

125th Legislature L.D. 569 SP0161

An Act To Support and Encourage the Use of Online Textbooks. **Presented by** Senator ALFOND of Cumberland. **Public Hearing** 03/17/11. OTP-AM Accepted 06/03/11. **Amended by:** CA S-186. **Final Disposition:** Enacted, Signed 06/15/11, PUBLIC LAWS, Chapter 354.

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2011

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This section is repealed July 1, 2014.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This subsection is repealed July 1, 2014.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This subsection is repealed July 1, 2014.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This subsection is repealed July 1, 2014.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 op-

portunities 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.

Effective June 15, 2011.

CHAPTER 354

S.P. 161 - L.D. 569

An Act To Support and Encourage the Use of Online Textbooks

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §254, sub-§13 is enacted to read:

13. Technical assistance; professional development and training for instruction in digital literacy; clearinghouse for information on use of online learning resources. The commissioner shall develop a program of technical assistance, including professional development and training for instruction in digital literacy and the establishment of a clearinghouse for information on the use of online learning resources that may be made available to all school administrative units, including those schools that participate in the learning through technology program under section 15689-A, subsection 12-A, which provides one-to-one wireless computers for 7th grade, 8th grade and high school students and educators.

The technical assistance must include, but is not limited to:

A. A model for instruction that promotes digital literacy for students;

B. A clearinghouse for information on the use of online learning resources, including best practices in the use of open educational resources and open-source textbooks; and

C. Professional development and training for educators in the effective use of online learning resources, including open educational resources and open-source textbooks.

The program of technical assistance provided by the department may be used by those schools and educators who choose to provide instruction in digital literacy and who choose to use online learning resources, including best practices in the use of open educational resources and open-source textbooks. The program of technical assistance provided by the department must be available to all school administrative units in the State and posted on the department's publicly accessible website.

Sec. 2. 20-A MRSA §15689-A, sub-§12-A, as amended by PL 2009, c. 213, Pt. C, §11, is further amended to read:

12-A. Learning through technology. The commissioner may pay costs attributed to staff support consisting of one Education Team and Policy Director position, 2 Education Specialist III positions, one Planning and Research Associate I position, one Director of Special Projects position and 2 Education Specialist II positions, professional development and training in the use of open educational resources and open-source textbooks and system maintenance for a program that promotes learning through technology. A transfer of All Other funds from the General Purpose Aid for Local Schools account to the All Other line category in the Learning Through Technology General Fund nonlapsing account sufficient to support the All Other costs and the agreement that provides one-to-one wireless computers for 7th grade, 8th grade and high school students and educators may occur annually by financial order upon recommendation of the State Budget Officer and approval of the Governor.

Sec. 3. 20-A MRSA c. 803 is enacted to read:

CHAPTER 803

DIGITAL LITERACY AND ONLINE LEARNING RESOURCES

§19251. Digital Literacy Fund

1. Fund established. The Digital Literacy Fund, referred to in this section as "the fund," is established as an interest-bearing account administered by the department.

2. Revenue. Any private or public funds appropriated, allocated or dedicated to the fund must be

deposited into the fund as well as income from any other source directed to the fund. All interest earned by the fund becomes part of the fund. Any balance remaining in the fund at the end of the fiscal year does not lapse but is carried forward into subsequent fiscal years.

3. Use of fund; technical assistance. Balances in the fund may be used for the necessary expenses of the department in the administration of the fund. Balances in the fund may be used to pay for the development of a program of technical assistance pursuant to section 254, subsection 13 that designs instructional materials that promote digital literacy, teacher professional development and training on the use of online learning resources, new administrative costs and other expenses not related to a learning through technology program funded under section 15689-A, subsection 12-A and for the implementation of a new clearinghouse for information on the use of online learning resources, including best practices in the use of open educational resources and open-source textbooks for elementary schools, middle schools and high schools.

