

# WILLIAM MITCHELL COLLEGE OF LAW'S HYBRID PROGRAM FOR J.D. STUDY: ANSWERING THE CALL FOR INNOVATION

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In January 2015, William Mitchell College of Law will launch the first American Bar Association (ABA)-approved, on-campus/online J.D. program to further the college's mission: to provide accessible, experiential, rigorous training for tomorrow's lawyers. Known as the hybrid program, it will offer a legal education to talented, hard-working students who cannot access a traditional J.D. program because of location or family or work commitments. In this article, we explain the origins and pedagogical foundations of the program, as well as give an overview of the program.

## DEVELOPMENT OF THE HYBRID PROGRAM

William Mitchell College of Law is an independent, ABA-approved law school in St. Paul, Minnesota. The college was founded as a night law program in 1900 by lawyers and judges who sought to make a legal education more accessible, particularly to working professionals, young people, and those with families. The school won the ABA's approval in 1938 and supplemented its part-time night program in 1975 by adding daytime classes and a full-time option.

## THE COLLEGE DEVELOPS A PLAN FOR HARNESSING TECHNOLOGY TO FURTHER ITS MISSION

About four years ago, the college's faculty began exploring ways in which the school might take

advantage of technological advances to further its mission of offering accessible and practical legal education. To that end, the college developed a plan for a "hybrid" J.D. program, combining intensive on-campus programming with online instruction. Implementation of the plan required a variance from the ABA's "distance education" Standard.<sup>1</sup>

Under ABA Standards, J.D. students are permitted to enroll in no more than 15 credits of distance education courses.<sup>2</sup> The ABA Standards do permit a modest amount of distance learning in traditional, face-to-face courses, however. Specifically, courses in which up to one-third of instruction takes place online are *not* treated as distance education.<sup>3</sup> Thus, under existing ABA Standards, a law school could deliver a significant proportion of its instructional hours online: combining the 15 distance education credits and the distance learning in face-to-face courses, law schools are allowed to provide approximately 45% of their instructional hours online.<sup>4</sup>

The college's proposed hybrid curriculum required a simple variance from the ABA Standards. The college's variance request focused on the proportion of distance learning permitted in traditional classes. Specifically, the college proposed to count as "traditional" (i.e., face-to-face, non-distance learning) all classes in which up to one-half (rather than one-third) of instructional hours are completed online. A formal request for this variance was submitted to the

ABA Section of Legal Education and Admissions to the Bar in the summer of 2013.

## THE ABA SECTION COUNCIL GRANTS THE COLLEGE A VARIANCE FROM ITS STANDARDS

The Accreditation Committee of the ABA Section of Legal Education approved the variance in September 2013, which was followed by Section Council approval in December 2013. Though modest, this change allows for a much more innovative and effective use of e-learning tools in the context of a hybrid or “blended” program and reduces dramatically the amount of time law students must be on campus.

The variance allows the college to admit four entering classes of students under the program, with a limit of 96 students per entering class. The college must also provide detailed annual reports to the ABA Section Council, providing information on matters such as applications and admissions, attrition, student course evaluations, and the manner in which students in the program are provided with skills training and other services and opportunities that are comparable to the college’s traditional J.D. program.

## HOW THE HYBRID PROGRAM WORKS

As its name suggests, the hybrid program combines on-campus and online instruction. The four-year part-time program has two distinctive features.

### **On-Campus Simulations and Externships Provide Experiential Learning**

First, it has an experiential core consisting of eight end-of-semester capstones—weeklong on-campus simulations—complemented by two semester-long externships. The capstone simulations require students to integrate the doctrines, skills, and profes-

sional attributes learned during the semester’s online instruction while confronting and resolving realistic legal and ethical problems under the guidance of full-time faculty and adjunct practitioners. These practical skills will be further developed in externships in which students, with the college’s help, secure placements in their own communities and work under the supervision of practicing lawyers.

### **Online Coursework Provides the Foundational Framework**

Second, the hybrid program leverages technology to teach students foundational doctrines and skills, which provide a framework for the end-of-semester capstone simulations. The program faculty has developed competencies and sub-competencies for each course. Student proficiency in these competencies is carefully evaluated through assessments developed by the faculty and an instructional design team working in concert.

Deploying interactive and accountable coursework, the online instruction occupies roughly 12 weeks of each semester but accounts for only one-half of the total instructional hours. The remaining hours of each semester are accounted for during the end-of-semester on-campus capstone weeks. The result is roughly a 50/50 split between online and on-campus coursework during most semesters.

Hybrid program students and faculty will utilize a sophisticated learning management system (LMS) for most course functions. Faculty members will use the LMS to post documents, tutorials, and recordings, review and grade assignments, build rubrics, identify and contact students who may be falling behind, moderate discussions, and communicate with their classes. Some sessions will take place live over the Internet, with recording and archiving of classes, polling and quizzing of students, desktop sharing, and small group “breakout rooms.”

Asynchronous course elements (i.e., those not taking place live) will include assigned readings, recorded lectures, threaded and graded discussion boards, video analysis of students practicing skills (including oral argument, client interviewing, and negotiation), and various other assessments (including quizzes, exams, and essay assignments).

### **Coursework and Simulations Work Together to Support Each Semester's Curricular Focus**

Each semester has a clear and carefully designed curricular focus that includes a skills course as the foundation along with integrated subject-specific courses, totaling three to four courses per semester, for all but the final semester. (For the hybrid program course sequence, see the sidebars on pages 32 and 33.) The final semester consists of one skills course and a keystone externship (or clinic), seminar, and long paper. The online learning during each semester prepares students for the intensive on-campus simulations that occur during the end-of-semester capstones; the simulations allow students to apply their coursework to more complex real-world-like factual and legal problems, while improving their professional judgment under the guidance of professors. Prior to the first and third semesters, students attend an On-Campus Preparation Week that includes preliminary coursework; the first-semester preparation week also serves as an orientation to the program logistics and the campus. In addition, the program offers students the opportunity to focus on Indian law or law and business (for those concentrating in Indian law, the final semester keystone externship is replaced by an impact litigation clinic).

### **The Use of Technology Results in Increased Flexibility and Access**

More important than the blend of online and on-campus coursework, however, is the fact that technology, in combination with concentrated on-

campus instruction during the capstone weeks, permits great flexibility and access, making a legal education available to students who are unable to participate in more traditional programs because of their locations or work or family commitments. This greater access, along with the care taken by the faculty in formulating the program, was instrumental to the ABA Section Council's approval of the variance request.<sup>5</sup>

The college intends to matriculate students in its hybrid program beginning in January 2015 and has received more than 140 applications as of August 2014.

## **FOUNDATIONS OF THE HYBRID PROGRAM**

We understand that there will be resistance to the expanded use of e-learning technology in legal education and that initially there may be skepticism regarding whether the hybrid program can provide the same quality of professional training as more traditional options. However, there are good grounds for confidence that the students who graduate from the hybrid program will be well prepared to practice law. In addition, the hybrid program is consistent with the growing need for innovation in order to facilitate access to legal education and promote access to justice.

### **Innovation in the Delivery of Legal Education Is Needed**

The Report and Recommendations of the ABA Task Force on the Future of Legal Education, released in January 2014, identified the need for innovation in legal education to increase the professional value of the J.D. degree, reduce its cost, and thus foster greater access to legal services.<sup>6</sup> Additionally, the report issued in fall 2013 by the New York City Bar Association Task Force on New Lawyers in a

Changing Profession, titled *Developing Legal Careers and Delivering Justice in the 21st Century*, struck a similar chord, calling for “further innovation in law school curricula and in new lawyer training”<sup>7</sup> and asserting that “innovation in new lawyer preparation and practice is inhibited by a number of structural impediments that must be removed.”<sup>8</sup> Noting the diversity of approaches in higher education, the ABA Task Force recommended “a system in which law schools with very different missions” can develop.<sup>9</sup> In a critical passage, the Task Force observed that

[o]ne can acknowledge the success of the prevailing model brought into being by the schools, the ABA, and the wider profession and still believe that it might not be the exclusive way of effectively preparing people to be good lawyers.

The system of legal education would be better with more room for different models.<sup>10</sup>

To facilitate this diversity of approaches, the Task Force called for the elimination or substantial reduction of a number of accreditation standards, including the ABA limitations on distance education.<sup>11</sup>

Legal education can no longer conform to a one-size-fits-all model. The hybrid program satisfies a demand in the marketplace for innovative, experiential education that is accessible to students who could not otherwise obtain a law degree.

### **Access to Justice and the Legal Services That Are the Foundation of Justice Remain Poorly Distributed**

There is growing recognition that access to justice has become an acute concern in many rural parts of our nation. Recent media and academic reports confirm that a “legal brain drain” is depriving rural residents of access to professional services, including legal representation. As the New York City Bar Association

Task Force report points out, “Rural areas . . . are rife with underserved legal needs.”<sup>12</sup> The *New York Times* reported that “[r]ural Americans are increasingly without lawyers even as law school graduates are increasingly without jobs. Just two percent of small law practices are in rural areas, where nearly a fifth of the country lives.”<sup>13</sup> The ABA has acknowledged the problem, and in 2012, it issued a resolution urging “federal, state, territorial, tribal, and local governments to support efforts to address the decline in the number of lawyers practicing in rural areas.”<sup>14</sup>

William Mitchell’s hybrid program responds to this acute need. The program is, in part, designed to attract rural and small-town students who will choose to become rural and small-town lawyers. Making the program part-time and compressing the duration of on-campus learning encourages students living in rural areas and small towns to keep their lives in their home communities intact, being punctuated by only eight weeklong trips to William Mitchell’s campus for capstone weeks and two weeklong trips for preparation weeks during the program. Furthermore, the college has initiated the North Star Scholarship, a scholarship designed specifically to attract students who live and intend to practice in small towns and rural communities.<sup>15</sup>

### **The Use of Technology Provides a Means by Which to Increase Innovation and Accessibility**

E-learning technology has vastly expanded the possibilities for instruction beyond those available in the traditional format of 50-minute classes in which students meet three times per week in large amphitheater classrooms with fixed seating. The William Mitchell hybrid program instead offers a flexible format, making use of real-time online classes, offline individual and collaborative assignments, and reflective discussion, among many other tools, to meet students’ learning needs.

In critical ways, the hybrid program is an implementation of the “flipped classroom” concept; the use of technology to deliver part of the learning experience paves the way for the intense capstone weeks that integrate each semester’s learning in weeklong, face-to-face approximations of real practice. (The flipped classroom concept, one of four “blended” learning models developed by the Khan Academy,<sup>16</sup> involves students rotating between online delivery of instruction from a remote location after school [usually at home] and face-to-face teacher-guided practice in class during the standard school day—with the primary delivery of content and instruction being online. This method differs from the traditional method of students merely doing homework practice online after school. Instead, what has traditionally been done as homework is now done in the classroom, and what has traditionally been done in the classroom is now done at home.)

### Hybrid Education Works

Derek Bok, former dean of Harvard Law School and former president of Harvard University, is referenced in William Bowen’s influential volume *Higher Education in the Digital Age* as someone who has been “for years remind[ing] everyone who will listen[] [that] the lack of careful studies of the learning effectiveness of various teaching methods is a long-standing problem.”<sup>17</sup> Bowen, president emeritus of Princeton University, also quotes Professor William J. Baumol of New York University as observing that “[i]n our teaching activity we proceed without really knowing what we are doing. . . . I am . . . utterly without evidence as to . . . the tools the students should learn to utilize.”<sup>18</sup> These observations, of course, support the conclusion of the ABA Task Force report, which states that

## William Mitchell College of Law Hybrid Program Course Sequence

- Courses for the Indian law and law and business tracks are indicated below by these icons:  
 ❖ Indian Law focus  
 ◆ Law and Business focus
- An On-Campus Capstone Week occurs at or near the end of each semester. The first three courses listed for any semester will have a capstone component.

