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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2127

02/08/2012 Authored by Myhra, Erickson, Garofalo and Dittrich
The bill was read for the first time and referred to the Committee on Education Reform

1.1 A bill for an act
1.2 relating to education; modifying online learning parameters; providing for digital
1.3 learning; amending Minnesota Statutes 2010, sections 124D.095, subdivision
1.4 4; 126C.15, subdivision 1; 179A.07, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2010, section 124D.095, subdivision 4, is amended to
1.7 read:

1.8 Subd. 4. **Online learning parameters.** (a) An online learning student must receive
1.9 academic credit for completing the requirements of an online learning course or program.
1.10 Secondary credits granted to an online learning student count toward the graduation
1.11 and credit requirements of the enrolling district. The enrolling district must apply the
1.12 same graduation requirements to all students, including online learning students, and
1.13 must continue to provide nonacademic services to online learning students. If a student
1.14 completes an online learning course or program that meets or exceeds a graduation
1.15 standard or the grade progression requirement at the enrolling district, that standard or
1.16 requirement is met. The enrolling district must use the same criteria for accepting online
1.17 learning credits or courses as it does for accepting credits or courses for transfer students
1.18 under section 124D.03, subdivision 9. The enrolling district may reduce the course
1.19 schedule of an online learning student in proportion to the number of online learning
1.20 courses the student takes from an online learning provider that is not the enrolling district.

1.21 (b) An online learning student may:

1.22 (1) enroll in supplemental online learning courses equal to a maximum of 50 percent
1.23 of the student's full schedule of courses per term during a single school year and the
1.24 student may exceed the supplemental online learning registration limit if the enrolling

2.1 district permits supplemental online learning enrollment above the limit, or if the enrolling
2.2 district and the online learning provider agree to the instructional services;

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

2.5 (3) enroll in additional courses with the online learning provider under a separate
2.6 agreement that includes terms for paying any tuition or course fees.

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

2.12 (d) An enrolling district may offer online learning to its enrolled students. Such
2.13 online learning does not generate online learning funds under this section. An enrolling
2.14 district that offers online learning only to its enrolled students is not subject to the
2.15 reporting requirements or review criteria under subdivision 7, unless the enrolling district
2.16 is a full-time online provider. A teacher with a Minnesota license must assemble and
2.17 deliver instruction to enrolled students receiving online learning from an enrolling district.
2.18 The delivery of instruction occurs when the student interacts with the computer or the
2.19 teacher and receives ongoing assistance and assessment of learning. The instruction may
2.20 include curriculum developed by persons other than a teacher holding a Minnesota license.

2.21 (e) Both full-time and supplemental online learning providers are subject to the
2.22 reporting requirements and review criteria under subdivision 7. A teacher holding a
2.23 Minnesota license must assemble and ~~deliver~~ supervise delivery of instruction to online
2.24 learning students but is not required to be physically present during delivery of instruction.
2.25 The delivery of instruction occurs when the student interacts with the computer or the
2.26 teacher and receives ongoing assistance and assessment of learning. The instruction may
2.27 include curriculum developed by persons other than a teacher holding a Minnesota license.
2.28 ~~Unless the commissioner grants a waiver, a teacher providing online learning instruction~~
2.29 ~~must not instruct more than 40 students in any one online learning course or program.~~

2.30 (f) To enroll in more than 50 percent of the student's full schedule of courses per term
2.31 in online learning, the student must qualify to exceed the supplemental online learning
2.32 registration limit under paragraph (b) or apply to enroll in an approved full-time online
2.33 learning program, consistent with subdivision 3, paragraph (a). Full-time online learning
2.34 students may enroll in classes at a local school under a contract for instructional services
2.35 between the online learning provider and the school district.

3.1 Sec. 2. Minnesota Statutes 2010, section 126C.15, subdivision 1, is amended to read:

3.2 Subdivision 1. **Use of revenue.** The basic skills revenue under section 126C.10,
3.3 subdivision 4, must be reserved and used to meet the educational needs of pupils who
3.4 enroll under-prepared to learn and whose progress toward meeting state or local content or
3.5 performance standards is below the level that is appropriate for learners of their age. Any
3.6 of the following may be provided to meet these learners' needs:

3.7 (1) direct instructional services under the assurance of mastery program according
3.8 to section 124D.66;

3.9 (2) remedial instruction in reading, language arts, mathematics, other content areas,
3.10 or study skills to improve the achievement level of these learners;

3.11 (3) additional teachers and teacher aides to provide more individualized instruction
3.12 to these learners through individual tutoring, lower instructor-to-learner ratios, or team
3.13 teaching;

3.14 (4) a longer school day or week during the regular school year or through a summer
3.15 program that may be offered directly by the site or under a performance-based contract
3.16 with a community-based organization;

3.17 (5) comprehensive and ongoing staff development consistent with district and site
3.18 plans according to section 122A.60, for teachers, teacher aides, principals, and other
3.19 personnel to improve their ability to identify the needs of these learners and provide
3.20 appropriate remediation, intervention, accommodations, or modifications;

3.21 (6) instructional materials, digital learning, and technology appropriate for meeting
3.22 the individual needs of these learners;

3.23 (7) programs to reduce truancy, encourage completion of high school, enhance
3.24 self-concept, provide health services, provide nutrition services, provide a safe and secure
3.25 learning environment, provide coordination for pupils receiving services from other
3.26 governmental agencies, provide psychological services to determine the level of social,
3.27 emotional, cognitive, and intellectual development, and provide counseling services,
3.28 guidance services, and social work services;

3.29 (8) bilingual programs, bicultural programs, and programs for learners of limited
3.30 English proficiency;

3.31 (9) all day kindergarten;

3.32 (10) extended school day and extended school year programs; and

3.33 (11) substantial parent involvement in developing and implementing remedial
3.34 education or intervention plans for a learner, including learning contracts between the
3.35 school, the learner, and the parent that establish achievement goals and responsibilities of
3.36 the learner and the learner's parent or guardian.

4.1 Sec. 3. Minnesota Statutes 2010, section 179A.07, subdivision 1, is amended to read:

4.2 Subdivision 1. **Inherent managerial policy.** A public employer is not required
4.3 to meet and negotiate on matters of inherent managerial policy. Matters of inherent
4.4 managerial policy include, but are not limited to, such areas of discretion or policy as the
4.5 functions and programs of the employer, its overall budget, utilization of technology, the
4.6 organizational structure, selection of personnel, and direction and the number of personnel.
4.7 For a school district that is a full-time online learning provider under section 124D.095,
4.8 the number of students a teacher may instruct in any one online learning course or program
4.9 is a matter of inherent managerial policy. No public employer shall sign an agreement
4.10 which limits its right to select persons to serve as supervisory employees or state managers
4.11 under section 43A.18, subdivision 3, or requires the use of seniority in their selection.

4.12 Sec. 4. **COMMISSIONER OF EDUCATION.**

4.13 The commissioner must redesign the online learning provider approval process and
4.14 report to the legislative committees having jurisdiction over kindergarten through grade
4.15 12 education by January 15, 2013. The redesigned process must provide for a three-year
4.16 approval of providers. Every three years the provider's online learning program must be
4.17 reviewed with a focus on student performance.

4.18 Sec. 5. **REVISOR'S INSTRUCTION.**

4.19 The revisor of statutes shall change the term "online learning" to "digital learning"
4.20 wherever the term "online learning" appears in Minnesota Statutes and Minnesota Rules.