Sec. 4. Report. The Commissioner of Education shall develop a program of technical assistance under the Maine Revised Statutes, Title 20-A, section 254, subsection 13 for use by school administrative units beginning in school year 2012-2013. The commissioner shall report to the Joint Standing Committee on Education and Cultural Affairs by January 15, 2012 on the status of the development of the program of technical assistance.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

**EDUCATION, DEPARTMENT OF
Digital Literacy Fund N122**

Initiative: Provides base allocations for the Digital Literacy Fund to support the development of a technical assistance program that designs instructional materials that promote digital literacy, teacher professional development and training in the use of online learning resources and the implementation of a new clearinghouse for information on the use of online learning resources.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

See title page for effective date.



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 569

S.P. 161

In Senate, February 15, 2011

An Act To Support and Encourage the Use of Online Textbooks

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator ALFOND of Cumberland.
Cosponsored by Representative BERRY of Bowdoinham and
Senators: GOODALL of Sagadahoc, JACKSON of Aroostook, MASON of Androscoggin,
Representatives: BELIVEAU of Kittery, HUNT of Buxton, McCABE of Skowhegan.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **CONCEPT DRAFT**

3 **SUMMARY**

4 This bill is a concept draft pursuant to Joint Rule 208.

5 This bill proposes to enact measures designed to support and encourage the use of
6 online textbooks.

2mo
A. d. S.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

Date: 5-31-11

(Filing No. S-186)

EDUCATION AND CULTURAL AFFAIRS

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
125TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 161, L.D. 569, Bill, "An Act To Support and Encourage the Use of Online Textbooks"

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 20-A MRSA §254, sub-§13 is enacted to read:

13. Technical assistance; professional development and training for instruction in digital literacy; clearinghouse for information on use of online learning resources.
The commissioner shall develop a program of technical assistance, including professional development and training for instruction in digital literacy and the establishment of a clearinghouse for information on the use of online learning resources that may be made available to all school administrative units, including those schools that participate in the learning through technology program under section 15689-A, subsection 12-A, which provides one-to-one wireless computers for 7th grade, 8th grade and high school students and educators.

The technical assistance must include, but is not limited to:

- A. A model for instruction that promotes digital literacy for students;
- B. A clearinghouse for information on the use of online learning resources, including best practices in the use of open educational resources and open-source textbooks; and
- C. Professional development and training for educators in the effective use of online learning resources, including open educational resources and open-source textbooks.

The program of technical assistance provided by the department may be used by those schools and educators who choose to provide instruction in digital literacy and who choose to use online learning resources, including best practices in the use of open educational resources and open-source textbooks. The program of technical assistance provided by the department must be available to all school administrative units in the State and posted on the department's publicly accessible website.

COMMITTEE AMENDMENT



125th MAINE LEGISLATURE

LD 569

LR 1946(02)

An Act To Support and Encourage the Use of Online Textbooks

Fiscal Note for Bill as Amended by Committee Amendment "A" S 186

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

	FY 2011-12	FY 2012-13	Projections FY 2013-14	Projections FY 2014-15
Appropriations/Allocations				
Other Special Revenue Funds	\$500	\$500	\$500	\$500

Fiscal Detail and Notes

This bill establishes the Digital Literacy Fund within the Department of Education and includes Other Special Revenue Funds allocations of \$500 per year beginning in fiscal year 2011-12 to establish base allocations in the event that funding is provided to support the program of technical assistance that designs instructional materials that promote digital literacy as well as the development of a clearinghouse for information on the use of online learning resources.

OFFICE OF POLICY AND LEGAL ANALYSIS

March 25, 2011

To: Members, Joint Standing Committee on Education and Cultural Affairs
From: Phillip D. McCarthy, Ed.D., Legislative Analyst 
Subj: LD 569, An Act To Support and Encourage the Use of Online Textbooks (Alfond)

SUMMARY

This bill is a concept bill pursuant to Joint Rule 208. This bill proposes to enact measures designed to support and encourage the use of online textbooks.

