



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. *Lillian M. Lowery*  
**DATE:** May 21, 2013  
**SUBJECT:** COMAR 13A.04.15 (AMENDMENT)

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**PURPOSE:**

To seek an amendment for COMAR 13A.04.15 Digital Learning. The regulation was adopted as final on February 26, 2013.

**EXECUTIVE SUMMARY:**

Regrettably, we must return to you to make two substantive changes. The Web Content Accessibility Guidelines (WCAG) 2.0 Level AA are required to be Incorporated by Reference. The link for these guidelines can be found at <http://www.w3.org/TR/WCAG20>. In addition, the amendment corrects the definition of "Blended Course."

**ACTION:**

We are requesting permission to publish the amendment to COMAR 13A.04.15 Digital Learning 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.

# **Title 13A STATE BOARD OF EDUCATION**

## **Subtitle 04 SPECIFIC SUBJECTS**

### **Chapter 15 Digital Learning**

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

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

(2) "Blended course" means one in which less than 80 percent of the instruction is conducted online. Such a course is also referred to as a "hybrid course."

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

(4) "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.

(5) "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.

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

***.03 Incorporation by Reference.***

*The Web Content Accessibility Guidelines (WCAG) 2.0 Level AA (December 2008) is incorporated by reference.*

**[.03] .04 Approval Requirements.**

A. Credit-bearing online courses provided to students by a local education agency (LEA) 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 and COMAR 13A.05.02.13H *and the Web Content Accessibility Guidelines (WCAG) 2.0 Level AA.*

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 and COMAR 13A.05.02.13H *and the Web Content Accessibility Guidelines (WCAG) 2.0 Level AA.*

**[.04] .05 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 MSDE-Approved Reviewing Program shall submit the review documentation to MSDE.

(c) The vendor shall pay a fee of \$360 to the Department to cover the cost of the final review.

**[.05] .06 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] .07 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 and COMAR 13A.05.02.13H and the *Web Content Accessibility Guidelines (WCAG) 2.0 Level AA*.

**Administrative History**

*Effective date: April 1, 2013 (40:6 Md. R. 474)*

## IMPACT STATEMENTS

*Part A*  
(check one option)

### Estimate of Economic Impact

The proposed action has no economic impact.

or

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-)	
	<u>Expenditure (E+/E-)</u>	<u>Magnitude</u>
A. On issuing agency:	\$14,000 (ten course reviews)	
B. On other State agencies:		0
C. On local governments:		0
	<u>Benefit (+)</u>	
	<u>Cost (-)</u>	<u>Magnitude</u>
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 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 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: A component of the reviewing process includes a thorough evaluation of features included that address accessibility for students with disabilities.



**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  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:
- r. 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: