MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

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TO: Members of the State Board of Education

FROM: Bernard J. Sadusky, Ed.D. BJS.

DATE: June 26, 2012

SUBJECT: PERMISSION TO PUBLISH EMERGENCY REGULATIONS
COMAR 13A.03.02.02 and .05 (AMEND)
Online Learning and Maryland Public Education

PURPOSE:

The purpose of this item is to request your emergency adoption of a proposed change to COMAR 13A.03.02.05D, Correspondence and Online Courses, to include a vendor fee structure for reviewing Online courses that will support the work of educators. The proposed amendment is in line with legislation enacted by the General Assembly under emergency Senate Bill 674. This vendor fee structure will also support professional development to train educators across the State to review and evaluate Online courses.

HISTORICAL BACKGROUND:

The goal of the Maryland Online program is to provide high quality Online courses for students. Due to the lack of funding, however, there has not been an Online course approved by the Maryland State Department of Education (MSDE) since 2009. Prior to this time, MSDE was able to pay reviewers through funding sources that are no longer available. Until passage of Senate Bill 674, MSDE was the only entity that could review and evaluate Online courses. This review process proved to be costly and time consuming. Although attempts were made to recruit voluntary reviewers for Online courses, MSDE was unsuccessful in securing educators who were willing to work on a volunteer basis.

During this past General Assembly session, Senate Bill 674 was passed, authorizing the State Board of Education, at the request of a vendor or a local board, to review and approve online courses or to delegate to a local board the authority to review and approve Online courses; to set standards for the offering of Online courses or services and to set reasonable fees for the costs incurred by the Department for the review and approval of Online courses and services. This proposed emergency regulation addresses the fee structure for reviewing Online courses.

EXECUTIVE SUMMARY:

To make the review and evaluation of Online courses fair and comprehensive, a review committee needs to consist of an odd number of members each of whom have content expertise in the course being reviewed. In addition, one of the three reviewers needs to be trained in the

evaluation process. This trained participant will be able to train the remaining committee members. With a new fee structure, committee members would be reimbursed for their content expertise and for the time required to review and evaluate a vendor course. We are recommending a vendor fee of $1,400.00 per course not only to support the review and evaluation, but also to provide ongoing training and professional development opportunities that build educator capacity to review courses throughout the State. The proposed vendor fee structure is as follows:

- Three Content specialists - $35.00 per hour for ten hours of reviewing = $1,050.00
- The remaining $350.00 would be used to create a funding source for ongoing training and professional development across the State to support the maintenance of MD Virtual learning opportunities, specifically as they relate to the review and evaluation of Online courses.

ACTION:

We are requesting emergency adoption of the vendor fee structure to pay educators who will review Online courses, to train other educators to review and evaluate Online courses and to create a funding source for ongoing teacher professional development across the State to support the maintenance of MD Virtual learning opportunities, specifically as they relate to the review and evaluation of online courses.

Title 13A
A STATE BOARD OF EDUCATION

Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS

Chapter 02 Graduation Requirements for Public High Schools in Maryland

Authority: Education Article, §§ 2-205, [4-110], 7-205, [7-205.1], [7-206], 7-1001, 7-1002 and 8-404 Annotated Code of Maryland

13A.03.02.02

.02 Definitions

A. (text unchanged)

B. (text unchanged)

(1) – (5) (text unchanged)

(6) "Minimum score" means an acceptable score established by the Department below the passing score on a Maryland High School Assessment that may be used by a student to satisfy the combined score option.

(7) "Review" means an analysis of an Online course made by a panel of experts designated by the Department to determines whether the course should be approved.

13A.03.02.05

.05 Other Provisions for Earning Credit.

A. – C. (text unchanged)

D. [Correspondence and] Online Courses.

(1) (text unchanged)

(2) If credit is to be applied [toward minimum graduation requirements, the correspondence courses or] the Department-approved Online course shall be provided by the local [school system] education agency.

(3) A vendor seeking Department approval of an Online student or professional development course shall pay a non-refundable fixed fee to the Department to cover the cost of a review.

(4) The review shall be conducted by a panel of content experts designated by the Department.

(5) The cost of a review will be a non-refundable fixed-fee of $1,400 per course.

(6) Upon review and approval by the State Board, the Department may increase the fee per Online course review in FY 2016 and any subsequent years thereafter by no more than 20% per annum. If the Department increases the fee, it shall publish such increase on its website at http://marylandpublicschools.org/MSDE.

(7) Each Vendor shall submit the non-refundable fee with each course to be reviewed. The Department's acceptance of the review fee does not guarantee the Department's approval of the Online course.

(8) The Department reserves the right to review previously approved courses every three years.

E. – J. (text unchanged)

IMPACT STATEMENTS

Part A
(check one option)

Estimate of Economic Impact

❑ The proposed action has no economic impact.

or

[X] The proposed action has an economic impact. Complete the following form in its entirety.

I. Summary of Economic Impact.

The proposed regulation will have a fiscal impact on MSDE's ability to hire content expert educators and trained reviewers to evaluate student online courses. It will also impact MSDE's ability to provide professional development for district educators as it relates to the review and evaluation of online courses.

II. Types of Economic Impacts.	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:	$14,000 (ten course reviews)	
B. On other State agencies:	0	
C. On local governments:		0
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		0
E. On other industries or trade groups:		0

F. Direct and indirect effects on public: 0

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. Senate Bill 674 states that:
   a. The State Board may set reasonable fees for reviewing and processing approvals for online courses and services. Each course review requires several content expert educators and a trained reviewer. It is anticipated that a minimum of ten courses will be reviewed each year.
   b. The Department may delegate the authority to review and approve online courses to a County board. Professional development provided by MSDE that is related to the review process is required to expand each district's capacity to review and approve courses.

Part B
(check one option)

Economic Impact on Small Businesses

❑ The proposed action has minimal or no economic impact on small businesses.

or

❑ The proposed action has a meaningful economic impact on small businesses. An analysis of this economic impact follows.

Impact on Individuals with Disabilities
(Check one option)

❑ The proposed action has no impact on individuals with disabilities.

or

☐ The proposed action has an impact on individuals with disabilities as follows:

Part C

(For legislative use only; not for publication.)

A. Fiscal Year in which regulations will become effective: FY13

B. Does the budget for fiscal year in which regulations become effective contain funds to implement the regulations?

❑ Yes [X] No

C. If a yes, state whether general, special (exact name), or federal funds will be used:

D. If a no," identify the source(s) of funds necessary for implementation of these regulations: Vendor fees

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

Comparison to Federal Standards
(Check one option)

❑ There is no corresponding federal standard to this proposed regulation.

or

❑ There is a corresponding federal standard to this proposed regulation. Please give corresponding federal standard and if the regulation is not more restrictive or stringent give justification.

or

❑ In compliance with Executive Order 01.01.1996.03, this proposed regulation is more restrictive or stringent than corresponding federal standards as follows:

(1) Regulation citation and manner in which it is more restrictive than the applicable federal standard:

(2) Benefit to the public health, safety or welfare, or the environment:

(3) Analysis of additional burden or cost on the regulated person:

(4) Justification for the need for more restrictive standards: