

HOUSE BILL 1376

F1

11r3056

By: **Delegate Washington**

Introduced and read first time: March 1, 2021

Assigned to: Rules and Executive Nominations

Re-referred to: Ways and Means, March 3, 2021

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 20, 2021

CHAPTER _____

AN ACT concerning

Primary and Secondary Education – Virtual Education – Requirements

FOR the purpose of requiring ~~a teacher preparation program that includes~~ the Professional Standards and Teacher Education Board to design a certain course of training in the pedagogy of virtual education; requiring the training to include certain best practice principles; requiring the State Department of Education to provide local school systems with guidance related to the periodic professional development and support for teachers to achieve virtual education best practice principles; establishing the Flip the Classroom Pilot Program; providing for the purpose of the Pilot Program; requiring the Pilot Program to provide teachers with certain tools; requiring the Department to implement, in consultation with certain individuals, to design and administer the Pilot Program; authorizing a public school to choose to participate in the Pilot Program; requiring the Department to award grants to certain county boards of education that participate in the Pilot Program in a certain manner; requiring the Department, on or before a certain date, to establish a statewide universal learning management system for public schools and hire a dedicated employee to implement and manage the system; requiring a county board of education, on or before a certain date, to hire at least a certain number of dedicated employees to coordinate use of the universal learning management system; requiring a county board to adopt the universal learning management system under certain circumstances; requiring the Department to provide certain support to a county board that adopts the universal learning management system; prohibiting the Department from providing certain support to a county board that does not adopt the universal learning management system; requiring the Department, beginning in

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~a certain school year, to make certain curriculum standards available through the universal management learning system; authorizing a county board to elect to transition a school to virtual education under certain circumstances; authorizing a county board to establish a permanent virtual school; requiring a county board to establish certain plans, methods, and processes when transitioning to virtual education or establishing a permanent virtual school; authorizing a student who is eligible to enroll in public school to enroll in a permanent virtual school, subject to certain requirements; authorizing a county board to authorize a school to offer certain virtual learning opportunities for high school students, subject to certain requirements; requiring a school that has elected to transition to virtual education to provide regular assessments and, to the extent practicable, provide each student with access to the same curriculum; requiring a temporary virtual school administrator to require a staff member to conduct certain regular check-ins with students at certain intervals; authorizing an administrator to assign certain staff to conduct the student check-ins; requiring a temporary virtual school to establish a virtual tutoring system or provide additional virtual instruction time, and develop a plan to focus on students with the greatest need and most learning loss; requiring the Department to establish standards for training teachers to prepare virtual education plans; requiring a school providing virtual education to designate a lead digital teacher; requiring a local school system to provide certain periodic professional development and supports for teachers; requiring the Department to provide funding and guidance for a local school system to provide professional development and supports for teachers; requiring a temporary virtual school administrator to develop a culturally appropriate parent engagement plan; requiring a temporary virtual school administrator to use multiple methods of communication during virtual learning to provide certain information to students and parents in certain languages; requiring a temporary virtual administrator to establish certain learning centers under certain circumstances; requiring each county board, on or before a certain date each year, to collect certain data from each school that engaged in virtual education during the previous school year; requiring each county board to publish certain data on its website each year; requiring a teacher employed by a permanent virtual school to have a teacher's certificate issued by the State Superintendent and to participate in a certain career ladder; requiring a county board to establish a temporary administrative office in the State for a temporary virtual school for as long as the school provides virtual education; repealing certain provisions of law related to online courses and services; authorizing a county board to develop or seek the development by the Department of a new virtual education course; establishing a process for the Department to develop or review the development of a new virtual education course; providing for the content of virtual education courses; repealing certain provisions of law related to the establishment of virtual schools; requiring the Department to develop guidelines for the appropriate development, review, and assessment of digital services; prohibiting the approval of a virtual school in the State on or before a certain date; requiring the Department, in consultation with certain experts and on or before a certain date, to study certain information related to virtual education; requiring the Department to develop criteria for the establishment of virtual schools on or before a certain date; requiring the Department to report on the results of the study and the criteria developed to~~

the Governor and the General Assembly on or before a certain date; establishing certain baseline criteria for the establishment of virtual schools, including provisions related to entities authorized to establish virtual schools, the approval of virtual schools, employment at a virtual school, eligibility for enrollment in a virtual school, and other criteria related to the operation and administration of a virtual school; authorizing a county board to transition a public school to a temporary virtual school under certain circumstances; requiring each county board to adopt a temporary virtual education plan, on or before a certain date; providing for the content, updating, and implementation of a temporary virtual education plan; providing for the administration and operation of temporary virtual schools; requiring an administrator of a temporary virtual school to provide regular check-ins with students in a certain manner; requiring the administrator of a temporary virtual school to adopt a certain behavioral health plan; requiring the administrator of a temporary virtual school to develop a certain parent and family engagement plan; requiring an administrator of a temporary virtual school to communicate with students and their families in a certain manner; requiring a county board to establish learning centers under certain circumstances; requiring a county board to collect and publish on its website certain information if a public school engaged in virtual education through a temporary virtual school during the previous school year; requiring the Department to administer grants to provide virtual education high school courses; providing for the content of grant eligible courses; establishing eligibility requirements for virtual education course grants; requiring the Department to adopt regulations to establish criteria for the award and administration of virtual education course grants; requiring the Governor to appropriate certain funds for certain virtual education grant programs in certain fiscal years; requiring the Department and county boards to report to the Governor and the General Assembly on the effects of certain virtual education grant programs on or before certain dates; requiring the Department to establish certain standards; requiring a county board to provide certain virtual education professional development; requiring the Department to provide funding for certain professional development and supports; requiring the Department to provide certain mental health supports for school personnel under certain circumstances; requiring the Department to expand computer and Internet security infrastructure for virtual education; requiring each local school system to dedicate at least a certain number of staff members to oversee security for virtual education; authorizing a county board or public school to provide virtual education in a certain manner under certain circumstances; requiring a community school to address and mitigate the effects of learning loss and chronic absenteeism caused by school closure; repealing certain provisions of law related to the Maryland Virtual Learning Opportunities Fund; providing for the use of certain funds; providing for the construction of certain provisions of this Act; making conforming changes; defining certain terms; and generally relating to virtual education in the State.

~~BY repealing and reenacting, without amendments,
Article — Education
Section 6 — 121(a) and (g)
Annotated Code of Maryland~~

~~(2018 Replacement Volume and 2020 Supplement)
(As enacted by Chapter 36 of the Acts of the General Assembly of 2021)~~

BY repealing

Article – Education
Section 7–1402 through 7–1407
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,

Article – Education
Section ~~6–121(b) and (f), 7–202.1, 7–202.1~~ and 9.9–103
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)
(As enacted by Chapter 36 of the Acts of the General Assembly of 2021)

BY adding to

Article – Education
Section ~~6–127 and 7–128; and 7–1404, 7–1406, and 7–1410~~ 7–1402 through 7–1408
to be under the amended subtitle “Subtitle 14. Virtual Education”
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,

Article – Education
Section ~~7–1401 through 7–1002, 7–1401, and 7–1408~~
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That Section(s) 7–1402 through 7–1407 of Article – Education of the Annotated Code of
Maryland be repealed.

~~SECTION 1. 2. AND BE IT FURTHER ENACTED BY THE GENERAL ASSEMBLY~~
~~OF MARYLAND,~~ That the Laws of Maryland read as follows:

Article – Education

~~6–121.~~

~~(a) A teacher preparation program shall:~~

~~(1) Include the following components of instruction:~~

~~(i) Basic research skills and methods and training on the routine
evaluation and use of research and data to improve student performance;~~

~~(ii) Differentiation of instruction and demonstration of cultural competence for students of diverse racial, ethnic, linguistic, and economic backgrounds with different learning abilities;~~

~~(iii) Implementation of restorative approaches for student behaviors;~~

~~(iv) Identifying and assessing, in the context of the classroom, typical student learning deficits and techniques to remedy learning deficits;~~

~~(v) Recognizing and effectively using high quality instructional materials, including digital resources and computer technology;~~

~~(vi) Core academic subjects that teachers will be teaching;~~

~~(vii) Methods and techniques for identifying and addressing the social and emotional needs of students, including trauma-informed approaches to pedagogy; and~~

~~(viii) Skills and techniques for effective classroom management;~~

~~(2) Require program participants to demonstrate competency in each of the components required under paragraph (1) of this subsection;~~

~~(3) Provide training in the knowledge and skills required to understand and teach the Maryland curriculum frameworks; and~~

~~(4) On or after July 1, 2025, require passing a nationally recognized, portfolio-based assessment of teaching ability as a requirement for graduation.~~

~~(b) (1) Each teacher preparation program shall incorporate classroom observations in which the program participant is observed in different school settings at the beginning of the teacher preparation program to assist a program participant in determining if the program participant has the aptitude and temperament for teaching.~~

~~(2) EACH TEACHER PREPARATION PROGRAM SHALL INCLUDE TRAINING IN THE PEDAGOGY OF VIRTUAL EDUCATION, INCLUDING THE FOLLOWING BEST PRACTICE PRINCIPLES:~~

~~(I) METHODS FOR ACHIEVING THE ITEMS LISTED UNDER SUBSECTION (A)(1) OF THIS SECTION THROUGH VIRTUAL EDUCATION;~~

~~(II) IDENTIFYING THE OPTIMAL COMBINATION OF SYNCHRONOUS AND ASYNCHRONOUS INSTRUCTION;~~

~~(III) PROVIDING OPPORTUNITIES FOR INTERACTIVE INSTRUCTION;~~

~~(IV) DELIVERING TARGETED AND RIGOROUS RACIALLY AWARE AND CULTURALLY RESPONSIVE INSTRUCTION;~~

~~(V) PROVIDING OPPORTUNITIES FOR STUDENT REGULATED PERSONALIZED LEARNING;~~

~~(VI) ALTERNATING HIGH AND LOW INTENSITY ACTIVITIES;~~

~~(VII) USING DIGITAL TOOLS TO CREATE OPPORTUNITIES FOR STUDENT COLLABORATION; AND~~

~~(VIII) INCORPORATING OPPORTUNITIES TO PROMOTE STUDENT REFLECTION.~~

~~(f) To further support and strengthen the profession of teaching in the State, the Department shall:~~

~~(1) Provide technical assistance and other supports to teacher preparation programs at institutions of higher education in the State;~~

~~(2) Develop a systemic method of providing feedback to teacher preparation programs to ensure that institutions of higher education have the most current information about the content, composition, and expectations for teachers of prekindergarten through 12th grade classes; [and]~~

~~(3) Assist teacher preparation programs in seeking and retaining highly qualified individuals, including individuals from groups historically underrepresented in the teaching profession; AND~~

~~(4) PROVIDE GUIDANCE TO LOCAL SCHOOL SYSTEMS FOR THE PERIODIC PROFESSIONAL DEVELOPMENT AND SUPPORT FOR TEACHERS TO ACHIEVE THE VIRTUAL EDUCATION BEST PRACTICE PRINCIPLES LISTED UNDER SUBSECTION (B)(2) OF THIS SECTION.~~

~~(g) The State Board and the Professional Standards and Teacher Education Board shall, in consultation with the Accountability and Implementation Board established under § 5-402 of this article, adopt regulations to carry out the provisions of this section.~~

6-127.

(A) THE PROFESSIONAL STANDARDS AND TEACHER EDUCATION BOARD SHALL DESIGN A COURSE OF TRAINING IN THE PEDAGOGY OF VIRTUAL EDUCATION TO BE OFFERED IN TEACHER PREPARATION PROGRAMS AND TO NEWLY HIRED TEACHERS DURING THE INDUCTION PROCESS.

(B) THE TRAINING DESIGNED UNDER THIS SECTION SHALL INCLUDE THE FOLLOWING BEST PRACTICE PRINCIPLES:

(1) METHODS FOR ACHIEVING THE ITEMS LISTED UNDER § 6-121(A) OF THIS SUBTITLE THROUGH VIRTUAL EDUCATION;

(2) IDENTIFYING THE OPTIMAL COMBINATION OF SYNCHRONOUS AND ASYNCHRONOUS INSTRUCTION;

(3) PROVIDING OPPORTUNITIES FOR INTERACTIVE INSTRUCTION;

(4) DELIVERING TARGETED AND RIGOROUS RACIALLY AWARE AND CULTURALLY RESPONSIVE INSTRUCTION;

(5) PROVIDING OPPORTUNITIES FOR STUDENT-REGULATED PERSONALIZED LEARNING;

(6) ALTERNATING HIGH AND LOW INTENSITY ACTIVITIES;

(7) USING DIGITAL TOOLS TO CREATE OPPORTUNITIES FOR STUDENT COLLABORATION; AND

(8) INCORPORATING OPPORTUNITIES TO PROMOTE STUDENT REFLECTION.

(C) THE DEPARTMENT SHALL PROVIDE GUIDANCE TO LOCAL SCHOOL SYSTEMS FOR THE PERIODIC PROFESSIONAL DEVELOPMENT AND SUPPORT FOR TEACHERS AND EDUCATION SUPPORT PROFESSIONALS TO ACHIEVE THE VIRTUAL EDUCATION BEST PRACTICE PRINCIPLES LISTED UNDER SUBSECTION (B) OF THIS SECTION.

7-128.

(A) IN THIS SECTION, “PILOT PROGRAM” MEANS THE FLIP THE CLASSROOM PILOT PROGRAM.

(B) (1) THERE IS A FLIP THE CLASSROOM PILOT PROGRAM IN THE STATE.

(2) THE PURPOSE OF THE PILOT PROGRAM IS TO ENABLE STUDENTS TO:

(I) LEARN OUTSIDE TEMPORAL INSTRUCTION USING RECORDED LECTURES; AND

(II) SPEND CLASSROOM TIME ON INDIVIDUAL AND GROUP EXERCISES THAT APPLY THE LESSONS FROM THE RECORDED LECTURES.

(C) THE PILOT PROGRAM SHALL PROVIDE TEACHERS WITH THE TOOLS NECESSARY TO:

(1) RECORD A CLASSROOM LECTURE TO BE VIEWED ASYNCHRONOUSLY BY STUDENTS AS HOMEWORK; AND

(2) SPEND CLASSROOM TIME FOSTERING COLLABORATIVE, PEER-TO-PEER WORK BETWEEN STUDENTS BASED ON THE RECORDED LECTURE.

(D) (1) ~~THE DEPARTMENT SHALL IMPLEMENT AND ADMINISTER THE PILOT PROGRAM,~~ IN CONSULTATION WITH SUBJECT MATTER EXPERTS, SPECIALISTS IN COURSE DESIGN, CURRENT CERTIFICATED TEACHERS, AND CURRENT SCHOOL ADMINISTRATORS, SHALL DESIGN AND ADMINISTER THE PILOT PROGRAM BASED ON CURRENT RESEARCH AND BEST PRACTICES INTO INVERTED CLASSROOM AND BLENDED INSTRUCTIONAL MODELS.

(2) ~~A PUBLIC SCHOOL MAY CHOOSE TO PARTICIPATE IN THE PILOT PROGRAM.~~ THE DEPARTMENT SHALL AWARD A GRANT TO A COUNTY BOARD THAT HAS AT LEAST ONE PUBLIC SCHOOL IN ITS JURISDICTION IN WHICH ADMINISTRATORS AND TEACHERS AFFIRMATIVELY VOLUNTEER TO PARTICIPATE IN THE PILOT PROGRAM.

(3) IN AWARDING GRANTS UNDER THE PILOT PROGRAM, TO THE EXTENT PRACTICABLE, THE DEPARTMENT SHALL GIVE PREFERENCE TO SCHOOLS THAT:

(I) ARE ELIGIBLE FOR FUNDING UNDER § 5-223 OF THIS ARTICLE IN THE FISCAL YEAR IN WHICH THE GRANT IS AWARDED;

(II) REPRESENT THE GEOGRAPHIC DIVERSITY OF THE STATE;
AND

(III) CONTAIN TEACHER VOLUNTEERS FROM GROUPS HISTORICALLY UNDERREPRESENTED IN THE TEACHING PROFESSION.

(4) A TEACHER SELECTED TO PARTICIPATE IN THE PILOT PROGRAM SHALL RECEIVE PROFESSIONAL DEVELOPMENT IN VIRTUAL EDUCATION IN ACCORDANCE WITH § 7-1406 OF THIS TITLE.

(E) IN EACH OF FISCAL YEARS 2023 THROUGH 2025, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$250,000 FOR THE PILOT PROGRAM.

(F) (1) USING DATA THAT MEET THE EXPECTATIONS OF STRONG OR MODERATE EVIDENCE AS DEFINED IN THE FEDERAL EVERY STUDENT SUCCEEDS ACT, THE DEPARTMENT SHALL EVALUATE THE PILOT PROGRAM FOR:

(I) ITS EFFICACY IN IMPROVING STUDENT OUTCOMES, WITH RESULTS DISAGGREGATED BY RACE, ETHNICITY, GENDER, DISABILITY STATUS, ENGLISH LANGUAGE LEARNER STATUS, AND INCOME; AND

(II) ITS REPLICABILITY IN PUBLIC SCHOOLS THROUGHOUT THE STATE.

(2) ON OR BEFORE DECEMBER 1, 2025, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE RESULTS OF THE EVALUATION.

7-202.1.

(a) The Department shall, in consultation with experienced and highly effective teachers, including teachers on the career ladder under Title 6, Subtitle 10 of this article, develop curriculum standards and curriculum resources for each subject at each grade level, that build on one another in logical sequence, in core subjects that may be used by local school systems and public school teachers.

(b) (1) The purpose of the curriculum standards and curriculum resources developed under this section is to provide county boards with technical assistance to inform high-quality instruction that will ultimately result in students meeting the college and career readiness standards in the manner described under § 7-205.1 of this subtitle.

