

SENATE BILL 966

F1

EMERGENCY BILL

11r1406
CF 11r2876

By: **Senator Hester**

Introduced and read first time: February 21, 2021

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Virtual Schools – Statewide Education Platform – Procurement and**
3 **Establishment**

4 FOR the purpose of authorizing the State Department of Education to make a procurement
5 on an expedited basis under certain circumstances; authorizing virtual schools to
6 operate on a year-round basis; requiring the Department, in accordance with a
7 certain expedited procurement process, to issue a request for proposals for a
8 statewide platform to provide virtual education on or before a certain date; requiring
9 the Department to review and evaluate the proposals in consultation with certain
10 entities and award a contract for the virtual education platform on or before a certain
11 date; requiring the virtual education platform to include certain components;
12 requiring the Department to establish a grant program to assist a local school system
13 in transitioning to using the virtual education platform; authorizing the grants to
14 provide funding for certain purposes; requiring each local school system to complete
15 a virtual learning self-assessment on or before a certain date; requiring the
16 self-assessment to evaluate a local school system's learning capacity with regard to
17 certain measures; establishing the priority for enrollment in certain virtual schools;
18 requiring a certain entity to use a lottery to select students for a certain virtual school
19 if demand exceeds availability; requiring each county board of education to adopt a
20 policy to allow a student to attend a virtual school beginning in a certain school year;
21 requiring certain virtual schools to follow high-quality online education standards;
22 requiring a teacher employed by a certain virtual school to meet certain
23 requirements; prohibiting a teacher employed by a certain virtual school from
24 teaching in person and in a virtual setting concurrently; requiring the Department
25 to conduct a certain evaluation of certain virtual schools; requiring the evaluation to
26 include the examination of certain factors; defining a certain term; making this Act
27 an emergency measure; providing for the termination of this Act; and generally
28 relating to virtual schools and a statewide virtual education platform.

29 BY repealing and reenacting, with amendments,
30 Article – Education

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 7–103(e), 7–1401 through 7–1403, 7–1405, and 7–1407
 2 Annotated Code of Maryland
 3 (2018 Replacement Volume and 2020 Supplement)

4 BY adding to
 5 Article – Education
 6 Section 7–211 and 7–212
 7 Annotated Code of Maryland
 8 (2018 Replacement Volume and 2020 Supplement)

9 BY repealing and reenacting, with amendments,
 10 Article – State Finance and Procurement
 11 Section 13–108(c)
 12 Annotated Code of Maryland
 13 (2015 Replacement Volume and 2020 Supplement)

14 Preamble

15 WHEREAS, The General Assembly recognizes the widespread adoption of online
 16 education catalyzed by the COVID–19 pandemic; and

17 WHEREAS, Multiple jurisdictions are exploring the procurement of online learning
 18 platforms; and

19 WHEREAS, Continuing public health conditions may require a small proportion of
 20 students to continue in a virtual learning environment; and

21 WHEREAS, There are cost efficiencies and opportunities for collaboration to be
 22 gained by procuring a digital learning platform at the state level for use by local
 23 jurisdictions; and

24 WHEREAS, Maryland is committed to enabling world–class and equitable
 25 educational opportunities for students of all backgrounds; now, therefore,

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

28 **Article – Education**

29 7–103.

30 (e) (1) The county boards of Allegany, Anne Arundel, Calvert, Howard,
 31 Montgomery, and Prince George’s counties, [and] the Board of School Commissioners of
 32 Baltimore City, **AND A VIRTUAL SCHOOL UNDER SUBTITLE 14 OF THIS TITLE**, may elect
 33 to operate one or more schools within the county [or], Baltimore City, **OR A VIRTUAL**
 34 **SCHOOL UNDER SUBTITLE 14 OF THIS TITLE** on a year–round basis, provided that the
 35 180–day and the minimum hour requirements under this section are met.

1 (2) Nothing in this section precludes a county board from conducting a
2 year-round pilot study or program that is funded by the county board.