### FIRST YEAR

On-Campus Preparation Week I occurs before Semester I and begins with orientation plus preliminary coursework.

#### SEMESTER I—LEGAL FOUNDATIONS I (10 CREDITS)

<u>Course</u>	<u>Credits</u>
WRAP <sup>1</sup> (Skills Course)	3
Torts: The Common Law Process	4
Criminal Law: Statutory Interpretation	3
<b>Total</b>	<b>10</b>

#### SEMESTER II—LEGAL FOUNDATIONS II (11 CREDITS)

<u>Course</u>	<u>Credits</u>
WRAP (Skills Course)	3
Contracts: Transactional Law	4
Property: Jurisprudential and Comparative Analysis	4
<b>Total</b>	<b>11</b>

### SECOND YEAR

On-Campus Preparation Week II occurs before Semester III and begins with short preliminary coursework.

#### SEMESTER III—LITIGATION (10 CREDITS)

<u>Course</u>	<u>Credits</u>
Evidence Workshop: Facts and Proof (Skills Course)	3
Civil Dispute Resolution	4
Liberties: Advanced Legal Reasoning	3
<b>Total</b>	<b>10</b>

#### SEMESTER IV—LITIGATION (10 CREDITS)

<u>Course</u>	<u>Credits</u>
Advocacy (Skills Course)	3
Professional Responsibility	2
Constitutional Law: Powers	2
Criminal Procedure or ❖ Federal Indian Law	3
<b>Total</b>	<b>10</b>

(continued on page 33)

William Mitchell College of Law Hybrid  
Program Course Sequence (*continued*)

**THIRD YEAR**

**SEMESTER V—TRANSACTIONS (11 CREDITS)**

<u>Course</u>	<u>Credits</u>
Transactions and Settlements (Skills Course)	3
Employment Law	3
Externship	2
Introduction to Business Organizations <i>or</i> ❖ Introduction to Tribal Law	3
<b>Total</b>	<b>11</b>

**SEMESTER VI—TRANSACTIONS (11 CREDITS)**

<u>Course</u>	<u>Credits</u>
ADR (Skills Course)	3
Family Law	3
Trusts and Estates	2
Introduction to Commercial Law <i>or</i> ❖ Advanced Federal Indian Law	3
<b>Total</b>	<b>11</b>

**FOURTH YEAR**

**SEMESTER VII—PUBLIC LAW (11 CREDITS)**

<u>Course</u>	<u>Credits</u>
Administrative and Legislative Process (Skills Course) <i>or</i> ❖ The Start-Up Business Enterprise	3
Administrative Law <i>or</i> ❖ Accounting and Finance Survey	2
Income Tax	3
Law Practice Management <i>or</i> ❖ Indian Law: Tribal Code Drafting Clinic	3
<b>Total</b>	<b>11</b>

**SEMESTER VIII—KEYSTONE SEMESTER (9 CREDITS)**

<u>Course</u>	<u>Credits</u>
Deals and Dispute Resolution (Skills Course)	3
Keystone Externship (or Clinic), Seminar, and Long Paper <i>or</i> ❖ Indian Law: Impact Litigation Clinic	6
<b>Total</b>	<b>9</b>

Source: William Mitchell College of Law, Hybrid Program Course Sequence,  
<http://web.wmitchell.edu/admissions/hybrid-program/course-sequence/>.

Note: Course sequence is subject to change.