(2) The curriculum resources developed under this section shall include, for each core subject at each grade level:

- (i) Course syllabi;
- (ii) Sample lessons for teachers to use as models;
- (iii) Examples of student work that meet standards for proficiency;
- (iv) Explanations of why student work examples meet proficiency standards so that teachers know what student knowledge is required; and
- (v) Curriculum units aligned with the course syllabi.

(3) In developing the curriculum resources under this subsection, the Department:

(i) May use as a model a course or unit developed by a teacher in or out of the State; but

(ii) Shall review each model course and unit for quality, using accepted benchmarks such as approval by EdReports or Tier 1 and Tier 2 evidence-based standards established by the federal Every Student Succeeds Act.

(4) The Department shall compile curriculum units in such a manner that:

(i) Complete courses are formed; and

(ii) When taken by a student in sequence, the student can achieve the college and career readiness standard adopted under § 7-205.1 of this subtitle by the end of grade 10.

(c) The Department shall submit curriculum resources and curriculum standards developed under this section to the State Board for adoption.

(d) (1) (I) ON OR BEFORE ~~JULY 1, 2022~~ SEPTEMBER 1, 2021, THE DEPARTMENT SHALL:

1. ESTABLISH A STATEWIDE UNIVERSAL LEARNING MANAGEMENT SYSTEM FOR EVENTUAL USE IN ALL PUBLIC SCHOOLS IN THE STATE; AND

2. HIRE A DEDICATED EMPLOYEE TO IMPLEMENT AND MANAGE THE UNIVERSAL LEARNING MANAGEMENT SYSTEM.

(II) ~~ON OR BEFORE JULY 1, 2023, EACH COUNTY BOARD SHALL HIRE AT LEAST ONE DEDICATED EMPLOYEE TO COORDINATE USE OF THE UNIVERSAL LEARNING MANAGEMENT SYSTEM WITHIN THE LOCAL SCHOOL SYSTEM. IF A COUNTY BOARD HAS NOT, ON OR BEFORE AUGUST 31, 2021, CONTRACTED TO LICENSE A LEARNING MANAGEMENT SYSTEM OTHER THAN THE UNIVERSAL LEARNING MANAGEMENT SYSTEM ESTABLISHED BY THE DEPARTMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION, ON OR BEFORE JULY 1, 2022, THE COUNTY BOARD SHALL ADOPT THE UNIVERSAL LEARNING MANAGEMENT SYSTEM ESTABLISHED BY THE DEPARTMENT.~~

(III) THE DEPARTMENT SHALL PROVIDE TECHNICAL SUPPORT, AID WITH PROFESSIONAL DEVELOPMENT, AND FINANCIAL SUPPORT TO A COUNTY

BOARD THAT ADOPTS THE UNIVERSAL LEARNING MANAGEMENT SYSTEM ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(IV) THE DEPARTMENT MAY NOT PROVIDE LEARNING MANAGEMENT BASED SUPPORT TO A COUNTY BOARD THAT DOES NOT ADOPT THE UNIVERSAL LEARNING MANAGEMENT SYSTEM ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(2) BEGINNING IN THE 2022–2023 SCHOOL YEAR, THE DEPARTMENT SHALL MAKE THE CURRICULUM STANDARDS DEVELOPED UNDER THIS SECTION AVAILABLE THROUGH THE UNIVERSAL LEARNING MANAGEMENT SYSTEM.

(E) The State Board shall establish a system of assessments to ensure that students are acquiring the knowledge contained in the curriculum standards in English, Mathematics, Science, and History or Social Studies.

[(e)] (F) (1) Using the assessments established under subsection **[(d)] (E)** of this section, the Department shall identify low-performing schools.

(2) An Expert Review Team established under § 5–411 of this article, under the supervision of the Department, shall visit schools identified under paragraph (1) of this subsection according to the criteria established under § 5–411 of this article.

(3) If the Department, based on a recommendation of an Expert Review Team, determines that a school's low performance on assessments is, largely, due to curricular problems, the school shall adopt the curriculum resources developed under this section.

(4) Except as provided in paragraph (3) of this subsection, this section does not require a public school or county board to adopt the Department's curriculum standards and curriculum resources and may not be construed to restrict a county board's authority to adopt curricula under § 4–111 of this article.

7–1002.

(a) The Department shall provide Maryland virtual learning opportunities that include:

(1) Offering a distance-learning program to provide Maryland public school students with equal opportunities to develop a strong academic foundation;

(2) Offering expanded educational choices not otherwise available to students through [online] VIRTUAL EDUCATION courses and services; and

(3) Expanding the professional development opportunities available to educational staff in Maryland public schools through [online] VIRTUAL EDUCATION courses and services.

(b) (1) [(i) A] SUBJECT TO SUBSECTION (C) OF THIS SECTION, A county board may DEVELOP OR SEEK THE DEVELOPMENT OF A NEW VIRTUAL EDUCATION COURSE TO BE OFFERED IN THE LOCAL SCHOOL SYSTEM.

(2) (I) A COUNTY BOARD MAY request that the Department develop A SPECIFIC NEW VIRTUAL EDUCATION COURSE.

(II) [or review and approve online] A COUNTY BOARD MAY DEVELOP A NEW VIRTUAL EDUCATION [courses and services] COURSE, SUBJECT TO THE DEPARTMENT'S REVIEW, under paragraph [(2)] (3) of this subsection IF:

1. THE DEPARTMENT DENIES THE COUNTY BOARD'S REQUEST FOR THE DEPARTMENT TO DEVELOP A SPECIFIC NEW VIRTUAL EDUCATION COURSE UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH; OR

2. THE COUNTY BOARD ELECTS TO DEVELOP A NEW VIRTUAL EDUCATION COURSE ITSELF.

[(ii)] (III) Within 15 days after the receipt of a request under subparagraph (i) of this paragraph, the Department shall determine whether [the development or review and approval of the online courses and services shall be delegated to a county board under paragraph (2)(ii) of this subsection] IT SHALL ACCEPT OR DENY THE REQUEST TO DEVELOP A NEW VIRTUAL EDUCATION COURSE.

[(iii)] (IV) If the Department [does not delegate the development or review and approval of the online courses and services to] ACCEPTS THE REQUEST OF a county board TO DEVELOP A SPECIFIC NEW VIRTUAL EDUCATION COURSE, the Department shall, SUBJECT TO SUBSECTION (C) OF THIS SECTION, develop [or review and approve online courses and services under paragraph (2) of this subsection] A VIRTUAL EDUCATION COURSE within 120 days after the receipt of a request made by a county board under subparagraph (i) of this paragraph.

[(2)] (3) (i) [Subject to subparagraph (ii) of this paragraph, the Department shall:

1. A. Develop online courses and services; or
- B. Review and approve online courses and services;

2. Develop standards for teachers and other school system employees for the offering of courses or services on the Internet or through other developing technologies; and

3. Review courses and courseware to assure quality and alignment with the Maryland content standards and other appropriate standards.

(ii) Subject to subparagraph (v) of this paragraph, the Department may delegate the authority to develop or review and approve online courses and services to a county board.

(iii) If the Department delegates the authority to develop or review and approve online courses and services to a county board, the county board may impose reasonable fees to be paid by the vendor to cover the cost of reviewing and approving online courses and services.

(iv) A county board shall remit 15% of the fees collected under subparagraph (iii) of this paragraph to the Department.

(v) 1. A] AFTER A county board HAS FINISHED DEVELOPING A NEW VIRTUAL EDUCATION COURSE, THE COUNTY BOARD shall [request approval of the online course from] SUBMIT THE PROPOSED NEW COURSE TO the Department [when the county board has completed the development or] FOR review and approval [of online courses and services].

[2.] (II) Within 45 days after [a request] RECEIVING A PROPOSED NEW COURSE under subparagraph 1 of this subparagraph, the Department shall approve or disapprove the [online] NEW VIRTUAL EDUCATION course based on THE COURSE'S ADHERENCE TO SUBSECTION (C) OF THIS SECTION AND ANY ADDITIONAL criteria and guidelines developed by the Department.

[(3)] (4) (i) The development, review, and approval of [an online course or service] A NEW VIRTUAL EDUCATION COURSE conducted under this subsection shall include an assessment regarding the accessibility of the [online] VIRTUAL EDUCATION course [or service] to individuals with disabilities, including the blind.

(ii) The Department may contract with a third party to:

1. Develop an assessment regarding accessibility required under subparagraph (i) of this paragraph; or

2. Conduct an assessment of course accessibility required under subparagraph (i) of this paragraph that will determine the approval or denial status of the course and provide feedback to the [course provider] COUNTY BOARD.

(5) THE DEPARTMENT SHALL DEVELOP GUIDELINES FOR THE APPROPRIATE DEVELOPMENT, REVIEW, AND ASSESSMENT OF DIGITAL SERVICES.

(c) [(1) There is a Maryland Virtual Learning Opportunities Fund.

(2) The State Board may set reasonable fees for:

(i) Developing or reviewing online courses and services;

(ii) Processing approvals for online courses and services;

(iii) Developing an assessment regarding the accessibility of an online course or service to individuals with disabilities, including the blind; and

(iv) Assessing an online course for its accessibility to individuals with disabilities, including the blind.

(3) The fees charged shall be set so as to produce funds to support maintenance of Maryland virtual learning opportunities.

(4) The State Board shall pay all funds collected under this subtitle to the Comptroller of the State.

(5) The Comptroller shall distribute the fees to the Maryland Virtual Learning Opportunities Fund.

(6) The Fund is a continuing, nonlapsing fund not subject to § 7-302 of the State Finance and Procurement Article.

(7) Any unspent portions of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund to be used for the purposes specified in this subtitle.

(8) The Legislative Auditor shall audit the accounts and transactions of the Fund as provided in § 2-1220 of the State Government Article.]

(1) (I) ANY VIRTUAL EDUCATION COURSES OFFERED BY A COUNTY BOARD SHALL BE OFFERED THROUGH SYNCHRONOUS LEARNING.

(II) A COUNTY BOARD MAY NOT ENROLL MORE STUDENTS IN A VIRTUAL EDUCATION COURSE THAN A TEACHER MAY REASONABLY BE EXPECTED TO MEANINGFULLY ENGAGE WITH DURING VIRTUAL EDUCATION.

(2) A TEACHER OF A VIRTUAL EDUCATION COURSE:

(I) MAY NOT BE REQUIRED TO SIMULTANEOUSLY INSTRUCT STUDENTS ATTENDING THE TEACHER'S CLASSROOM IN PERSON; AND

(II) SHALL HAVE OTHER DUTIES, INCLUDING TEACHING, MENTORING, AND LEADING DUTIES REQUIRED UNDER TITLE 6, SUBTITLE 10 OF THIS ARTICLE, REDUCED BY A REASONABLE AMOUNT TO COMPENSATE FOR THE TIME SPENT TEACHING THE VIRTUAL EDUCATION COURSE.

(d) The State Board may adopt regulations to implement the provisions of this section.

Subtitle 14. Virtual [Schools] EDUCATION.

7-1401.

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

(b) ["Sponsor" means the Department or a county school board, having a fiduciary responsibility for the operation of the virtual school.] **"LEARNING LOSS" MEANS A GENERAL OR SPECIFIC LOSS OF KNOWLEDGE OR SKILLS DUE TO AN EXTENDED GAP OR DISCONTINUITY IN A STUDENT'S EDUCATION.**

~~(e) ["Virtual school"] **"PERMANENT VIRTUAL SCHOOL"** means a public school established by the Department or by a county board under § 4-109 of this article in which the school [uses technology to deliver a significant portion of instruction to its students via the Internet in a virtual or remote setting] **CONSISTENTLY AND PERMANENTLY IS ENGAGED IN VIRTUAL EDUCATION.**~~

(C) "QUALITY ONLINE EDUCATION STANDARDS" MEANS THE NATIONAL STANDARDS FOR QUALITY ONLINE LEARNING PROGRAMS.