TESTIMONY

Proponents

⊕ Sponsor notes that we are in the midst of a “digital age,” calls attention to the paradigm shift occurring as more schools utilize “online resources” as compared to printed textbooks, and suggests we need to expand upon our investment in the Maine Learning Technology Initiative (MLTI) by encouraging the DOE to continue providing professional development and training opportunities to ensure that teachers and students have the skills to consume, create and evaluate these online, digital resources

⊕ DOE reports they are actively engaged in supporting the effective use of online resources in Maine schools by providing professional development for teachers through the MLTI and other programs, by directing over \$1m in federal grants to schools that provides direct support to discover, evaluate, organize and use Open Educational Resources (OER), and by publishing and sharing OERs that provide students and teachers with current, high quality resources

⊕ Superintendent for island and rural schools noted that digital media content and one-to-one computing technology (Wikis, cloud, Web 2.0) provide teachers and students in isolated schools with access to a wealth of curricular content

⊕ Portland-based publisher of online instructional resources offered criteria for the effective use of online content and described development of digital materials aligned with the mathematics components of the Accuplacer exam that help teachers and students focus on “college-ready” learning standards

Opponents

None

NFNA
none

POTENTIAL ISSUES OR TECHNICAL PROBLEMS:

⊕ Annual and ongoing costs of purchasing licenses for online resources as compared to traditional, printed textbooks

⊕ Collaboration among state and local agencies (DOE, Maine State Library, University of Maine System) in purchasing licenses for instructional resources and online materials

FISCAL IMPACT:

⊕ A preliminary fiscal impact statement has not yet been received for this concept draft



Senator Justin Alford
Assistant Democratic Leader
3 State House Station
Augusta, ME 04333-0003
Office (207) 287-1515

134 Sheridan Street
Portland, ME 04101
Cell (207) 232-4187
Home (207) 828-0277

Testimony of Senator Justin Alford

In SUPPORT OF

LD 569, "An Act To Support and Encourage the Use of Online Textbooks"

Senator Langley, Representative Richardson and esteemed members of the Education and Cultural Affairs Committee, My name is Justin Alford. I am a resident of Portland and I am proud to represent Senate District 8 which includes most of Portland and the islands of Peaks, Cliff and Great Diamond. Today I am pleased to appear before you as the sponsor of L.D. 569, "An Act To Support and Encourage the Use of Online Textbooks."

Since the first days of the little white school house, we have looked to textbooks as a way to enrich each student's learning through shared uniform materials. As schools have evolved over the years, one of the few things that has stayed constant is the textbook. Today, we find ourselves in the midst of a new digital age and this bill points us to that future.

Traditionally, we have taught students to be consumers of printed text. Going forward in the digital world, students will become (and already are) producers and critics of printed text. Our students need new strategies for consuming and comprehending digital media, including interactive multimedia and nonlinear hypertext like Wikipedia.

In our classrooms today, more and more reading is done online and this requires different strategies from what we're accustomed to. Teachers must learn these strategies and teach them to students. Students' out-of-school literacy activities, including digital written communication through texting, instant messaging, blogging, etc., must be acknowledged and built upon in the classroom. These methods should not be viewed as distractions from traditional learning methods, but rather new avenues for educating students.

LD 569 asks the Maine Learning Technology Institute to continue pushing forward on the opportunities presented by 21st century digital learning. This bill asks MLTI to develop workshops, handouts, or other items of information that explore the digital possibilities presented to us, such as online textbooks. The MLTI will continue to be a resource, not a mandate or a compliance program, for teachers and DOE employees.

Maine's digital investment provides the infrastructure to allow easy access to digital text and

media in the form of digital textbooks, web sites, online magazines, journals, newspapers, images, podcasts, video, etc. We need to ensure that students and teachers have the skills to consume, create, and evaluate these resources. We must continue to invest and innovate Maine's digital technology and this bill will keep us leading the nation.