3 **7-211.**

4 **(A) THE DEPARTMENT SHALL:**

5 **(1) IN ACCORDANCE WITH THE EXPEDITED PROCUREMENT PROCESS**
6 **UNDER § 13-108 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, ISSUE A**
7 **REQUEST FOR PROPOSALS FOR A STATEWIDE PLATFORM TO PROVIDE VIRTUAL**
8 **EDUCATION ON OR BEFORE MAY 1, 2021;**

9 **(2) REVIEW AND EVALUATE PROPOSALS IN CONSULTATION WITH:**

10 **(I) THE PUBLIC SCHOOL SUPERINTENDENT'S ASSOCIATION**
11 **OF MARYLAND; AND**

12 **(II) THE MARYLAND STATE EDUCATORS ASSOCIATION; AND**

13 **(3) AWARD A CONTRACT TO A PROVIDER ON OR BEFORE JUNE 1,**
14 **2021.**

15 **(B) THE STATEWIDE PLATFORM TO PROVIDE VIRTUAL EDUCATION SHALL:**

16 **(1) BE BASED ON EVIDENCE-BASED LEARNING STANDARDS;**

17 **(2) ENABLE A LOCAL SCHOOL SYSTEM TO OPT-IN AS A VIRTUAL**
18 **DISTRICT, WITH DISTINCT VIRTUAL SCHOOLS;**

19 **(3) ENABLE SHARING OF CLASSES BETWEEN SCHOOLS AND LOCAL**
20 **SCHOOL SYSTEMS, INCLUDING PUBLIC CHARTER SCHOOLS THAT OPT-IN TO THE**
21 **PLATFORM;**

22 **(4) ALLOW A LOCAL SCHOOL SYSTEM TO BEGIN USING THE**
23 **PLATFORM ON OR BEFORE JULY 1, 2021;**

24 **(5) PROVIDE EQUITABLE ACCESS FOR STUDENTS WITH DISABILITIES;**
25 **AND**

26 **(6) ALLOW A LOCAL SCHOOL SYSTEM TO DESIGN OR CUSTOMIZE THE**
27 **CURRICULUM ON THE PLATFORM.**

28 **(C) (1) THE DEPARTMENT SHALL ESTABLISH A GRANT PROGRAM TO**

1 ASSIST A LOCAL SCHOOL SYSTEM IN TRANSITIONING TO USING THE VIRTUAL
2 EDUCATION PLATFORM.

3 (2) THE GRANTS MAY PROVIDE FUNDING FOR:

4 (I) PROFESSIONAL DEVELOPMENT FOR TEACHERS;

5 (II) PREPARING AND ADAPTING DEPARTMENT-APPROVED
6 CLASSES FOR ONLINE TEACHING; AND

7 (III) ADMINISTRATIVE STAFF TIME TO SUPPORT THE
8 TRANSITION TO AND CUSTOMIZATION OF THE VIRTUAL SCHOOL.

9 7-212.

10 (A) ON OR BEFORE OCTOBER 1, 2021, EACH LOCAL SCHOOL SYSTEM SHALL
11 COMPLETE A VIRTUAL LEARNING SELF-ASSESSMENT USING A RESEARCH-BASED
12 FRAMEWORK RECOMMENDED BY THE STATE BOARD.

13 (B) THE SELF-ASSESSMENT SHALL INCLUDE AN EVALUATION OF A LOCAL
14 SCHOOL SYSTEM'S VIRTUAL LEARNING CAPACITY WITH REGARD TO:

15 (1) CURRICULUM, INSTRUCTION, AND ASSESSMENT;

16 (2) PERSONALIZED PROFESSIONAL LEARNING;

17 (3) BUDGET AND RESOURCES;

18 (4) COMMUNITY PARTNERSHIPS; AND

19 (5) DATA AND PRIVACY.

20 7-1401.

21 (a) In this subtitle the following words have the meanings indicated.