(D) "STUDENT ELIGIBLE FOR AID" MEANS A CHILD WHO MEETS THE CERTIFICATION OF INCOME ELIGIBILITY UNDER ANY OF THE FOLLOWING:

(1) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM;

(2) TEMPORARY ASSISTANCE FOR NEEDY FAMILIES;

(3) FOSTER CARE;

(4) HEAD START;

(5) EVEN START;

(6) MIGRANT STUDENTS;

(7) HOMELESS STUDENTS;

(8) MEDICAID AND THE MARYLAND CHILDREN'S HEALTH PROGRAM, UP TO 189% OF THE FEDERAL POVERTY LEVEL;

(9) FREE OR REDUCED PRICE MEALS FOR SCHOOLS NOT PARTICIPATING IN THE UNITED STATES DEPARTMENT OF AGRICULTURE COMMUNITY ELIGIBILITY PROVISION; AND

(10) AN ALTERNATIVE FORM DEVELOPED BY THE DEPARTMENT FOR THE COMPENSATORY EDUCATION FORMULA UNDER § 5-222 OF THIS ARTICLE.

~~(D)~~ **(E) "TEMPORARY VIRTUAL SCHOOL" MEANS A PUBLIC SCHOOL THAT IS CLOSED TO IN-PERSON ATTENDANCE DURING EMERGENCY CONDITIONS AND THAT A COUNTY BOARD HAS ELECTED TO TRANSITION TO VIRTUAL EDUCATION UNDER § 7-1402 OF THIS SUBTITLE.**

~~(E)~~ **(F) "VIRTUAL EDUCATION" MEANS THE USE OF TECHNOLOGY TO DELIVER A SIGNIFICANT PORTION OF INSTRUCTION TO STUDENTS VIA THE INTERNET IN A VIRTUAL OR REMOTE SETTING.**

(G) "VIRTUAL SCHOOL" MEANS A PUBLIC SCHOOL ESTABLISHED BY A COUNTY BOARD IN WHICH THE SCHOOL CONSISTENTLY AND PERMANENTLY IS ENGAGED IN VIRTUAL EDUCATION.

~~7-1402.~~

~~(a) Subject to the approval of the Department [, a]:~~

~~(1) IN THE EVENT OF A SUSTAINED EVENT THAT PREVENTS NORMAL ATTENDANCE AT A SCHOOL OVER SEVERAL SCHOOL DAYS, A COUNTY BOARD MAY ELECT TO TRANSITION THE SCHOOL TO VIRTUAL EDUCATION; AND~~

~~(2) A county board may establish a PERMANENT virtual school.~~

~~(b) A [virtual] school ENGAGED IN VIRTUAL EDUCATION is subject to all applicable federal and State laws and regulations governing the operation of a public school.~~

~~(c) IN TRANSITIONING TO VIRTUAL EDUCATION OR ESTABLISHING A PERMANENT VIRTUAL SCHOOL UNDER THIS SECTION, A COUNTY BOARD SHALL ESTABLISH:~~

~~(1) AN EQUITY PLAN TO ENSURE THAT ALL STUDENTS ENGAGED IN VIRTUAL EDUCATION CONTINUE TO RECEIVE A THOROUGH AND FREE EDUCATION;~~

~~(2) A METHOD TO ACCURATELY MEASURE ATTENDANCE;~~

~~(3) A PROCESS TO PROVIDE A FREE AND APPROPRIATE PUBLIC EDUCATION TO A STUDENT WITH A DISABILITY ENROLLED IN VIRTUAL EDUCATION; AND~~

~~(4) A PLAN TO ENSURE THAT STUDENTS CONTINUE TO RECEIVE PHYSICAL EDUCATION.~~

~~[(e)] (d) [A] SUBJECT TO ANY REQUIREMENTS SET BY THE DEPARTMENT OR THE COUNTY BOARD THAT ESTABLISHES THE PERMANENT VIRTUAL SCHOOL, A student who is eligible for enrollment in a public school in the State may enroll in a PERMANENT virtual school.~~

~~(e) (1) SUBJECT TO THE APPROVAL OF THE DEPARTMENT AND PARAGRAPH (2) OF THIS SUBSECTION, A COUNTY BOARD MAY AUTHORIZE A SCHOOL TO OFFER A VIRTUAL LEARNING SENIOR YEAR FOR A PUBLIC HIGH SCHOOL STUDENT'S SENIOR YEAR.~~

~~(2) A COUNTY BOARD THAT AUTHORIZES A PUBLIC HIGH SCHOOL TO OFFER A VIRTUAL SENIOR YEAR SHALL COMPLY WITH THE REQUIREMENTS LISTED UNDER SUBSECTION (C) OF THIS SECTION.~~

~~7-1403.~~

~~(a) (1) A PERMANENT virtual school shall provide each enrolled student:~~

~~[(1)] (I) Access to a sequential curriculum approved by the State Board that meets or exceeds the standards adopted by the county board in the county of the PERMANENT virtual school's principal place of business;~~

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

~~[(3)] (III) Regular assessment in the core areas of instruction as required by regulations adopted by the State Board under [§ 7-1408] § 7-1411 of this subtitle.~~

~~(2) A TEMPORARY VIRTUAL SCHOOL SHALL:~~

~~(i) TO THE EXTENT PRACTICABLE, PROVIDE EACH STUDENT WITH ACCESS TO THE SAME CURRICULUM, SUBJECT TO THE SAME STANDARDS, THAT~~

~~THE STUDENT WOULD HAVE HAD ACCESS TO IF THE SCHOOL HAD NOT TRANSITIONED TO VIRTUAL EDUCATION; AND~~

~~(H) PROVIDE REGULAR ASSESSMENTS TO MEASURE LEARNING LOSS IN CORE AREAS OF INSTRUCTION.~~

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

~~(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN ADMINISTRATOR OF A TEMPORARY VIRTUAL SCHOOL SHALL REQUIRE A STAFF MEMBER TO CONDUCT REGULAR CHECK-INS WITH STUDENTS AT LEAST ONCE PER WEEK.~~

