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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

**EIGHTY-FIFTH  
SESSION**

**HOUSE FILE No. 1092**

February 19, 2007

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The bill was read for the first time and referred to the Committee on E-12 Education

March 20, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Finance

1.1 A bill for an act  
1.2 relating to education; modifying the Online Learning Option Act; amending  
1.3 Minnesota Statutes 2006, section 124D.095, subdivisions 2, 3, 4, 7.

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

1.5 Section 1. Minnesota Statutes 2006, section 124D.095, subdivision 2, is amended to  
1.6 read:

1.7 Subd. 2. **Definitions.** For purposes of this section, the following terms have the  
1.8 meanings given them.

1.9 (a) "Online learning" is an interactive course or program that delivers instruction  
1.10 from a teacher to a student by computer; is combined with other traditional delivery  
1.11 methods that include frequent student assessment and may include actual teacher contact  
1.12 time; and meets or exceeds state academic standards.

1.13 (b) "Online learning provider" is a school district, an intermediate school district, an  
1.14 organization of two or more school districts operating under a joint powers agreement, or  
1.15 a charter school located in Minnesota that provides online learning to students.

1.16 (c) "Student" is a Minnesota resident enrolled in a school under section 120A.22,  
1.17 subdivision 4, in kindergarten through grade 12.

1.18 (d) "Online learning student" is a student enrolled in an online learning course or  
1.19 program delivered by an online provider under paragraph (b).

1.20 (e) "Enrolling district" means the school district or charter school in which a student  
1.21 is enrolled under section 120A.22, subdivision 4, for purposes of compulsory attendance.

1.22 (f) "Supplemental online learning" means an online course taken in place of a course  
1.23 period during the regular school day at a local district school.

2.1 (g) "Full-time online provider" means an enrolling school authorized by the  
2.2 department to deliver comprehensive public education at any or all of the elementary,  
2.3 middle, and high school levels.

2.4 Sec. 2. Minnesota Statutes 2006, section 124D.095, subdivision 3, is amended to read:

2.5 Subd. 3. **Authorization; notice; limitations on enrollment.** (a) A student may  
2.6 apply to an online learning provider to enroll in online learning. A student age 17 or  
2.7 younger must have the written consent of a parent or guardian to apply. No school district  
2.8 or charter school may prohibit a student from applying to enroll in online learning.  
2.9 ~~An online learning provider that accepts a student under this section must, within ten~~  
2.10 ~~days, notify the student and the enrolling district if the enrolling district is not the online~~  
2.11 ~~learning provider. The notice must report the student's course or program and hours~~  
2.12 ~~of instruction.~~ A full-time online learning provider must comply with the application  
2.13 and notification procedures and timelines under section 124D.03, subdivisions 3 to 7,  
2.14 except for the January 15 notice and subsequent notification dates. Reenrollment to the  
2.15 resident district under open enrollment or open enrollment to another nonresident district  
2.16 must comply with the applicable timelines under section 124D.03, unless waived by the  
2.17 receiving and the enrolling district.

2.18 ~~(b) An online learning student must notify the enrolling district at least 30 days~~  
2.19 ~~before taking an online learning course or program if the enrolling district is not providing~~  
2.20 ~~the online learning.~~ An online learning provider must notify the commissioner that it is  
2.21 delivering online learning and report the number of online learning students it is accepting  
2.22 and the online learning courses and programs it is delivering.

2.23 (c) 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 (d) 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 (e) A student may enroll in supplemental online learning courses up to the midpoint  
2.30 of the enrolling district's term. The enrolling district may waive this requirement for  
2.31 special circumstances and upon acceptance by the online learning providers.

2.32 Sec. 3. Minnesota Statutes 2006, section 124D.095, subdivision 4, is amended to read:

2.33 Subd. 4. **Online learning parameters.** (a) An online learning student must receive  
2.34 academic credit for completing the requirements of an online learning course or program.

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

3.16 (b) An online learning student may:

3.17 (1) ~~enroll in supplemental online learning courses during a single school year in a~~  
3.18 ~~maximum of 12 semester-long courses or their equivalent delivered by an online learning~~  
3.19 ~~provider or the enrolling district to a maximum of 50 percent of their full schedule of~~  
3.20 courses per term. A student may exceed the supplemental online learning enrollment limit  
3.21 if the enrolling district grants permission for supplemental online learning enrollment  
3.22 above the limit, or if an agreement is made between the enrolling district and the online  
3.23 learning provider for instructional 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. A teacher with a Minnesota

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

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

4.14 (f) To enroll in more than 50 percent of the student's full schedule of courses per term  
4.15 in online learning, the student must apply for open enrollment to an approved full-time  
4.16 online learning provider, except as provided in paragraph (b), clause (1).

4.17 Sec. 4. Minnesota Statutes 2006, section 124D.095, subdivision 7, is amended to read:

4.18 Subd. 7. **Department of Education.** (a) The department must review and certify  
4.19 online learning providers. The online learning courses and programs must be rigorous,  
4.20 aligned with state academic standards, and contribute to grade progression in a single  
4.21 subject. Online learning providers must ~~affirm~~ demonstrate to the commissioner that  
4.22 online learning courses have equivalent standards or instruction, curriculum, and  
4.23 assessment requirements as other courses offered to enrolled students. The online learning  
4.24 provider must also demonstrate expectations for actual teacher contact time or other  
4.25 student-to-teacher communication. Once an online learning provider is approved under  
4.26 this paragraph, all of its online learning course offerings are eligible for payment under  
4.27 this section unless a course is successfully challenged by an enrolling district or the  
4.28 department under paragraph (b).

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

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

- 5.1 (d) The department must develop, publish, and maintain a list of approved online  
5.2 learning providers and online learning courses and programs that it has reviewed and  
5.3 certified.