

Credit Flexibility: Third-Party Providers

April 12, 2011

This Ohio Department of Education (ODE) Web conference, co-hosted with the Great Lakes East Comprehensive Center, focused on the use of third-party providers in student credit flexibility plans. The goal of the conference was to engage schools and districts in a working session to help inform a new guidance document on third-party providers. The session provided direction to the participants, giving them ideas to think about as they work with these providers. Tom Rutan, ODE associate director of curriculum and instruction, was the leader.

A third-party provider is defined as anyone other than school-based staff who provides instructional support to students. Examples of third-party instruction include online instruction, distance learning, postsecondary enrollment options (PSEO)/dual enrollment, internships/mentorships, instruction affiliated with community organizations, credit recovery programs, or private instruction and coaching.

To begin the conversation, the leader polled the participants to find out the kinds of third-party providers that had already been used as part of existing student credit flexibility plans. The poll results indicated a higher use of third-party providers for online, distance, and PSEO/dual enrollment credit flex options than in community-based or contracting organizations. In addition, participants anticipated using third-party providers more in content areas such as world languages, advanced placement classes, science and fine arts.

When implementing a credit flexibility option that utilizes a third-party provider, there are two key documents that can be used to outline the roles and responsibilities of the school, the student, and the provider: the student credit flexibility plan and a memorandum of understanding (MOU). Considerations to address in the plan and/or MOU include the following:

- Rigor of the experience (e.g., How does the experience justify the credit? Does the experience adequately cover course content? What is the assessment plan?)
- Highly qualified teacher (HQT) requirements (e.g., Who will serve as the teacher of record?)
- Credentials of the third-party provider
- Cost (e.g., private lessons)
- Legal liability (e.g., background checks, worker compensation/risk management)
- Transportation

Guidance/Recommendations

- Use MOUs with third-party providers to outline roles and responsibilities and to ensure compliance with HQT requirements.
- Consult with district legal counsel to address liability concerns; include short statements in MOUs and/or student credit flexibility plans that address liability concerns.
- Follow NCAA eligibility rules and ODE guidance when dealing with third-party provider plans related to athletics and physical education - students cannot earn credit simply by participating in sports.
- Check PSEO credit requirements. There is a formula depending upon the number of hours a student is taking (quarter hours vs. semester hours), and it is important that students don't come up short.
- Explore the options available through the Ohio Board of Regents and eTech Ohio, which offer a number of online programs for students in advanced placement and academic courses.

Promising Practices

ODE is currently in the process of collecting promising practices from the field about several aspects within credit flexibility. The use of third-party providers is one of these practices. While ODE does not endorse any provider, district examples have included such third-party providers as Plato, Advanced Placement, APEX, Virtual Learning Academy, Blue Ridge, Florida Virtual High School, and Brain Honey. In addition, ODE is currently developing an online community of practices focused on credit flexibility to provide other avenues for schools and districts to share ideas and experiences.

Questions and Answers

Q: Who vets the third-party provider?

A: The responsibility of vetting third-party providers rests with the school/district.

Q: When a third-party provider is used is a teacher of record required?

A: A HQT/teacher of record is needed when dealing with academic core areas specified within No Child Left Behind (NCLB) Act. ODE has two guidance documents available online regarding HQT/teacher of record issues. One document addresses HQT requirements; the second one provides additional information about when HQT requirements apply and don't apply if someone is working with an outside contractor (third-party provider). These documents are listed at the end of the Questions and Answers.

Q: Can students use computer-assisted programs for credit recovery?

A. Yes, but if students use these programs, the students may be responsible for the costs.

Q: Who pays for the cost, if applicable, of instruction by third-party providers?

A: ODE has three guidance documents available online about the party that is responsible for paying the costs. These documents are listed at the end of the Questions and Answers.

Q: If a student is injured while participating in a credit flexibility option that utilized a third-party provider (e.g., working with a weight trainer), who is responsible?

A. Legal liability questions should be clarified in advance through the MOU to protect students and the school.

Q: How are grades determined when using a third-party provider?

A. This issue should be addressed in the student credit flexibility plan and/or MOU. If the third-party provider (e.g., an online provider) is going to determine a grade, there should be in place a process for the teacher of record to review that grade and make the final assessment. Commercial programs can be used to determine the grade.

Q: Is there any connection between the new national standards [Common Core State Standards] and third-party providers?

A: Ohio is revising its academic content standards and is developing model curriculum to support the implementation of those standards. As the state moves to those standards over the next several years, it makes sense to counsel third-party providers about the changes.

Q: What state-level appeals have been heard?

A. To date, the state has received two appeals. Both appeals pertained to the denial of opportunity and not the denial of credit. ODE has a guidance document available online regarding the state-level appeals procedures. Please see below.

Additional Information and Resources

Additional information regarding the use of third-party providers is available through the following resources:

- [ODE Credit Flexibility Guidance Documents](#)
 - [Highly Qualified Teachers Requirements](#)
 - [HQT Update: Expert Contracted from Outside Company, Computer as Instructor](#)
 - [School Finance](#)
 - [Who Pays the Costs?](#)
 - [Credit Flexibility Fee Flowchart](#)
 - [Appeals Procedures](#)