1. WRAP (Writing & Representation: Advice & Persuasion) is the program's foundational skills sequence.

the current deployment of teaching and learning tools “might not be the exclusive way of effectively preparing people to be good lawyers.”<sup>19</sup>

Growing evidence shows that hybrid, sometimes referred to as “blended,” instruction is as good as or better than traditional face-to-face instruction. Bowen cites a study conducted by the ITHAKA organization that compares a traditionally taught statistics course with a course taught using the hybrid approach. He calls it the “most rigorous assessment to date of the use of a sophisticated online course.”<sup>20</sup> The study found “no statistically significant differences in learning outcomes between students in the traditional and hybrid-format sections.”<sup>21</sup> This finding, he states, “is consistent not only across campuses, but also across subgroups of what was a very diverse student population.”<sup>22</sup> Bowen says he began as a skeptic regarding the use of distance technology in higher education. However, research, including the ITHAKA study, has since changed his mind: “Now I am a convert. I have come to believe that now is the time.”<sup>23</sup>

These findings agree with those of three other extensive and authoritative studies. The *ECAR Study of Undergraduate Students and Information Technology, 2013*, conducted by the EDUCAUSE Center for Analysis and Research, surveyed 113,000 respondents across 13 countries on a variety of topics regarding technology in education.<sup>24</sup> The study concluded that “blended learning persists as the preferred modality” among respondents. Furthermore, “[t]he majority of students across all regions and [types of institutions] report that they both *prefer* and *learn most* in blended learning environments. . . . These findings track with data regarding students’ desire to communicate with instructors

face-to-face as well as having anytime, anywhere access to course materials.”<sup>25</sup>

Bolstering this conclusion is the 2010 meta-analysis published by the U.S. Department of Education titled *Evaluation of Evidence-Based Practices in Online Learning: A Meta-Analysis and Review of Online Learning Studies*. The report’s abstract describes its method and major findings:

A systematic search of the research literature from 1996 through July 2008 identified more than a thousand empirical studies of online learning. . . . The meta-analysis found that, on average, students in online learning conditions performed modestly better than those receiving face-to-face instruction. The difference between student outcomes for online and face-to-face classes . . . was larger in those studies contrasting conditions that blended elements of online and face-to-face instruction with conditions taught entirely face-to-face.<sup>26</sup>

Finally, a recent study published by ITHAKA S+R in conjunction with the University of Maryland compared student performance in 17 courses at seven universities, conducting side-by-side comparisons “to evaluate outcomes of students in hybrid sections with those of students in traditionally taught courses.” The authors of the study concluded:

Our findings add empirical weight to an emerging consensus that technology can be used to enhance productivity in higher education by reducing costs without compromising student outcomes. Students in the hybrid sections did as well [as] or slightly better than students in the traditional sections in terms of pass rates and learning assessments, a finding that held across disciplines and subgroups of students. We found no evidence supporting the worry

that disadvantaged or academically underprepared students were harmed by taking hybrid courses.<sup>27</sup>

The evidence strongly supports the notion that the kind of hybrid legal education William Mitchell will offer produces student outcomes that are at least as strong as, if not stronger than, strictly face-to-face education.

### **E-Learning Is Part of the Future of Higher Education**

Finally, it is worth noting that it is only a matter of time before e-learning technology becomes ubiquitous in the educational field, including in legal education. A recent survey of 2,800 chief academic officers (CAOs) strongly suggests that online instruction is a crucial part of the future of higher education. Nearly 70 percent of the CAOs, which is up from just under 50 percent in 2002, perceive online education to be critical to the long-term strategies of their institutions.<sup>28</sup> Seventy-seven percent of the CAOs surveyed considered online learning outcomes to be equal to or better than face-to-face outcomes.<sup>29</sup> And the ITHAKA S+R study concludes:

Online learning technologies hold out the promise that students might learn as effectively online as they do through traditional modes for substantially lower costs. . . . The academy is increasingly receptive to the idea of moving forward carefully and deliberately with these new forms of instruction.<sup>30</sup>

A transformation resulting in a more diverse set of approaches to legal education is inevitable. The shape of that transformation will be best guided by careful attention to learning outcomes, the assessment of student learning, and program assessment. William Mitchell College of Law is committed to

working with the ABA and the broader legal educational and professional communities as we move into the future to help build an accessible and innovative program that maximizes student learning. 

