

1.1 A bill for an act

1.2 relating to education; clarifying and modifying requirements for supplemental
1.3 and full-time online learning providers; amending Minnesota Statutes 2008,
1.4 section 124D.095, subdivisions 3, 4, 7.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2008, section 124D.095, subdivision 3, is amended to
1.7 read:

1.8 Subd. 3. **Authorization; notice; limitations on enrollment.** (a) A student may
1.9 apply for full-time enrollment in an approved online learning program under section
1.10 124D.03, 124D.08 or 124D.10, ~~or for supplemental online learning.~~ Notwithstanding
1.11 sections 124D.03, 124D.08, and 124D.10, procedures for enrolling in supplemental online
1.12 learning shall be as provided in this subdivision. A student age 17 or younger must
1.13 have the written consent of a parent or guardian to apply. No school district or charter
1.14 school may prohibit a student from applying to enroll in online learning. In order that a
1.15 student may enroll in online learning, the student and the student's parents must submit an
1.16 application to the online learning provider and identify the reason for enrolling in online
1.17 learning. The online learning provider that accepts a student under this section must within
1.18 ten days notify the student and the enrolling district in writing if the enrolling district is
1.19 not the online learning provider. The student and family must notify the online learning
1.20 provider of their intent to enroll in online learning within ten days of acceptance, at which
1.21 time the student and parent must sign a statement of assurance that they have reviewed the
1.22 online course or program and understand the expectations of online learning enrollment.
1.23 The online learning provider must notify the enrolling district of the student's ~~enrollment~~
1.24 application to enroll in online learning in writing on a form provided by the department.

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2.1 (b) Supplemental online learning notification to the enrolling district upon student
2.2 ~~enrollment in application to the online learning program provider~~ will include the
2.3 courses or program, credits to be awarded, and the start date of online enrollment;
2.4 ~~and confirmation that the courses will meet the student's graduation plan.~~ An online
2.5 learning provider must make available to the enrolling district the course syllabus in a
2.6 format established by the commissioner that identifies the state standards met by the
2.7 course, content outline, assessment requirements, expectations for actual teacher contact
2.8 time, other student-to-teacher communication, and academic support for supplemental
2.9 online courses taken by students in the enrolling district. Within 15 days after the
2.10 online learning provider makes information in this paragraph available to the enrolling
2.11 district, the enrolling district must either confirm or deny to the online provider that
2.12 the student, parent or guardian, and enrolling district have agreed the courses meet the
2.13 enrolling district's graduation requirements. An online learning course or program that
2.14 meets or exceeds a graduation standard or grade progression requirements at the enrolling
2.15 district as demonstrated on the online provider's syllabus must be considered to meet the
2.16 corresponding graduation requirements of the student in the enrolling district. A student
2.17 may enroll in supplemental online learning courses up to the midpoint of the enrolling
2.18 district's term. The enrolling district may waive this requirement for special circumstances
2.19 and upon acceptance by the online provider.

2.20 (c) An online learning provider must notify the commissioner that it is delivering
2.21 online learning and report the number of online learning students it is accepting and the
2.22 online learning courses and programs it is delivering.

2.23 (d) An online learning provider may limit enrollment if the provider's school board
2.24 or board of directors adopts by resolution specific standards for accepting and rejecting
2.25 students' applications.

2.26 (e) An enrolling district may reduce an online learning student's regular classroom
2.27 instructional membership in proportion to the student's membership in online learning
2.28 courses.

2.29 (f) The online provider must report or make available individual student progress
2.30 and credit accumulation to the student, parent or guardian, and enrolling district in a
2.31 manner specified by the commissioner unless another manner is agreed upon by the
2.32 enrolling district and the online provider and submitted to the commissioner. The enrolling
2.33 district must designate a contact person to assist in the facilitation and monitoring of
2.34 student progress and credit accumulation towards graduation status.

2.35 Sec. 2. Minnesota Statutes 2008, section 124D.095, subdivision 4, is amended to read:

3.1 Subd. 4. **Online learning parameters.** (a) An online learning student must receive
3.2 academic credit for completing the requirements of an online learning course or program.
3.3 Secondary credits granted to an online learning student must be counted toward the
3.4 graduation and credit requirements of the enrolling district. ~~An online learning provider
3.5 must make available to the enrolling district the course syllabus, standard alignment,
3.6 content outline, assessment requirements, and contact information for supplemental online
3.7 courses taken by students in the enrolling district.~~ The enrolling district must apply the
3.8 same graduation requirements to all students, including online learning students, and
3.9 must continue to provide nonacademic services to online learning students. If a student
3.10 completes an online learning course or program that meets or exceeds a graduation
3.11 standard or grade progression requirement at the enrolling district, that standard or
3.12 requirement is met. The enrolling district must use the same criteria for accepting online
3.13 learning credits or courses as it does for accepting credits or courses for transfer students
3.14 under section 124D.03, subdivision 9. The enrolling district may reduce the course
3.15 schedule of an online learning student in proportion to the number of online learning
3.16 courses the student takes from an online learning provider that is not the enrolling district.

