

# HOUSE BILL 1543

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By: **Delegates Boteler and Kach**

Introduced and read first time: March 9, 2009

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Public Schools – Virtual Schools**

3 FOR the purpose of authorizing the State Department of Education or a county board  
4 of education to establish a certain virtual school in the State; establishing that a  
5 virtual school is a public school subject to certain laws and regulations;  
6 authorizing a certain student to enroll in a virtual school; requiring a virtual  
7 school to provide certain curricular programs to the students of the virtual  
8 school; requiring a virtual school to provide certain materials and access to  
9 technology to the parent or guardian of a student enrolled in the virtual school;  
10 prohibiting a virtual school from providing certain funds to the parent or  
11 guardian of a student enrolled in the virtual school; authorizing a virtual school  
12 to reimburse the student’s parent or guardian for certain costs; requiring each  
13 teacher employed by a virtual school to have a certain certification; requiring a  
14 virtual school to maintain a certain administrative office; requiring the sponsor  
15 of a virtual school to complete a certain annual evaluation of the virtual school;  
16 authorizing the State Board of Education to adopt certain regulations; defining  
17 certain terms; and generally relating to the establishment of virtual schools.

18 BY repealing and reenacting, without amendments,

19 Article – Education  
20 Section 4–109  
21 Annotated Code of Maryland  
22 (2008 Replacement Volume)

23 BY adding to

24 Article – Education  
25 Section 7–1301 through 7–1308 to be under the new subtitle “Subtitle 13.  
26 Virtual Schools”  
27 Annotated Code of Maryland  
28 (2008 Replacement Volume)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## 1 Preamble

2 WHEREAS, Meeting the educational needs of children in Maryland schools is of  
3 the greatest importance to the future welfare of the State; and

4 WHEREAS, Closing the achievement gap between high-performing students,  
5 including the gap between minority and nonminority students, and between  
6 economically disadvantaged students and their more advantaged peers, is a significant  
7 and present challenge; and

8 WHEREAS, Providing a broader range of educational options to parents and  
9 utilizing existing resources, along with technology, may help students improve their  
10 academic achievement; and

11 WHEREAS, Many county boards currently lack the capacity to provide other  
12 public school choices for students whose schools are high priority schools; now,  
13 therefore,

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Education**

17 4–109.

18 (a) Subject to approval by the State Superintendent and in accordance with  
19 the applicable bylaws, rules, and regulations of the State Board, a county board may  
20 establish a public school if, in its judgment, it is advisable.

21 (b) On approval by the State Superintendent, any school established under  
22 this section becomes a part of the State program of public education.

23 (c) With the advice of the county superintendent, the county board shall  
24 determine the geographical attendance area for each school established under this  
25 section.

26 **SUBTITLE 13. VIRTUAL SCHOOLS.**

27 **7–1301.**

28 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
29 INDICATED.

30 (B) “SPONSOR” MEANS THE DEPARTMENT OR A COUNTY SCHOOL  
31 BOARD, HAVING A FIDUCIARY RESPONSIBILITY FOR THE OPERATION OF THE  
32 VIRTUAL SCHOOL.

1           (C) **“VIRTUAL SCHOOL” MEANS AN INDEPENDENT PUBLIC SCHOOL**  
2 **ESTABLISHED BY THE DEPARTMENT OR BY A COUNTY BOARD UNDER § 4-109 OF**  
3 **THIS ARTICLE, IN WHICH THE SCHOOL USES TECHNOLOGY TO DELIVER A**  
4 **SIGNIFICANT PORTION OF INSTRUCTION TO ITS STUDENTS VIA THE INTERNET**  
5 **IN A VIRTUAL OR REMOTE SETTING.**

6 **7-1302.**

7           (A) **THE DEPARTMENT OR A COUNTY BOARD MAY ESTABLISH A VIRTUAL**  
8 **SCHOOL.**

9           (B) **A VIRTUAL SCHOOL IS SUBJECT TO ALL APPLICABLE FEDERAL AND**  
10 **STATE LAWS AND REGULATIONS GOVERNING THE OPERATION OF A PUBLIC**  
11 **SCHOOL.**

12           (C) **A STUDENT WHO IS ELIGIBLE FOR ENROLLMENT IN A PUBLIC**  
13 **SCHOOL IN THE STATE MAY ENROLL IN A VIRTUAL SCHOOL.**