~~(2) AN ADMINISTRATOR SHALL REQUIRE A STAFF MEMBER TO CHECK IN WITH STRUGGLING STUDENTS MULTIPLE TIMES PER WEEK.~~

~~(3) AN ADMINISTRATOR MAY ASSIGN A COMMUNITY SCHOOL COORDINATOR, STAFF MEMBER, OR TEAM OF STAFF TO CONDUCT THE CHECK-INS REQUIRED UNDER THIS SUBSECTION.~~

~~(D) A TEMPORARY VIRTUAL SCHOOL SHALL STRIVE TO PREVENT LEARNING LOSS BY:~~

~~(1) (I) ESTABLISHING A VIRTUAL TUTORING SYSTEM; OR~~

~~(II) PROVIDING INSTRUCTIONAL TIME FOR VIRTUAL LEARNING THAT IS IN ADDITION TO THE DAILY AND HOURLY ATTENDANCE REQUIREMENTS UNDER § 7-103 OF THIS TITLE; AND~~

~~(2) DEVELOPING A PLAN TO FOCUS ON STUDENTS WITH THE GREATEST NEED AND THE MOST LEARNING LOSS, INCLUDING:~~

~~(I) STUDENTS WITH DISABILITIES; AND~~

~~(II) STUDENTS IN HISTORICALLY UNDERSERVED GROUPS, INCLUDING:~~

~~1. ENGLISH LANGUAGE LEARNERS; AND~~

~~2. LOW-INCOME STUDENTS.~~

~~(A) (1) THE DEPARTMENT SHALL ESTABLISH STANDARDS FOR TRAINING TEACHERS ON HOW TO PREPARE VIRTUAL EDUCATION PLANS.~~

~~(2) A SCHOOL PROVIDING VIRTUAL EDUCATION SHALL DESIGNATE A LEAD DIGITAL TEACHER TO ASSIST STUDENTS AND STAFF WITH ENGAGING IN VIRTUAL LEARNING.~~

~~(B) A LOCAL SCHOOL SYSTEM SHALL PROVIDE PERIODIC PROFESSIONAL DEVELOPMENT AND SUPPORTS FOR TEACHERS FOLLOWING THE DEPARTMENT'S GUIDANCE REQUIRED UNDER § 6-121 OF THIS ARTICLE.~~

~~(C) THE DEPARTMENT SHALL PROVIDE FUNDING FOR THE GUIDANCE REQUIRED UNDER § 6-121 OF THIS ARTICLE.~~

~~(D) DURING PROLONGED PERIODS OF SCHOOL CLOSURE DURING WHICH A SCHOOL HAS ELECTED TO TRANSITION TO VIRTUAL EDUCATION, THE DEPARTMENT SHALL PROVIDE MENTAL HEALTH SUPPORTS FOR SCHOOL PERSONNEL.~~

~~[7-1404.] 7-1405.~~

~~(a) [A virtual school] AN ADMINISTRATOR OF A TEMPORARY VIRTUAL SCHOOL shall [provide]:~~

~~(1) PROVIDE to the parent or guardian of each enrolled student:~~

~~[(1)] (I) Instructional materials, including software; and~~

~~[(2)] (II) Information on the closest public facility that offers access to a computer, printer, and Internet connection; AND~~

~~(2) DEVELOP A CULTURALLY APPROPRIATE PARENT ENGAGEMENT PLAN, INCLUDING A SPECIFIC STRATEGY TO ENGAGE WITH:~~

~~(I) FAMILIES OF STUDENTS FROM DIFFERENT ETHNIC AND RACIAL BACKGROUNDS;~~

~~(II) LOW-INCOME FAMILIES; AND~~

~~(III) FAMILIES WHO PRIMARILY SPEAK A LANGUAGE OTHER THAN ENGLISH.~~

~~(b) A TEMPORARY virtual school may not provide funds for the purchase of instructional programs or materials to a student or to a student's parent or guardian.~~

~~(C) (1) AN ADMINISTRATOR OF A TEMPORARY VIRTUAL SCHOOL SHALL USE MULTIPLE METHODS OF COMMUNICATION DURING VIRTUAL EDUCATION TO ENSURE THAT STUDENTS AND PARENTS RECEIVE THE FOLLOWING INFORMATION:~~

~~(I) A DAILY SCHEDULE OF ACTIVITIES AND INSTRUCTION, INCLUDING THE ANTICIPATED SCHEDULE FOR UPCOMING SCHOOL DAYS;~~

~~(II) AN OVERVIEW OF SCHOOL PRIORITIES AND ACTIVITIES FOR THE NEXT 4 WEEKS; AND~~

~~(III) 1. A LIST OF THE SERVICES THAT ARE AVAILABLE, SUCH AS NUTRITIONAL OR TRANSPORTATION SERVICES; AND~~

~~2. INSTRUCTIONS ON HOW TO ACCESS THE SERVICES, INCLUDING THE LOCATIONS AND TIMES THE SERVICES WILL BE AVAILABLE.~~

~~(2) IF POSSIBLE, AN ADMINISTRATOR SHALL PROVIDE THE INFORMATION REQUIRED UNDER THIS SUBSECTION IN THE NATIVE SPOKEN LANGUAGE OF THE PARENTS OF EACH STUDENT.~~

~~7-1406.~~

~~(A) IF IT IS IN ACCORDANCE WITH PUBLIC HEALTH GUIDANCE, AN ADMINISTRATOR OF A TEMPORARY VIRTUAL SCHOOL SHALL:~~

~~(1) ESTABLISH LEARNING CENTERS FOR USE DURING AN EXTENDED SCHOOL CLOSURE IN SUITABLE UNOCCUPIED BUILDINGS, INCLUDING STATE BUILDINGS THAT ARE NOT IN USE; AND~~

~~(2) IF FUNDING IS AVAILABLE DURING THE EXTENDED SCHOOL CLOSURE, ESTABLISH ADDITIONAL LEARNING CENTERS PRIORITIZING:~~

~~(I) COMMUNITY SCHOOLS ELIGIBLE FOR CONCENTRATION OF POVERTY GRANTS UNDER § 5-233 OF THIS ARTICLE; AND~~

~~(II) 1. AREAS WITH HIGH LEVELS OF ABSENTEEISM DURING THE EXTENDED SCHOOL CLOSURE; OR~~

~~2. IF THE DATA UNDER ITEM 1 OF THIS SUBPARAGRAPH IS UNAVAILABLE, AREAS WITH HIGH LEVELS OF ABSENTEEISM DURING THE PREVIOUS SCHOOL YEAR.~~