Thank you for your consideration, and I look forward to answering any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Justin". The signature is written in black ink and is positioned to the left of the main body of the letter.

J. Weston Walch, Publisher

*Walch Education® • Walch Printing® • Walch Publishing®
extending and enhancing learning®*

Written testimony to the Joint Committee on Education and Cultural Affairs
in support of SP0161, LD 569

An Act To Support and Encourage the Use of Online Textbooks

March 17, 2011

Senator Langley, Representative Richardson and Members of the Joint Standing
Committee on Education and Cultural Affairs:

Walch Education, a leading developer of materials for secondary educators headquartered
in Portland, Maine, submits this testimony in favor of "An Act To Support and
Encourage the Use of Online Textbooks".

The use of online textbooks can increase the convenience and utility of instructional
materials, either in conjunction with printed textbooks or as a replacement. Thoughtful
implementation of online materials can also reduce costs, even in the short run, in
conjunction with the state's adoption of the Common Core.

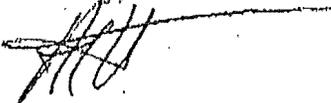
It is important to note that the medium (in this case online) is only part of the answer. In
order for online textbooks to be effective, the content itself must:

- 1) Incorporate what's required by Maine's current and future standards
- 2) Be organized in a fashion that's easy to access and implement
- 3) Provide for a variety of pedagogies and approaches to keep students engaged and
allow for differentiation
- 4) Be void of extraneous, irrelevant and superfluous materials, which only make the
product more cumbersome, confusing and expensive

If Maine can provide materials meeting these criteria in an online fashion, we can set a
positive example for other states to follow and help provide a higher quality and less
expensive learning environment for our students and teachers.

I will be present for the work session and happy to answer any questions

Sincerely,



Al Noyes, President
J. Weston Walch
alnoyes@walch.com, 207 523-2534



Written testimony to the Joint Committee on Education and Cultural Affairs
In support of SP0161, LD 569

An Act To Support and Encourage the Use of Online Textbooks

March 17, 2011

Senator Langley, Representative Richardson and Members of the Joint Standing Committee on Education and Cultural Affairs:

Walch Education, a leading developer of materials for secondary educators headquartered in Portland, Maine, submits this testimony in favor of "An Act To Support and Encourage the Use of Online Textbooks".

We are confident that the use of online textbooks and other purpose-built online instructional resources can increase the convenience and utility of written materials, either in conjunction with printed textbooks and/or as a replacement. We are also confident that a thoughtful implementation of online materials can reduce costs, even in the short run, especially in conjunction with the state's adoption of the Common Core.

It is important to note, however, that the medium (in this case online) is only part of the answer. In order for online textbooks to be effective, the content itself must:

- 1) Incorporate what's required by Maine's current and future standards and target essential learning
- 2) Be organized in a fashion that's easy to access and used
- 3) Provide for a variety of pedagogies and approaches to keep students engaged and allow for differentiation
- 4) Be void of extraneous, irrelevant and superfluous materials, which only make the product more cumbersome and confusing and don't address the objectives established by the state

To the extent that we can provide materials meeting these criteria in an online fashion, we believe that we can set a positive example for other states to follow and help provide a higher quality and less expensive learning environment for our students and teachers.

One example: In partnership with the Maine International Center for Digital Learning (MICDL) and through a grant provided by the Davis Family Foundation, Walch has now developed digital materials that are designed to help assure that students graduate high schools ready to learn. It is commonly recognized that the need to take non credit bearing courses in college reduces graduation rates and is very costly.



These digital materials are purpose built to help students learn what they need to learn to be college ready. They are broken down into the individual components of the mathematics Accuplacer exam. This allows teachers to focus with each student on those areas of the exam where there is need and not to repeat sections where students already display competency.