22 (b) "QUALITY ONLINE EDUCATION STANDARDS" MEANS THE NATIONAL
23 STANDARDS FOR QUALITY ONLINE PROGRAMS: SECOND EDITION (2019).

24 (c) "Sponsor" means the Department or a county school board, having a fiduciary
25 responsibility for the operation of the virtual school.

26 [(c)] (D) "Virtual school" means a public school established by the Department
27 or by a county board under § 4-109 of this article in which the school uses technology to

1 deliver a significant portion of instruction to its students via the Internet in a virtual or
2 remote setting.

3 7-1402.

4 (a) Subject to the approval of the Department, a county board may establish a
5 virtual school.

6 (b) A virtual school is subject to all applicable federal and State laws and
7 regulations governing the operation of a public school.

8 (c) (1) A student who is eligible for enrollment in a public school in the State
9 may enroll in a virtual school.

10 (2) **PRIORITY FOR ENROLLMENT IN A VIRTUAL SCHOOL THAT USES**
11 **THE STATEWIDE PLATFORM PROCURED IN ACCORDANCE WITH § 7-211 OF THIS**
12 **TITLE SHALL BE GIVEN TO A STUDENT WHO:**

13 (i) **HAS A HEALTH CONDITION THAT COULD LEAD TO A**
14 **NEGATIVE HEALTH OUTCOME FOR THE STUDENT, DEMONSTRATED BY THE**
15 **STUDENT'S PARENT OR GUARDIAN, IF THE STUDENT WERE TO ATTEND SCHOOL**
16 **IN PERSON;**

17 (ii) **LIVES WITH AN INDIVIDUAL WITH A HEALTH CONDITION**
18 **THAT COULD LEAD TO A NEGATIVE HEALTH OUTCOME FOR THE INDIVIDUAL,**
19 **DEMONSTRATED BY THE STUDENT'S PARENT OR GUARDIAN, IF THE STUDENT WERE**
20 **TO ATTEND SCHOOL IN PERSON; OR**

21 (iii) **HAS DEMONSTRATED IMPROVED LEARNING OUTCOMES IN**
22 **AN ONLINE EDUCATION ENVIRONMENT.**

23 (3) **IF DEMAND FOR ENROLLMENT IN A VIRTUAL SCHOOL THAT USES**
24 **THE STATEWIDE PLATFORM PROCURED IN ACCORDANCE WITH § 7-211 OF THIS**
25 **TITLE EXCEEDS THE VIRTUAL SCHOOL'S AVAILABILITY, THE ENTITY OPERATING**
26 **THE VIRTUAL SCHOOL SHALL USE A LOTTERY TO SELECT STUDENTS FOR THE**
27 **VIRTUAL SCHOOL.**

28 (d) **BEGINNING IN THE 2021-2022 SCHOOL YEAR, EACH COUNTY BOARD**
29 **SHALL ADOPT A POLICY TO ALLOW A STUDENT TO ATTEND A VIRTUAL SCHOOL.**

30 7-1403.

31 (a) A virtual school shall provide each enrolled student:

32 (1) Access to a sequential curriculum approved by the State Board that

1 meets or exceeds the standards adopted by the county board in the county of the virtual
2 school's principal place of business;

3 (2) The same length of time for learning opportunities per academic year
4 that is required for public school students, unless the virtual school can show that a student
5 has demonstrated mastery or completion of the subject area; and

6 (3) Regular assessment in the core areas of instruction as required by
7 regulations adopted by the State Board under § 7-1408 of this subtitle.

8 (b) A curriculum adopted under subsection (a) of this section shall have an
9 interactive program with significant online components.

10 (C) **A VIRTUAL SCHOOL THAT USES THE STATEWIDE PLATFORM PROCURED**
11 **IN ACCORDANCE WITH § 7-211 OF THIS TITLE SHALL FOLLOW HIGH-QUALITY**
12 **ONLINE EDUCATION STANDARDS.**

13 7-1405.