14 **7-1303.**

15           (A) **A VIRTUAL SCHOOL SHALL PROVIDE EACH ENROLLED STUDENT:**

16                   (1) **ACCESS TO A SEQUENTIAL CURRICULUM THAT MEETS OR**  
17 **EXCEEDS THE STANDARDS ADOPTED BY THE COUNTY BOARD IN THE COUNTY OF**  
18 **THE VIRTUAL SCHOOL’S PRINCIPAL PLACE OF BUSINESS;**

19                   (2) **THE SAME LENGTH OF TIME FOR LEARNING OPPORTUNITIES**  
20 **PER ACADEMIC YEAR THAT IS REQUIRED FOR PUBLIC SCHOOL STUDENTS,**  
21 **UNLESS THE VIRTUAL SCHOOL CAN SHOW THAT A STUDENT HAS**  
22 **DEMONSTRATED MASTERY OR COMPLETION OF THE SUBJECT AREA; AND**

23                   (3) **REGULAR ASSESSMENT IN READING, MATH, SCIENCE, AND**  
24 **SOCIAL STUDIES.**

25           (B) **A CURRICULUM ADOPTED UNDER SUBSECTION (A) OF THIS SECTION**  
26 **SHALL HAVE AN INTERACTIVE PROGRAM WITH SIGNIFICANT ONLINE**  
27 **COMPONENTS.**

28 **7-1304.**

29           (A) **A VIRTUAL SCHOOL SHALL PROVIDE TO THE PARENT OR GUARDIAN**  
30 **OF EACH ENROLLED STUDENT:**

31                   (1) **INSTRUCTIONAL MATERIALS;**

1           **(2) ACCESS TO NECESSARY TECHNOLOGY SUCH AS A COMPUTER**  
2 **AND PRINTER; AND**

3           **(3) ACCESS TO AN INTERNET CONNECTION FOR USE ON**  
4 **SCHOOLWORK.**

5           **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
6 **SUBSECTION, A VIRTUAL SCHOOL MAY NOT PROVIDE FUNDS FOR THE**  
7 **PURCHASE OF INSTRUCTIONAL PROGRAMS OR MATERIALS TO A STUDENT OR TO**  
8 **A STUDENT'S PARENT OR GUARDIAN.**

9           **(2) THIS SECTION DOES NOT PROHIBIT A VIRTUAL SCHOOL FROM**  
10 **REIMBURSING A STUDENT OR A STUDENT'S PARENT OR GUARDIAN FOR COSTS**  
11 **ASSOCIATED WITH AN INTERNET CONNECTION FOR USE IN THE VIRTUAL**  
12 **SCHOOL PROGRAM.**

13 **7-1305.**

14           **A TEACHER EMPLOYED BY A VIRTUAL SCHOOL SHALL HAVE A TEACHER'S**  
15 **CERTIFICATE ISSUED BY THE STATE SUPERINTENDENT UNDER TITLE 6 OF THIS**  
16 **ARTICLE.**

17 **7-1306.**

18           **A VIRTUAL SCHOOL SHALL MAINTAIN AN ADMINISTRATIVE OFFICE IN THE**  
19 **STATE THAT SHALL BE CONSIDERED ITS PRINCIPAL PLACE OF BUSINESS.**

20 **7-1307.**

21           **A VIRTUAL SCHOOL SHALL BE EVALUATED EACH YEAR BY ITS SPONSOR**  
22 **BASED ON THE FOLLOWING CRITERIA:**

23           **(1) THE EXTENT TO WHICH THE SCHOOL DEMONSTRATES**  
24 **INCREASES IN STUDENT ACHIEVEMENT ACCORDING TO COUNTY AND STATE**  
25 **ACADEMIC STANDARDS; AND**

26           **(2) THE ACCOUNTABILITY AND VIABILITY OF THE VIRTUAL**  
27 **SCHOOL, AS DEMONSTRATED BY ITS ACADEMIC, FISCAL, AND OPERATIONAL**  
28 **PERFORMANCE.**

29 **7-1308.**

1           **THE STATE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THE**  
2 **PROVISIONS OF THIS SUBTITLE.**

3           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2009.