Leveraging a \$30,000 grant from the Davis foundation, Walch and the MICDL have developed components for six of the thirteen modules covered by the Accuplacer and will make these modules available for free to all Maine students and teachers. This is just one example of how to leverage a digital infrastructure to target and address individual challenges cost effectively and improve achievement in the classroom and beyond.

We will be present for the work session and happy to answer any questions you may have.

Sincerely,

Al Noyes
President, Walch Education

State of Maine
DEPARTMENT OF EDUCATION

Testimony of Jeff Mao, Policy Director and Team Leader, Learning Through Technology

In Support of: L.D. 569

An Act To Support and Encourage the Use of Online Textbooks

Before the Joint Standing Committee on Education and Cultural Affairs

Sponsored by: Senator Alford

Co-sponsored by: Representatives Beliveau, Berry, Hunt, and McCabe, and Senators Goodall, Jackson, and Mason

Date: March 17, 2011

Senator Langley, Representative Richardson, and Members of the Joint Standing Committee on Education and Cultural Affairs:

My name is Jeff Mao, Learning Technology Policy Director for the Department of Education, and I am here today testifying on behalf of the Department in support of L.D. 569 An Act To Support and Encourage the Use of Online Textbooks.

The Department of Education recognizes this as a concept bill but supports the notion of encouraging and promoting the effective use of online textbooks or more generally, online resources. The Department is already actively engaged in a number of activities to support Maine schools with the adoption and effective use of online resources.

Online resources include a wide variety of media and content including web sites, video, audio, images, and interactive simulations. Some online media and content is organized in structured ways that would be easily recognized as an online book. However, many useful and educationally valuable online resources either lack a structured organization or are simply not wide enough in scope to constitute a book. Nonetheless, across this spectrum, there are many online educationally valuable resources.

The Department of Education has been providing teacher professional development opportunities through the Maine Learning Technology Initiative and other programs for many years to support teachers with the use of online resources. This has included topics such as evaluation of the resources, alignment to learning standards, and use and implementation in the classroom.

More recently, the Department of Education has directed over \$1 million in Federal grant funds to schools in the form of competitive grants in direct support of the discovery, evaluation, organization and use of online resources called Open Educational Resources (OER). OER are

online resources which are openly licensed for use by its publishers, typically with a Creative Commons license. This means that teachers and students may use, download, modify, republish, and reuse these resources without restriction and without royalty fees.

The Department of Education is also actively engaged in publishing and sharing OERs with Maine teachers and students as well as teachers and students from around the world. Since 2008, the Department of Education has been publishing video and audio podcasts in iTunes U along with other well known educational institutions like MIT, Duke University, Stanford University and the University of Maine. For example, John Bapst Calculus teacher Brendan Murphy created simple but powerful videos of himself teaching AP calculus. The Department of Education, with his permission, has published 220 of his videos. In the month of February 2011, these videos were downloaded over 5,000 times. Mr. Murphy is providing instruction to not only his students but to students all over the nation and probably the world. Never again can a student say, "It made perfect sense when you explained it in class, but when I got home, I couldn't remember how to do it," because Mr. Murphy is at home with all of his students. And students can rewind, pause, and replay the video as often as necessary.

OER presents an opportunity to not only provide teachers and students with current, high quality resources, but also an opportunity for cost savings.

The growth of the availability of high quality OERs, the individualized digital access provided by the Maine Learning Technology Initiative, and the high capacity broadband services to our schools through the Maine School and Library Network provide Maine teachers and students a unique opportunity to take advantage of online resources, including online textbooks. The Department of Education can foresee a time in the not-too-distant-future when the use of high quality, digital, online resources is more common in classrooms than traditional printed textbooks.

For these reasons, the Department supports the concept of L.D. 569 An Act To Support and Encourage the Use of Online Textbooks and is prepared to work with the Committee as it considers proposing a bill and / or continuing the work that is already being done in this area.

I would be happy to answer any questions the Committee may have, and I will be available for work sessions on this bill.