## NOTES

1. The ABA Standards and Rules of Procedure for Approval of Law Schools provide for the application for a variance by a law school proposing to offer a program of legal education that is in part inconsistent with a Standard, such as a proposal for “an experimental program based on all of the following: (1) good reason to believe that there is a likelihood of success; (2) high quality experimental design; (3) clear and measurable criteria for assessing the success of the experimental program; (4) strong reason to believe that the benefits of the experiment will be greater than its risks; and (5) adequately informed participation by students involved in the experiment.” (ABA Standards and Rules of Procedure for Approval of Law Schools, Standard 802, Interpretation 802-1(b).)
2. As this article was prepared, the ABA House of Delegates approved revisions to the ABA Standards. Among other changes, the revisions increased the permitted number of distance education courses from 12 to 15 credits. AMERICAN BAR ASSOCIATION, REVISED STANDARDS FOR APPROVAL OF LAW SCHOOLS, August 2014, Standard 306.
3. *Id.*
4. This number is calculated as follows: 15 credits of distance education courses equals 210 instructional hours of distance instruction. One-third of each of the remaining credits (in an 83-credit J.D. program) equals 317 instructional hours permitted to be delivered by distance instruction. Adding these two, 527 hours of distance instruction is permitted. This equals about 45% of the total 1,162 instructional hours in an 83-credit program.
5. Victor Li, *Law School’s Online-hybrid Degree Program Gets First-ever Approval from ABA*, ABA J. (Dec. 19, 2013, 2:45 PM CST), [http://www.abajournal.com/news/article/william\\_mitchell\\_online-hybrid\\_law\\_school\\_program/](http://www.abajournal.com/news/article/william_mitchell_online-hybrid_law_school_program/) (“Barry Currier, the ABA’s managing director of accreditation and legal education, says they considered several factors before granting the variance, including the school’s 113-year history and experience with part-time law students. Currier said that the school’s application for a variance was highly detailed and very well-thought-out, and it was clear to him that the school was extremely dedicated to making the program work.”).
6. AMERICAN BAR ASSOCIATION TASK FORCE ON THE FUTURE OF LEGAL EDUCATION, REPORT AND RECOMMENDATIONS 2 (Jan. 2014) [hereinafter FUTURE OF LEGAL EDUCATION TASK FORCE REPORT], [available at http://www.americanbar.org/content/dam/aba/administrative/professional\\_responsibility/report\\_and\\_recommendations\\_of\\_aba\\_task\\_force.auth-checkdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/report_and_recommendations_of_aba_task_force.auth-checkdam.pdf).
7. NEW YORK CITY BAR, DEVELOPING LEGAL CAREERS AND DELIVERING JUSTICE IN THE 21ST CENTURY: A REPORT BY THE NEW YORK CITY BAR ASSOCIATION TASK FORCE ON NEW LAWYERS IN A CHANGING PROFESSION 2 (2013), [available at http://www2.nycbar.org/pdf/developing-legal-careers-and-delivering-justice-in-the-21st-century.pdf](http://www2.nycbar.org/pdf/developing-legal-careers-and-delivering-justice-in-the-21st-century.pdf).
8. *Id.* at 4.
9. FUTURE OF LEGAL EDUCATION TASK FORCE REPORT, *supra* note 6, at 24.
10. *Id.*
11. *See id.* at 31.
12. NEW YORK CITY BAR, *supra* note 7, at 97.
13. Ethan Bronner, *No Lawyer for Miles, So One Rural State Offers Pay*, N.Y. TIMES, Apr. 8, 2013, at A1, [available at http://nyti.ms/16JnlbG](http://nyti.ms/16JnlbG).