14 (A) A teacher employed by a virtual school shall have a teacher's certificate issued
15 by the State Superintendent under Title 6 of this article.

16 (B) **A TEACHER EMPLOYED BY A VIRTUAL SCHOOL THAT USES THE**
17 **STATEWIDE PLATFORM PROCURED IN ACCORDANCE WITH § 7-211 OF THIS TITLE**
18 **SHALL:**

19 (1) **HAVE A TEACHER'S CERTIFICATE ISSUED BY THE STATE**
20 **SUPERINTENDENT UNDER TITLE 6 OF THIS ARTICLE; AND**

21 (2) **JOIN THE COUNTY COLLECTIVE BARGAINING UNIT.**

22 (C) **A TEACHER EMPLOYED BY A VIRTUAL SCHOOL THAT USES THE**
23 **STATEWIDE PLATFORM PROCURED IN ACCORDANCE WITH § 7-211 OF THIS TITLE**
24 **MAY NOT TEACH IN PERSON AND IN A VIRTUAL SETTING CONCURRENTLY.**

25 7-1407.

26 (A) A virtual school shall be evaluated each year by its sponsor based on the
27 following criteria:

28 (1) The extent to which the school demonstrates increases in student
29 achievement according to county and State academic standards; and

30 (2) The accountability and viability of the virtual school, as demonstrated
31 by its academic, fiscal, and operational performance.

1 **(B) (1) THE DEPARTMENT SHALL CONDUCT AN EVALUATION OF EACH**
2 **VIRTUAL SCHOOL THAT USES THE STATEWIDE PLATFORM PROCURED IN**
3 **ACCORDANCE WITH § 7-211 OF THIS TITLE.**

4 **(2) THE EVALUATION SHALL INCLUDE AN EXAMINATION OF:**

5 **(I) STUDENT ACADEMIC PERFORMANCE;**

6 **(II) STUDENT WELL-BEING;**

7 **(III) FINANCIAL IMPACTS ON LOCAL SCHOOL SYSTEMS;**

8 **(IV) MEASURES OF SOCIOECONOMIC EQUITY; AND**

9 **(V) ANY ADDITIONAL MEASURES IDENTIFIED BY THE**
10 **DEPARTMENT.**

11 **(3) ON OR BEFORE DECEMBER 1, 2023, THE DEPARTMENT SHALL**
12 **REPORT, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE,**
13 **TO THE GENERAL ASSEMBLY ON THE EVALUATION REQUIRED UNDER THIS**
14 **SUBSECTION.**

15 **Article – State Finance and Procurement**

16 13-108.

17 (c) (1) Except as provided in § 11-205 (“Collusion”), § 10-204 (“Approval for
18 designated contracts”), § 13-219 (“Required clauses – Nondiscrimination clause”), § 13-221
19 (“Disclosures to Secretary of State”), Title 16 (“Suspension and Debarment of Contractors”),
20 or Title 17 (“Special Provisions – State and Local Subdivisions”) of this article, with the
21 approval of the head of the unit and the Board, the Maryland Port Commission, **THE STATE**
22 **DEPARTMENT OF EDUCATION**, or the Maryland Aviation Administration may make a
23 procurement on an expedited basis if the head of the unit and the Board find that:

24 (i) urgent circumstances require prompt action;

25 (ii) an expedited procurement best serves the public interest; and

26 (iii) the need for the expedited procurement outweighs the benefits of
27 making the procurement on the basis of competitive sealed bids or competitive sealed
28 proposals.

29 (2) The procurement officer shall attempt to obtain as much competition as
30 reasonably possible.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
2 measure, is necessary for the immediate preservation of the public health or safety, has
3 been passed by a yea and nay vote supported by three-fifths of all the members elected to
4 each of the two Houses of the General Assembly, and shall take effect from the date it is
5 enacted. It shall remain effective through June 30, 2024, and, at the end of June 30, 2024,
6 this Act, with no further action required by the General Assembly, shall be abrogated and
7 of no further force and effect.