



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 938

H.P. 698

House of Representatives, March 8, 2011

### **An Act To Permit Public School Online Learning Programs To Accept Nonresident Tuition Students**

(EMERGENCY)

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script, reading 'Heather J.R. Priest'.

HEATHER J.R. PRIEST  
Clerk

Presented by Representative BEAULIEU of Auburn.  
Cosponsored by Senator CRAVEN of Androscoggin and  
Representatives: BICKFORD of Auburn, BOLDUC of Auburn, CASAVANT of Biddeford,  
EDGECOMB of Caribou, NASS of Acton, PRESCOTT of Topsham, RICHARDSON of  
Carmel, ROTUNDO of Lewiston.

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

3           **Whereas,** there is an immediate opportunity for Maine school administrative units  
4 to improve the quality of education and earn additional revenues by enrolling nonresident  
5 tuition students in online learning programs; and

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

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

11           **Sec. 1. 20-A MRSA §1, sub-§15-A** is enacted to read:

12           **15-A. Learning coach.** "Learning coach" means a person who tutors, supports,  
13 mentors, trains and provides guidance to individual students or groups.

14           **Sec. 2. 20-A MRSA §5801,** as enacted by PL 1981, c. 693, §§5 and 8, is amended  
15 to read:

16 **§5801. Acceptance of tuition students**

17           A school board may decide whether schools in its school administrative unit shall  
18 accept tuition students whose parents reside in another school administrative unit or in an  
19 online learning program wherever the parents reside.

20           **Sec. 3. 20-A MRSA §5805, sub-§5** is enacted to read:

21           **5. Online learning program.** Tuition for students in an online learning program  
22 whose parents reside outside the State is not subject to the limitations of this section.

23           **Sec. 4. 20-A MRSA §5810, sub-§3** is enacted to read:

24           **3. Online program tuition.** A school administrative unit shall collect tuition for  
25 students in an online learning program whose parents reside outside the State.

26           **Sec. 5. 20-A MRSA §6004, sub-§3** is enacted to read:

27           **3. Online learning program.** Tuition students in an online learning program whose  
28 parents reside outside the State must be reported separately to the commissioner and are  
29 not included in the annual student count required by subsections 1 and 2.

30           **Sec. 6. 20-A MRSA §19151, sub-§1, ¶A,** as enacted by PL 2009, c. 330, §4, is  
31 amended to read:

32           A. Is taught by a certified teacher or learning coach under the supervision of a  
33 certified teacher and is delivered primarily electronically using the Internet or other

1 computer-based methods in which a student enrolled in a course may have access to  
2 the teacher or learning coach synchronously or asynchronously;

3 **Sec. 7. 20-A MRSA §19151, sub-§3**, as enacted by PL 2009, c. 330, §4, is  
4 amended to read:

5 **3. Proctored environment.** "Proctored environment" means an environment  
6 directly monitored by a teacher ~~or, learning coach,~~ administrative staff member or other  
7 adult employed by an online learning provider ~~or by an adult authorized by the program.~~

8 **Sec. 8. 20-A MRSA §19152, sub-§3**, as enacted by PL 2009, c. 330, §4, is  
9 amended to read:

10 **3. Educational options.** Use existing educational resources, along with technology,  
11 to provide parents a broader range of educational options and to help students in the State  
12 improve their academic achievement; ~~and~~

13 **Sec. 9. 20-A MRSA §19152, sub-§4**, as enacted by PL 2009, c. 330, §4, is  
14 amended to read:

15 **4. Public school educational opportunities.** Increase the capacity of school  
16 administrative units to provide public school educational opportunities for students whose  
17 educational needs are not being met in the regular public school program; and

18 **Sec. 10. 20-A MRSA §19152, sub-§5** is enacted to read:

19 **5. Nonresident tuition students.** Permit school administrative units to provide  
20 online educational opportunities to nonresident tuition students whose parents reside  
21 within or outside the State.

22 **Sec. 11. 20-A MRSA §19156** is enacted to read:

23 **§19156. Applicable laws**

24 A tuition student enrolled in an online learning program whose parents reside outside  
25 the State is counted for purposes of essential programs and services under chapter 606-B,  
26 is included in the statewide assessment program established pursuant to chapter 222 and  
27 is subject to chapter 223, subchapters 1, 2 and 4. Notwithstanding section 1001,  
28 subsection 9, the participation in any online learning program by a student whose parents  
29 reside outside the State may be terminated at the discretion of the superintendent after  
30 providing the student with an online opportunity to be heard.

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

33 **SUMMARY**

34 This bill permits Maine public school systems that offer online learning programs to  
35 allow nonresident students to participate in those programs on a tuition basis. The

1 participation of nonresident tuition students in these programs will benefit the sponsoring  
2 public school systems both educationally and financially.