3.17 (b) An online learning student may:

3.18 (1) enroll in supplemental online learning courses during a single school year to a
3.19 maximum of 50 percent of the student's full schedule of courses per term. A student may
3.20 exceed the supplemental online learning registration limit if the enrolling district grants
3.21 permission for supplemental online learning enrollment above the limit, or if an agreement
3.22 is made between the enrolling district and the online learning provider for instructional
3.23 services;

3.24 (2) complete course work at a grade level that is different from the student's current
3.25 grade level; and

3.26 (3) enroll in additional courses with the online learning provider under a separate
3.27 agreement that includes terms for payment of any tuition or course fees.

3.28 (c) An online learning student has the same access to the computer hardware and
3.29 education software available in a school as all other students in the enrolling district. An
3.30 online learning provider must assist an online learning student whose family qualifies
3.31 for the education tax credit under section 290.0674 to acquire computer hardware and
3.32 educational software for online learning purposes.

3.33 (d) An enrolling district may offer online learning to its enrolled students. Such
3.34 online learning does not generate online learning funds under this section. An enrolling
3.35 district that offers online learning only to its enrolled students is not subject to the
3.36 reporting requirements or review criteria under subdivision 7, unless the enrolling district

4.1 is a full-time online provider. A teacher with a Minnesota license must assemble and
4.2 deliver instruction to enrolled students receiving online learning from an enrolling district
4.3 . The delivery of instruction occurs when the student interacts with the computer or the
4.4 teacher and receives ongoing assistance and assessment of learning. The instruction may
4.5 include curriculum developed by persons other than a teacher with a Minnesota license.

4.6 (e) ~~An~~ Both full-time and supplemental online learning provider that is not the
4.7 ~~enrolling district is~~ providers are subject to the reporting requirements and review criteria
4.8 under subdivision 7. A teacher with a Minnesota license must assemble and deliver
4.9 instruction to online learning students. The delivery of instruction occurs when the student
4.10 interacts with the computer or the teacher and receives ongoing assistance and assessment
4.11 of learning. The instruction may include curriculum developed by persons other than a
4.12 teacher with a Minnesota license. Unless the commissioner grants a waiver, a teacher
4.13 providing online learning instruction must not instruct more than 40 students in any one
4.14 online learning course or program.

4.15 (f) To enroll in more than 50 percent of the student's full schedule of courses per term
4.16 in online learning, the student must qualify to exceed the supplemental online learning
4.17 registration limit under paragraph (b) or apply for enrollment to an approved full-time
4.18 online learning program following appropriate procedures in subdivision 3, paragraph (a).
4.19 Full-time online learning students may enroll in classes at a local school per contract for
4.20 instructional services between the online learning provider and the school district.

4.21 Sec. 3. Minnesota Statutes 2008, section 124D.095, subdivision 7, is amended to read:

4.22 Subd. 7. **Department of Education.** (a) The department must review and
4.23 certify online learning providers. The online learning courses and programs must be
4.24 rigorous, aligned with state academic standards, and contribute to grade progression
4.25 in a single subject. ~~Online learning providers must demonstrate to the commissioner~~
4.26 ~~that online learning courses have equivalent standards or instruction, curriculum, and~~
4.27 ~~assessment requirements as other courses offered to enrolled students. The online~~
4.28 ~~learning provider must also demonstrate expectations for actual teacher contact time~~
4.29 ~~or other student-to-teacher communication.~~ The online provider must provide written
4.30 assurance that all courses meet state academic standards, and that the online learning
4.31 curriculum, instruction and assessment, expectations for actual teacher contact time or
4.32 other student-to-teacher communication, and academic support meet nationally recognized
4.33 professional standards and are demonstrated as such in a syllabus provided according to
4.34 the commissioner's requirements. Once an online learning provider is approved under
4.35 this paragraph, all of its online learning course offerings are eligible for payment under

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5.1 this section unless a course is successfully challenged by an enrolling district or the
5.2 department under paragraph (b).

5.3 (b) An enrolling district may challenge the validity of a course offered by an online
5.4 learning provider. The department must review such challenges based on the certification
5.5 procedures under paragraph (a). The department may initiate its own review of the validity
5.6 of an online learning course offered by an online learning provider.

5.7 (c) The department may collect a fee not to exceed \$250 for certifying online
5.8 learning providers or \$50 per course for reviewing a challenge by an enrolling district.

5.9 (d) The department must develop, publish, and maintain a list of approved online
5.10 learning providers and online learning courses and programs that it has reviewed and
5.11 certified.