit may reserve funds for up to 7 full-year online courses or 140 module units per school year for each secondary school in that school administrative unit with at least 600 students but fewer than 875 students;

C. A school administrative unit may reserve funds for up to 5 full-year online courses or 100 module units per school year for each secondary school in that school administrative unit with at least 455 students but fewer than 600 students; and

D. A school administrative unit may reserve funds for up to 3 full-year online courses or 60 module units per school year for each secondary school in that school administrative unit with fewer than 455 students.

6. Timing and method of reservation of guaranteed reimbursement courses.

A school administrative unit may reserve funds in the reimbursement fund in accordance with this subsection.

A. A school administrative unit may reserve up to 50% of the guaranteed reimbursement courses as specified in subsection 5 during the first 4 months of the academic school year. The balance of the funds for the cost of guaranteed reimbursement courses as specified in subsection 5 may be reserved during the 2nd 4 months of the academic school year.

B. By September 1st annually of an academic year and by February 1st annually for that same academic year, each superintendent of a school administrative unit shall notify the department of the guaranteed reimbursement courses for which the school administrative unit is reserving funds. For each guaranteed reimbursement course, the superintendent shall provide the name and state identification number of the student, the title of the online learning program or course or module unit and the length and cost of that program or course or module unit.

7. Additional course reservations. A school administrative unit may request more guaranteed reimbursement course reservations beyond those specified in subsection 5 at any time. The department, using any available unused funds in the reimbursement fund, shall grant such reservation requests on a first-come first-served basis.

8. Release of reimbursement funds. Once a school administrative unit has reserved reimbursement funds pursuant to subsection 6 or been granted additional course reservation funds pursuant to subsection 7, those funds remain reserved for that school administrative unit until:

A. The school administrative unit requests reimbursement and provides satisfactory evidence of successful student completion of the online learning program or course. Upon receipt of the request and accompanying evidence, the department shall provide the reimbursement funds related to that online learning program or course to the school administrative unit;

B. The school administrative unit reports to the department that the student has terminated work on the online learning program or course without successful completion; or

C. The funds are unclaimed by the school administrative unit more than 2 years after the school administrative unit reserved the funds pursuant to subsection 6 or was granted additional course reservation funds pursuant to subsection 7.

9. Unused guaranteed reimbursement course reservations. Unused guaranteed reimbursement course reservations and the funds related to those unused reservations are controlled by this subsection.

A. If a school administrative unit does not reserve the total number of guaranteed reimbursement courses allowed pursuant to subsection 5 by the date specified in subsection 6, the guaranteed reimbursement courses not reserved by that school administrative unit are available for reservation by another school administrative unit on a first-come first-served basis.

B. Funds related to guaranteed reimbursement course reservations not used in an academic year carry over to the following academic year.

C. Funds reserved pursuant to subsection 6 or granted pursuant to subsection 7 that are not used for a reason specified in subsection 8, paragraph B or C may be reserved by a school administrative unit on a first-come first-served basis.

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

Sec. 7. Transfer of funds. Notwithstanding any provision of law to the contrary, the State Controller shall transfer the available balance remaining in the Maine Learning Technology Fund, Other Special Revenue Funds account to the Maine Online Learning Program Reimbursement Fund as established in the Maine Revised Statutes, Title 20-A, section 19157 no later than 10 days following the effective date of this Act.

SUMMARY

This bill amends the laws governing the Maine Online Learning Program by:

1. Including an online learning provider's demonstrated experience in collaborating with schools to develop innovative practices related to online learning as a basis for approval of the online learning provider by the Department of Education;

2. Requiring an online learning provider to reapply for approval annually;

3. Allowing courses offered by online learning providers to be of varying lengths and worth varying amounts of credit;

4. Requiring an online learning provider to use surveys approved by the department to gauge the satisfaction of its students with the online learning provider and the courses offered by that online learning provider and the department to provide the results of these surveys to the Legislature; and

5. Establishing the Maine Online Learning Program Reimbursement Fund to provide funds to a school administrative unit for the cost of courses provided by an online learning provider to students in that school administrative unit. The bill establishes eligibility requirements, guaranteed reimbursement allocations, dollar amount limits and procedures for carrying over unused allocations. The fund is funded by a transfer of the balance of funds remaining in the Maine Learning Technology Fund.