

SENATE BILL 1032

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9lr3009
CF 9lr2443

By: **Senator Rosapepe**

Introduced and read first time: March 6, 2009

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Funding Formula to Expand K-12 Online Education**

3 FOR the purpose of requiring the State Board of Education to set certain fees for
4 online courses and services and payment of online courses and services of the
5 Maryland Virtual Learning Opportunities Program in a certain manner for
6 program course enrollees; requiring certain county boards of education to
7 reimburse the Program a certain amount under certain circumstances;
8 requiring the State Board to establish a certain policy for payment of Program
9 course fees by certain individuals not enrolled in public schools; requiring the
10 Governor to include a certain appropriation for the Program in the State budget
11 of a certain year using certain funds; requiring the Department of Education to
12 submit a certain report to the General Assembly beginning on a certain date
13 each year; providing that it is the intent of the General Assembly that the
14 Governor include a certain appropriation for the Program in the State budget of
15 a certain year; and generally relating to funding for the Maryland Virtual
16 Learning Opportunities Program.

17 BY repealing and reenacting, with amendments,
18 Article – Education
19 Section 7–1002
20 Annotated Code of Maryland
21 (2008 Replacement Volume)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Education**

25 7–1002.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) The Department shall provide Maryland virtual learning opportunities
2 that include:

3 (1) Offering a distance-learning program to provide Maryland public
4 school students with equal opportunities to develop a strong academic foundation;

5 (2) Offering expanded educational choices not otherwise available to
6 students through on-line courses and services; and

7 (3) Expanding the professional development opportunities available to
8 educational staff in Maryland public schools through on-line courses and services.

9 (b) (1) **THERE IS A MARYLAND VIRTUAL LEARNING OPPORTUNITIES**
10 **PROGRAM.**

11 (2) With the approval of the State Board and the State
12 Superintendent, the Department shall:

13 [(1)] (I) Develop on-line courses and services;

14 [(2)] (II) Procure on-line courses and services;

15 [(3)] (III) Develop standards for teachers and other school system
16 employees for the offering of courses or services on the Internet or through other
17 developing technologies; and

18 [(4)] (IV) Review courses and courseware to assure quality and
19 alignment with the Maryland content standards and other appropriate standards.

20 (c) (1) There is a Maryland Virtual Learning Opportunities Fund.

21 (2) The State Board [may] **SHALL:**

22 (I) [set] **SET** reasonable fees for on-line courses and services **IN**
23 **ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (D)(1) OF THIS SECTION;**
24 **AND**

25 (II) **DETERMINE THE METHOD FOR PAYING FOR ONLINE**
26 **COURSES AND SERVICES IN ACCORDANCE WITH SUBSECTION (D)(2) OF THIS**
27 **SECTION.**

28 (3) [The fees charged shall be set so as to produce funds to support
29 maintenance of Maryland virtual learning opportunities.

30 (4)] The State Board shall pay all funds collected under this subtitle to
31 the Comptroller of the State.

1 [(5)] (4) The Comptroller shall distribute the fees to the Maryland
2 Virtual Learning Opportunities Fund.

3 [(6)] (5) The Fund is a continuing, nonlapsing fund not subject to §
4 7-302 of the State Finance and Procurement Article.

5 [(7)] (6) Any unspent portions of the Fund may not be transferred or
6 revert to the General Fund of the State, but shall remain in the Fund to be used for
7 the purposes specified in this subtitle.

8 [(8)] (7) The Legislative Auditor shall audit the accounts and
9 transactions of the Fund as provided in § 2-1220 of the State Government Article.

10 (D) (1) **THE STATE BOARD SHALL SET THE FEE FOR EACH ONLINE**
11 **COURSE AS A PERCENTAGE OF THE TARGET PER PUPIL AMOUNT AS DEFINED IN**
12 **§ 5-202 OF THIS ARTICLE.**

13 (2) (I) **PAYMENT FOR ONLINE COURSES AND SERVICES SHALL**
14 **BE MADE IN ACCORDANCE WITH THIS PARAGRAPH.**

15 (II) **BEGINNING ON JULY 1, 2011, IF THE ENROLLEES IN AN**
16 **ONLINE COURSE ARE PUBLIC SCHOOL STUDENTS AND THE COUNTY BOARD**
17 **THAT HAS JURISDICTION OVER THE SCHOOLS THAT THE ENROLLEES ATTEND**
18 **ACCEPTS THE ONLINE COURSE, THE COUNTY BOARD SHALL REIMBURSE THE**
19 **MARYLAND VIRTUAL LEARNING OPPORTUNITIES FUND AN AMOUNT EQUAL TO**
20 **THE FIGURE THAT IS CALCULATED AS FOLLOWS:**

21 1. **MULTIPLY THE FULL-TIME EQUIVALENT**
22 **ENROLLMENT IN THE ONLINE COURSE ATTRIBUTABLE TO THE COUNTY BOARD**
23 **BY THE TARGET PER PUPIL AMOUNT DEFINED IN § 5-202 OF THIS ARTICLE; AND**

24 2. **MULTIPLY THE PRODUCT OF ITEM 1 OF THIS**
25 **SUBPARAGRAPH BY 0.90.**

26 (III) **THE STATE BOARD SHALL ESTABLISH A POLICY FOR**
27 **PAYMENT OF FEES FOR ONLINE COURSES BY INDIVIDUALS NOT ENROLLED IN A**
28 **PUBLIC SCHOOL.**

29 [(d)] (E) The State Board may adopt regulations to implement the
30 provisions of this section.

31 [(e)] (F) [The] **BEGINNING SEPTEMBER 1, 2010, AND EACH YEAR**
32 **THEREAFTER, THE** Department shall submit to the Governor and, subject to §
33 2-1246 of the State Government Article, the General Assembly, [on or before

1 September 1, 2004,] a report on the progress of the Maryland Virtual Learning
2 Opportunities Program, including a description of the available on-line courses and
3 services.

4 **(G) THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET IN FISCAL**
5 **YEAR 2011 AN APPROPRIATION OF \$1,500,000 FOR THE PROGRAM FROM THE**
6 **ALLOCATION FOR MARYLAND IN THE FEDERAL AMERICAN RECOVERY AND**
7 **REINVESTMENT ACT OF 2009.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
9 General Assembly that the Governor include in the State budget in fiscal year 2010 an
10 appropriation of \$1,500,000 for the Maryland Virtual Learning Opportunities Program
11 under § 7-1002 of the Education Article.

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 July 1, 2009.