

## Chapter 287

(Senate Bill 674)

AN ACT concerning

**Primary and Secondary Education – Online Courses and Services – ~~Local Approval and Reporting Requirements~~ Development or Review and Approval**

FOR the purpose of ~~authorizing a county board of education to procure certain online courses and services that the county board has approved as being high quality and in alignment with certain State standards; requiring a certain county board that has approved an online course to submit a certain report to the State Department of Education~~ authorizing certain county boards of education to request that the State Department of Education develop or review and approve certain online courses and services; requiring the Department to determine within a certain period of time whether a certain delegation will be made; requiring the Department to develop or review and approve certain courses and services within a certain period of time under certain circumstances; authorizing the Department to delegate certain authority to certain county boards under certain circumstances; authorizing certain county boards to set certain fees under certain circumstances; requiring certain county boards to remit certain fees to the Department under certain circumstances; requiring certain county boards to request certain approval from the Department under certain circumstances; requiring the Department to approve or deny certain requests within a certain period of time; authorizing the State Board of Education to set reasonable fees for the costs incurred by the Department for the development of online courses or the review and approval of online courses and services; requiring the Department to ensure that certain courses and services require certain access for certain students; making stylistic changes; making this Act an emergency measure; and generally relating to the approval of and the reporting requirements for online courses ~~by county boards of education.~~

BY repealing and reenacting, with amendments,  
 Article – Education  
 Section 7–1002  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2011 Supplement)

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

**Article – Education**

7-1002.

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

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

(2) Offering expanded educational choices not otherwise available to students through [on-line] **ONLINE** courses and services; and

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

**(b) (1) (i) A COUNTY BOARD MAY REQUEST THAT THE DEPARTMENT DEVELOP OR REVIEW AND APPROVE ONLINE COURSES AND SERVICES UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

**(ii) WITHIN 15 DAYS AFTER THE RECEIPT OF A REQUEST UNDER SUBPARAGRAPH (i) OF THIS PARAGRAPH, THE DEPARTMENT SHALL DETERMINE WHETHER THE DEVELOPMENT OR REVIEW AND APPROVAL OF THE ONLINE COURSES AND SERVICES SHALL BE DELEGATED TO A COUNTY BOARD UNDER PARAGRAPH (2)(ii) OF THIS SUBSECTION.**

**(iii) IF THE DEPARTMENT DOES NOT DELEGATE THE DEVELOPMENT OR REVIEW AND APPROVAL OF THE ONLINE COURSES AND SERVICES TO A COUNTY BOARD, THE DEPARTMENT SHALL DEVELOP OR REVIEW AND APPROVE ONLINE COURSES AND SERVICES UNDER PARAGRAPH (2) OF THIS SUBSECTION WITHIN 120 DAYS AFTER THE RECEIPT OF A REQUEST MADE BY A COUNTY BOARD UNDER SUBPARAGRAPH (i) OF THIS PARAGRAPH.**

**(2) (i) [With] ~~EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, WITH the approval of the State Board and the State Superintendent~~ SUBJECT TO SUBPARAGRAPH (ii) OF THIS PARAGRAPH, the Department shall:**

**(1) ~~(i)~~ 1. A. Develop [on-line] **ONLINE** courses and services; **OR****

**(2) ~~(ii)~~ B. ~~Procure~~ **REVIEW AND APPROVE** [on-line] **ONLINE** courses and services;**

[[3)] ~~(III)~~ 2. Develop standards for teachers and other school system employees for the offering of courses or services on the Internet or through other developing technologies; and

[[4)] ~~(IV)~~ 3. Review courses and courseware to assure quality and alignment with the Maryland content standards and other appropriate standards.

~~(2) (I) A COUNTY BOARD MAY PROCURE ONLINE COURSES AND SERVICES THAT THE COUNTY BOARD HAS APPROVED AS HIGH QUALITY AND IN ALIGNMENT WITH THE MARYLAND CONTENT STANDARDS AND OTHER APPROPRIATE STANDARDS.~~

~~(II) A COUNTY BOARD THAT APPROVES AN ONLINE COURSE UNDER THIS PARAGRAPH SHALL SUBMIT A REPORT TO THE DEPARTMENT THAT INCLUDES THE INFORMATION REQUIRED BY AND IN THE MANNER DETERMINED BY THE DEPARTMENT.~~

(II) SUBJECT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH, THE DEPARTMENT MAY DELEGATE THE AUTHORITY TO DEVELOP OR REVIEW AND APPROVE ONLINE COURSES AND SERVICES TO A COUNTY BOARD.

(III) IF THE DEPARTMENT DELEGATES THE AUTHORITY TO DEVELOP OR REVIEW AND APPROVE ONLINE COURSES AND SERVICES TO A COUNTY BOARD, THE COUNTY BOARD MAY IMPOSE REASONABLE FEES TO BE PAID BY THE VENDOR TO COVER THE COST OF REVIEWING AND APPROVING ONLINE COURSES AND SERVICES.

(IV) A COUNTY BOARD SHALL REMIT 15% OF THE FEES COLLECTED UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH TO THE DEPARTMENT.

(V) 1. A COUNTY BOARD SHALL REQUEST APPROVAL OF THE ONLINE COURSE FROM THE DEPARTMENT WHEN THE COUNTY BOARD HAS COMPLETED THE DEVELOPMENT OR REVIEW AND APPROVAL OF ONLINE COURSES AND SERVICES.

2. WITHIN 45 DAYS AFTER A REQUEST UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE DEPARTMENT SHALL APPROVE OR DISAPPROVE THE ONLINE COURSE BASED ON CRITERIA AND GUIDELINES DEVELOPED BY THE DEPARTMENT.

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

(2) The State Board may set reasonable fees for [on-line] ~~ONLINE~~:

(I) DEVELOPING OR REVIEWING ONLINE courses and services; AND

(II) PROCESSING APPROVALS FOR ONLINE COURSES AND SERVICES.

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

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

(5) The Comptroller shall distribute the fees to the Maryland Virtual Learning Opportunities Fund.

(6) The Fund is a continuing, nonlapsing fund not subject to § 7–302 of the State Finance and Procurement Article.

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

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

(d) The State Board may adopt regulations to implement the provisions of this section.

(e) The Department shall submit to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly, on or before September 1, 2004, a report on the progress of the Maryland Virtual Learning Opportunities Program, including a description of the available [on–line] **ONLINE** courses and services.

SECTION 2. AND BE IT FURTHER ENACTED, That the State Department of Education shall:

(1) ensure that online courses and services developed or reviewed and approved include specifications that allow for access by students with disabilities, including blindness, in accordance with the technical standards for electronic and information technology issued under subsection (A)(2) of Section 508 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794(A)(2) or any other appropriate accessibility standard; and

(2) establish a means for ensuring that online courses and services that fail to meet the requirements of paragraph (1) of this section are prohibited from use.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

**Approved by the Governor, May 2, 2012.**