

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

H.P. 698 - L.D. 938

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

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

Whereas, there is an immediate opportunity for Maine school administrative units to improve the quality of education and earn additional revenues by enrolling nonresident tuition students in online learning programs; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §5801-A is enacted to read:

§5801-A. Acceptance of tuition students; online learning programs

A school board may decide whether a school in its school administrative unit accepts tuition students who reside, and whose parents reside, outside the State in an online learning program.

This section is repealed July 1, 2014.

Sec. 2. 20-A MRSA §5805, sub-§5 is enacted to read:

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

This subsection is repealed July 1, 2014.

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

3. Online program tuition. A school administrative unit shall collect tuition for students in an online learning program who reside, and whose parents reside, outside the State.

This subsection is repealed July 1, 2014.

Sec. 4. 20-A MRSA §6004, sub-§3 is enacted to read:

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

This subsection is repealed July 1, 2014.

Sec. 5. 20-A MRSA §19152, sub-§3, as enacted by PL 2009, c. 330, §4, is amended to read:

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

Sec. 6. 20-A MRSA §19152, sub-§4, as enacted by PL 2009, c. 330, §4, is amended to read:

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

Sec. 7. 20-A MRSA §19152, sub-§5 is enacted to read:

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

This subsection is repealed July 1, 2014.

Sec. 8. 20-A MRSA §19156 is enacted to read:

§19156. Applicable laws

A tuition student enrolled in an online learning program who resides, and whose parents reside, outside the State is not counted for purposes of essential programs and services under chapter 606-B, is not included in the statewide assessment program established pursuant to chapter 222 and is not subject to chapter 223, subchapters 1, 2 and 4. Notwithstanding section 1001, subsection 9, the participation in any online learning program by a student who resides, and whose parents reside, outside the State may be terminated at the discretion of the superintendent after providing the student with an online opportunity to be heard.

This section is repealed July 1, 2014.

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

In House of Representatives, 2011

Read twice and passed to be enacted.

..... Speaker

In Senate, 2011

Read twice and passed to be enacted.

..... President

Approved 2011

..... Governor