14. American Bar Association, Resolution Adopted by the House of Delegates (Aug. 6–7, 2012), [available at http://americanbar.org/content/dam/aba/administrative/house\\_of\\_delegates/resolutions/2012\\_hod\\_annual\\_meeting\\_10b.doc](http://americanbar.org/content/dam/aba/administrative/house_of_delegates/resolutions/2012_hod_annual_meeting_10b.doc).
15. The North Star Scholarship provides \$10,000 a year to students who enroll in the hybrid program with the intention of practicing law in an area of the country currently underserved by local lawyers. It was established with the goal of enabling people to earn their law degrees and then practice in their small towns or rural communities.
16. The Khan Academy is a not-for-profit organization that offers free materials and resources for online learning on a wide array of subjects, including resources for parents and teachers. (Khan Academy, <https://www.khanacademy.org/>.)
17. WILLIAM G. BOWEN, HIGHER EDUCATION IN THE DIGITAL AGE 47 (Princeton University Press 2013).
18. *Id.* at 47. Professor Baumol is the author of a seminal work on the “cost problem” plaguing higher education: WILLIAM J. BAUMOL, THE COST DISEASE: WHY COMPUTERS GET CHEAPER AND HEALTH CARE DOESN’T (Yale University Press 2012).
19. FUTURE OF LEGAL EDUCATION TASK FORCE REPORT, *supra* note 6, at 24.
20. BOWEN, *supra* note 17, at 48. ITHAKA is a not-for-profit organization that helps the academic community take advantage of advances in new technologies and use them to advance research and teaching in sustainable ways. (ITHAKA, <http://www.ithaka.org/>.)
21. WILLIAM G. BOWEN ET AL., INTERACTIVE LEARNING ONLINE AT PUBLIC UNIVERSITIES: EVIDENCE FROM RANDOMIZED TRIALS 18 (May 22, 2012), [available at http://www.sr.ithaka.org/sites/default/files/reports/sr-ithaka-interactive-learning-online-at-public-universities.pdf](http://www.sr.ithaka.org/sites/default/files/reports/sr-ithaka-interactive-learning-online-at-public-universities.pdf).
22. BOWEN, *supra* note 17, at 49.
23. *Id.* at 45.
24. EDEN DAHLSTROM ET AL., ECAR STUDY OF UNDERGRADUATE STUDENTS AND INFORMATION TECHNOLOGY (2013), [available at http://net.educause.edu/ir/library/pdf/ERS1302/ERS1302.pdf](http://net.educause.edu/ir/library/pdf/ERS1302/ERS1302.pdf). ECAR provides research and analysis about information technology in higher education with the goal of understanding information technology’s role in colleges and universities.
25. *Id.* at 15.
26. U.S. DEPARTMENT OF EDUCATION, EVALUATION OF EVIDENCE-BASED PRACTICES IN ONLINE LEARNING: A META-ANALYSIS AND REVIEW OF ONLINE LEARNING STUDIES ix (2010), [available at http://www2.ed.gov/rschstat/eval/tech/evidence-based-practices/finalreport.pdf](http://www2.ed.gov/rschstat/eval/tech/evidence-based-practices/finalreport.pdf).

27. REBECCA GRIFFITHS ET AL., INTERACTIVE ONLINE LEARNING ON CAMPUS: TESTING MOOCs AND OTHER PLATFORMS IN HYBRID FORMATS IN THE UNIVERSITY SYSTEM OF MARYLAND 4 (ITHAKA, 2014), available at [http://www.sr.ithaka.org/sites/default/files/reports/S-R\\_Interactive\\_Online\\_Learning\\_Campus\\_20140710.pdf](http://www.sr.ithaka.org/sites/default/files/reports/S-R_Interactive_Online_Learning_Campus_20140710.pdf). Ithaka S&R, a part of ITHAKA, is a research and consulting service that helps the academic and other communities make the transition to the digital environment; it pursues projects in this area critical to the advancement of the academic community.
28. I. ELAINE ALLEN & JEFF SEAMAN, CHANGING COURSE: TEN YEARS OF TRACKING ONLINE EDUCATION IN THE UNITED STATES 16 (Babson Survey Research Group and Quahog Research Group LLC, 2013), available at <http://www.onlinelearning-survey.com/reports/changingcourse.pdf>.
29. *Id.* at 5.
30. GRIFFITHS, *supra* note 27, at 7.



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