



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

**TO:** P-12 Education Committee

**FROM:** John B. King, Jr.

**SUBJECT:** Proposed addition of section 100.5(d)(10) of the Regulations of the Commissioner of Education, relating to Credit for Online and Blended Coursework

**DATE:** January 28, 2011

**AUTHORIZATION(S):**

### **SUMMARY**

#### **Issue for Discussion**

Should the Board of Regents add a new section 100.5(d)(10) of the Commissioner's Regulations to prescribe requirements for earning credit for online or a combination of online and classroom-based (blended) coursework?

#### **Reason(s) for Consideration**

Implementation of Policy

#### **Proposed Handling**

The proposed amendment will be submitted to the P-12 Education Committee for discussion at the February 2011 Regents meeting.

#### **Procedural History**

Issues relating to online and blended coursework were discussed at the December 2010 and January 2011 Regents meetings.

#### **Background Information**

Digital and Internet-connected technologies have increased access to a rich variety of educational opportunities, in the form of online content and instruction, for schools and students across New York State. These educational opportunities have resulted in a number of questions from school districts and educational organizations,

and a need for the New York State Education Department (NYSED) to provide alternative pathways for school districts to provide students with opportunities to earn course credit through online instruction and content.

A policy for awarding units of credit to students for their completion of online and blended courses is intended to provide guidance to public school districts and Boards of Cooperative Educational Services (BOCES) interested in offering new learning opportunities for students through online instruction. NYSED recognizes that concepts such as *virtual learning*, *distance learning*, *online instruction*, *online courses*, and *online learning* may have multiple meanings, which may evolve and change with the development of new technologies. This policy serves as an initial foundation for school districts and BOCES to develop, implement, and evaluate online and blended courses as alternative pathways for student completion of general education and diploma requirements.

The proposed rule requires school districts, registered nonpublic schools and charter schools that choose to provide their students with instruction by means of online or blended coursework to ensure that the courses:

- are aligned with the applicable New York State learning standards for the subject area in which instruction is provided;
- provide for documentation of student mastery of the learning outcomes for such subjects, including passing the Regents examination in the subject or other assessment required for graduation, if applicable;
- provide for instruction by or under the direction and/or supervision of a certified teacher (if instruction is to be provided by a school district, BOCES, or pursuant to a shared service agreement),<sup>1</sup> or of a teacher of the subject area in which instruction is to be provided (in the case of a registered nonpublic school or charter school);
- include regular and substantive interaction between the student and the teacher providing direction and/or supervision; and
- satisfy the unit of study and unit of credit requirements in section 100.1(a) and (b) of the Commissioner's Regulations.

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<sup>1</sup> In NYS school districts, core instruction must be delivered by the district's certified teachers. School districts lack the authority to contract with an independent contractor to provide core instructional services through the employees of that independent contractor except where specifically authorized by statute or regulation, or where contracting is necessary to carry out duties imposed on the school district by State or federal law. Contracting out cannot be used as a vehicle for avoiding the tenure laws or the requirements that teachers be duly certified. NYSED has issued guidance on contracts for instruction (dated June 2, 2010), which is available at:<http://www.p12.nysed.gov/resources/contractsforinstruction/home.html>.

According to section 100.1(a) of the Commissioner's Regulations, a unit of study "means at least 180 minutes of instruction per week throughout the school year, or the equivalent." To determine whether an online or blended course provides students with instruction that is equivalent to that received through 180 minutes of traditional classroom instruction, the principal must evaluate all course components (including, but not limited to, its curriculum, alignment to relevant New York State Learning Standards, instructional strategies and requirements, formative and summative assessments, professional development for teachers, and general delivery and revision processes). While Commissioner's Regulations for completing a unit of study (8 NYCRR § 100.1 [a]) and earning a unit of credit (8 NYCRR § 100.1 [b]) refer to the amount of instruction to which students are entitled, the regulations do not limit or confine instruction solely to classroom-based instruction. As a result, instruction may be delivered in multiple ways and through multiple media that best meet the needs of the students, so long as such modes and media are under the direction of a certified teacher in that subject area and accountable to the district providing instruction, and so long as all applicable requirements are met. The mastery of learning outcomes, as determined by the principal, is based on an evaluation of an online or blended course as an equivalent mode of instruction.

Pursuant to §100.5(b)(7)(iv)(d) of the Commissioner's regulations, 1,200 minutes of actual hands-on (not simulated) laboratory experience with satisfactory documented laboratory reports is required in order for students to qualify to take a Regents examination in any of the sciences. However, due to the increasing availability of high-quality virtual laboratory experiences, the Department will engage the field in statewide discussion regarding alternative approaches to this requirement. Alternative approaches in time (e.g., 800 minutes of hands-on and 400 minutes of virtual or blended laboratory experience) and/or content (allowing for high-quality virtual labs) may be considered.

A Notice of Proposed Rule Making will be published in the State Register on March 2, 2011. Supporting materials are available on request from the Secretary to the Board of Regents.

#### Timetable for Implementation

It is anticipated that the proposed rule will be presented for adoption at the May Regents meeting, with an effective date of June 8, 2011.

## AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 208, 209, 305, 308, 309 and 3204 of the Education Law.

Paragraph (10) of subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education is added, effective June 8, 2011, as follows:

(10) Credit for Online and Blended Courses.

(i) Definitions. For purposes of this paragraph:

(a) Online course means instruction in a specific unit of study consisting of teacher-to-student, student-to-student and/or student-to-content interactions that occur solely through digital and/or Internet-connected media.

(b) Blended course means instruction in a specific unit of study consisting of teacher-to-student, student-to-student and/or student-to-content interactions that occur through any combination of classroom-based and digital and/or Internet-connected media.

(c) Certified teacher means a teacher who holds a New York State teaching certificate in the subject area in which instruction is provided.

(ii) A school district, a charter school or a registered nonpublic school may provide its students with an opportunity to earn units of credit towards a Regents diploma through online and/or blended course study, pursuant to the following:

(a) To receive credit, the student shall successfully complete a unit of study and demonstrate mastery of the learning outcomes for the subject, including passing the Regents examination in the subject or other assessment required for graduation, if applicable.

(b) The school district, registered nonpublic school or charter school shall ensure that:

(1) courses are aligned with the applicable New York State Learning Standards for the subject area;

(2) courses provide for documentation of student mastery of the learning outcomes for such subjects, including passing the Regents examination in the subject or other assessment required for graduation, if applicable;

(3) instruction is provided by or under the direction and/or supervision of:

(i) a certified teacher from a school district; or

(ii) a certified teacher from a board of cooperative educational services (BOCES) that contracts with the school district to provide instruction in the subject area pursuant to Education Law §1950; or

(iii) a certified teacher from a school district who provides instruction under a shared service agreement; or

(iv) a teacher of the subject area in a registered nonpublic school or charter school;

(4) courses include regular and substantive interaction between the student and the teacher providing direction and/or supervision pursuant to subclause (3) of this clause; and

(5) instruction satisfies the unit of study and unit of credit requirements in section 100.1(a) and (b) of this Part.