MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

TO: Members of the State Board of Education

FROM: Lillian M. Lowery Ed.D.

DATE: September 25, 2012

SUBJECT: COMAR 13A.04.15 Digital Learning and Maryland Public Education (New) PERMISSION TO PUBLISH

PURPOSE:

The purpose of this item is to request publication of a new regulation at 13A.04.15 Digital Learning. This regulation replaces the emergency regulation passed by the Board on June 26, 2012.

HISTORICAL BACKGROUND:

The goal of the Maryland digital learning program is to provide additional course opportunities for students. Prior to 2009, MSDE was able to pay for reviews of potential online courses for Maryland students 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 to set reasonable vendor fees to cover the costs incurred by the Department for the review and approval of each online course. This bill also allows county boards to set and charge vendor fees to review and evaluate online courses according to the standards established by MSDE.

EXECUTIVE SUMMARY:

To make the review and evaluation of online courses fair and comprehensive, review and approval processes and procedures, as well as fee structures, need to be expressed in regulatory language. There are a variety of elements required to ensure effective reviews. A review committee needs to consist of an odd number of members who each 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 not only to support the Department review and evaluation, but also to enable the Department to provide ongoing professional development opportunities that build educator capacity to review courses throughout the state.

ACTION:

We are requesting approval for the vendor fee structure that will support the work of educators who will review online courses that satisfy requirements for Maryland public high schools and the standards by which the county boards follow to evaluate online courses for approval on the MSDE Master List.

LML:mc

II. Create new regulation: 13A.04.15
Digital Learning

.01 Purpose. Digital learning encompasses a wide spectrum of tools and practices that support teaching and learning for students and educators. This chapter defines online and blended courses and establishes requirements for such courses to be offered to students for credit. Processes for the approval of online credit bearing student courses and professional development courses are addressed. These processes include the setting of a vendor fee structure for reviewing, recommending, and approving courses.

.02 Definitions.

A. In this chapter, the following terms have the meaning indicated.

B. Terms Defined.

(1) "Digital learning" means any instructional practice that effectively uses technology to strengthen the student and/or educator learning experience.

(2) "Review" means an analysis of a student or professional development online course by a panel of experts designated by the Department to determine whether the course shall be recommended for approval.

(3) "Online course" means an Internet-based course in which 80% or more of the instruction is conducted online, the teacher and student are separated by distance or time or both, and two-way communication is required between teacher and student.

(4) "Blended course" means one in which less than 20% of the instruction is conducted online. Such a course is also referred to as a "hybrid course."

(5) "Vendor" means a person or organization that markets online courses and/or contracted online student seats in such courses.

.03 Approval Requirements

(1) Credit-bearing online courses provided to students by a local education agency must be approved by the Department.
(2) Non-credit bearing courses and blended courses provided to students by a local education agency do not require Department approval.
(3) All online professional development courses offered by vendors to local education agencies must be approved by the Department.

.04 Review and Approval Procedures

A. There are three options for obtaining review and approval of credit bearing on-line courses and professional development courses:

(1) Departmental Review and Approval

(a) A vendor may request the Department to review an on-line credit bearing course or professional development course.

(b) Department review shall be conducted by a panel of at least three content experts, one of whom shall be a reviewer trained to conduct such reviews.

(c) A vendor seeking Department approval of an online or professional development course shall pay a non-refundable fixed fee of $1,400 to the Department to cover the cost of a review.

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

(e) The Department reserves the right to determine which courses will be reviewed based on student and Local Education Agency need.

(2) Local Education Agency Review and Approval Process

(a) A vendor may request an Local Education Agency (LEA) to conduct a review of an on-line credit bearing course or professional development course.

(b) The LEA review shall be conducted by a panel of at least three content experts, one of whom must be a reviewer trained to conduct such reviews as designated by the Department.

(c) An LEA may establish a reasonable fee to cover the cost of a review.

(d) After conducting the review, the LEA shall submit its review and recommendation for approval to the Department for final approval.

(e) To cover the cost of the final review, the LEA shall submit to the Department 15% of the fee it collected from the vendor.

(f) The LEA reserves the right to determine which courses will be reviewed based on student need.

(3) MSDE-Approved Reviewing Program

(a) A vendor may request an MSDE-Approved Reviewing Program to conduct the review of an on-line credit bearing course or a professional development course.

(b) After the review is completed, the MSDE-Approved Reviewing Program shall submit the review documentation to MSDE.

(c) The vendor shall pay a fee of $360.00 to the Department to cover the cost of the final review.

.05 Fee Increase.

A. Upon review and approval by the State Board, in FY 2016 and any subsequent year thereafter, the Department may increase the vendor fees set forth in this Regulation 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.

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: