



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

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TO: Members of the State Board of Education

FROM: Lillian M. Lowery, Ed.D. *L. Lowery*

DATE: February 26, 2013

SUBJECT: COMAR 13A.04.15 (ADOPTION)

PURPOSE:

To seek adoption of the COMAR. The proposed COMAR addresses digital learning, the incorporation of a fee structure that will support the activities outlined in Senate Bill 674, and adopt standards for which districts and MSDE will follow for approval and posting.

HISTORICAL BACKGROUND:

The goal of the Maryland online program is to provide high quality online courses for students; however, due to the lack of funding, 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 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.

On September 25, 2012, the State Board provided permission to publish this regulation for public comment for a period of time that concluded January 2, 2013.

On January 2, 2013, the National Federation of the Blind of Maryland raised some concerns related to the adverse impact online delivered courses could present to visually impaired students and the Administrative, Executive, Legislative Review (AELR) Committee imposed a hold on the regulation.

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EXECUTIVE SUMMARY:

The Department has worked with the National Federation of the Blind Maryland to include non-substantive changes to COMAR 13A.04.15 that will ensure accessibility for all students. AELR has removed the hold on the regulation.

If the Board approves this request, the standards will be communicated across the state so that local systems can determine their fee structure and begin the course review process.

ACTION:

We are requesting adoption of COMAR 13A.04.15 to support the work of educators as they follow procedures for reviewing credit bearing online courses in preparation for final approval on the MSDE Master List.

Attachments



MARYLAND GENERAL ASSEMBLY
JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW

February 8, 2013

Lillian M. Lowery, Ed.D.
State Superintendent of Schools
Maryland State Board of Education
200 West Baltimore Street
Baltimore, Maryland 21201

**Re: Proposed Regulations
State Board of Education:
Specific Subjects: Digital Learning:
COMAR 13A.04.15.01-.05**

Dear Superintendent Lowery:

In a letter to you dated January 14, 2013, this committee requested the State Board of Education to delay final adoption of the above-referenced proposed regulations to allow the committee to conduct a more detailed review of the regulations.

The concerns of the committee about these proposed regulations have been resolved. Accordingly, the board may proceed with the adoption of the regulations subject to any applicable requirements of the Administrative Procedure Act.

As always, the committee thanks you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Samuel I. Rosenberg".

Delegate Samuel I. Rosenberg
Presiding Chairman

SIR/EMI/arr

Title 13A
STATE BOARD OF EDUCATION
Subtitle 04 SPECIFIC SUBJECTS

13A.04.15 Digital Learning

Authority: Education Article, §§2-205 and 7-1002, Annotated Code of Maryland

Notice of Proposed Action

[12-326-P]

The Maryland State Board of Education proposes to adopt new Regulations .01—.05 under a new chapter, **COMAR 13A.04.15 Digital Learning**. These regulations replace the emergency regulations 13A.03.02.02 and .05 published on August 24, 2012. This action was considered at the September 25, 2012, meeting of the Maryland State Board of Education.

Statement of Purpose

The purpose of this action is to provide additional course opportunities for students.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

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 Impact.

Revenue (R+/R-)

Expenditure (E+/E-) Magnitude

A. On issuing agency: (E+) \$14,000

B. On other State agencies: NONE

C. On local governments: NONE

Benefit (+)

Cost (-) Magnitude

D. On regulated industries or trade groups: NONE

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public: NONE

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

A. S.B. 674, Acts of 2012, states that 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 reviewer who has successfully completed training that includes accessibility assessment. It is anticipated that a minimum of ten courses will be reviewed each year. 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.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action will have impact on individuals with disabilities who need access to digital content, ex. blind/visually impaired and deaf/hard of hearing. To ensure that individuals with disabilities are not adversely impacted, each course must meet the technology standards outlined in Section 508 of the Rehabilitation Act, *COMAR 13A.05.02.13H*, and the *Web Content Accessibility Guidelines (WCAG) 2.0 Level AA*.

Opportunity for Public Comment

Comments may be sent to Valerie Emrich, Director of Instructional Technology, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0382 (TTY 410-333-6442), or email to

vemrich@msde.state.md.us, or fax to 410-333-2128. Comments will be accepted through January 2, 2013. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on January 22, 2013, at 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.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 and approving courses.

.02 Definitions.

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

B. Terms Defined.

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

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

(3) "Online course" means an Internet-based course in which 80 percent 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) "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.

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

(6) "Accessible" means fully and equally accessible for independent use by individuals with disabilities to online course content, materials, and features.

.03 Approval Requirements.

A. Credit-bearing online courses provided to students by a local education agency (LEA) are subject to Department approval.

B. Noncredit-bearing courses and blended courses provided to students by a local education agency do not require Department approval.

C. All online professional development courses offered by vendors to local education agencies are subject to Department approval by a committee to ensure that the course meets instructional standards and is in compliance with the technology standards outlined in Section 508 of the Rehabilitation Act, COMAR 13A.05.02.13H, and the Web Content Accessibility Guidelines (WCAG) 2.0 Level AA.

.04 Review and Approval Procedures.

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

B. Options for Obtaining Review and Approval.

(1) Departmental Review and Approval.

(a) A vendor may request a Department review of an online 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) Department review shall include an assessment of the accessibility of the course.

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

(e) The Department reserves the right to review previously approved courses every 3 years.

(f) 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 LEA review of an online 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) The LEA review shall include an assessment of the accessibility of the course.*
 - (d) An LEA may establish a reasonable fee to cover the cost of a review.*
 - (e) After conducting the review, the LEA shall submit its review and recommendation for approval to the Department for final approval.*
 - (f) To cover the cost of the final review, the LEA shall submit to the Department 15 percent of the fee it collected from the vendor.*
 - (g) 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 review of an online credit-bearing course or a professional development course that includes an assessment of the accessibility of the course.*
 - (b) After the review is completed, the vendor/publisher shall submit the review documentation to MSDE for final approval.*
 - (c) The vendor shall pay a fee of \$360 to the Department to cover the cost of the final review.*

.05 Fee Increase.

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 percent per annum. If the Department increases the fee, it shall publish such increase on its website at <http://marylandpublicschools.org/MSDE>.

.06 Accessibility.

The Department shall only approve courses and digital learning resources that are accessible and meet the technology standards outlined in Section 508 of the Rehabilitation Act, COMAR 13A.05.02.13H, and the Web Content Accessibility Guidelines (WCAG) 2.0 Level AA.

LILLIAN M. LOWERY, Ed.D.
State Superintendent of Schools