~~(B) (1) ON OR BEFORE AUGUST 15, 2021, AND EACH AUGUST 15 THEREAFTER, EACH COUNTY BOARD SHALL COLLECT THE FOLLOWING DATA FROM~~

~~EACH SCHOOL THAT ENGAGED IN VIRTUAL EDUCATION DURING THE PREVIOUS SCHOOL YEAR:~~

~~(I) THE LEARNING MODELS EMPLOYED, INCLUDING:~~

- ~~1. VIRTUAL EDUCATION;~~
- ~~2. IN PERSON INSTRUCTION; AND~~
- ~~3. HYBRID INSTRUCTION;~~

~~(II) THE PROPORTION OF SCHOOL HOURS SPENT IN EACH LEARNING MODEL;~~

~~(III) STUDENT ATTENDANCE;~~

~~(IV) STUDENT ENGAGEMENT; AND~~

~~(V) TEACHER ATTENDANCE.~~

~~(2) EACH YEAR, EACH COUNTY BOARD SHALL PUBLISH ON ITS WEBSITE THE DATA REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

~~[7-1405.] 7-1407.~~

~~A teacher employed by a PERMANENT virtual school shall [have]:~~

~~(1) HAVE a teacher's certificate issued by the State Superintendent under Title 6 of this article; AND~~

~~(2) PARTICIPATE IN THE CAREER LADDER ESTABLISHED UNDER TITLE 6, SUBTITLE 10 OF THIS ARTICLE.~~

~~[7-1406.] 7-1408.~~

~~(A) A PERMANENT virtual school shall maintain an administrative office in the State that shall be considered its principal place of business.~~

~~(B) WHEN A COUNTY BOARD ELECTS TO TRANSITION A SCHOOL TO A TEMPORARY VIRTUAL SCHOOL, THE COUNTY BOARD SHALL ESTABLISH A TEMPORARY ADMINISTRATIVE OFFICE IN THE STATE THAT SHALL BE CONSIDERED THE TEMPORARY VIRTUAL SCHOOL'S PRINCIPAL PLACE OF BUSINESS FOR AS LONG AS IT CONTINUES TO PROVIDE VIRTUAL EDUCATION.~~

~~[7-1407.] 7-1409.~~

~~A PERMANENT virtual school shall be evaluated each year by its [sponsor] ADMINISTRATOR based on the following criteria:~~

- ~~(1) The extent to which the school demonstrates increases in student achievement according to county and State academic standards; and~~
- ~~(2) The accountability and viability of the virtual school, as demonstrated by its academic, fiscal, and operational performance.~~

~~7-1410.~~

~~(A) THE DEPARTMENT SHALL EXPAND COMPUTER AND INTERNET SECURITY INFRASTRUCTURE FOR VIRTUAL EDUCATION, INCLUDING STAFF TO MAINTAIN SECURITY.~~

~~(B) EACH LOCAL SCHOOL SYSTEM SHALL DEDICATE AT LEAST ONE STAFF MEMBER TO OVERSEE COMPUTER AND INTERNET SECURITY INFRASTRUCTURE FOR VIRTUAL EDUCATION.~~

7-1402.

(A) NO VIRTUAL SCHOOLS MAY BE APPROVED FOR OPERATION IN THE STATE ON OR BEFORE JULY 1, 2023.

(B) ON OR BEFORE JULY 1, 2023, THE DEPARTMENT, IN CONSULTATION WITH CURRENT PUBLIC SCHOOL TEACHERS, CURRENT PUBLIC SCHOOL ADMINISTRATORS, AND ACADEMIC EXPERTS SHALL:

(1) USING DATA THAT MEET THE EXPECTATIONS OF STRONG OR MODERATE EVIDENCE AS DEFINED IN THE FEDERAL EVERY STUDENT SUCCEEDS ACT, STUDY BEST PRACTICES FOR THE PROVISION OF VIRTUAL EDUCATION, INCLUDING:

(I) THE SUCCESSES AND FAILURES OF VIRTUAL EDUCATION DURING THE COVID-19 PANDEMIC AND HOW LESSONS LEARNED CAN BE INCORPORATED INTO VIRTUAL EDUCATION GOING FORWARD;

(II) HOW TO ENSURE EQUITABLE EDUCATIONS TO ALL STUDENTS IN A VIRTUAL EDUCATION SETTING;

(III) WHETHER PARTICULAR STUDENTS EXCEL OR ARE HARMED UNDER VIRTUAL EDUCATION, THE CAUSES OF THOSE OUTCOMES, AND WHETHER STUDENT ENROLLMENT IN A VIRTUAL SCHOOL SHOULD BE LIMITED BASED ON THOSE OUTCOMES;

(IV) ACCOMMODATIONS THAT MAY NEED TO BE MADE IN ORDER TO PROVIDE SOME STUDENTS WITH A FAIR AND APPROPRIATE PUBLIC EDUCATION;

(V) THE BEST METHODS TO SELECT STUDENTS FOR ENROLLMENT IN A VIRTUAL SCHOOL;

(VI) CRITERIA FOR SELECTING STAFF TO WORK IN AND ADMINISTRATORS TO LEAD VIRTUAL SCHOOLS;

(VII) METHODS TO ACCURATELY ASSESS STUDENT PROGRESS DURING VIRTUAL EDUCATION;

(VIII) THE TYPES OF TOOLS AND RESOURCES THAT ARE NECESSARY FOR A STUDENT TO FULLY LEARN WHEN ENGAGED IN VIRTUAL EDUCATION AND HOW A COUNTY BOARD CAN PROVIDE THEM;

(IX) THE BEHAVIORAL HEALTH COSTS TO VIRTUAL EDUCATION AND HOW THEY MIGHT BE MITIGATED;

(X) HOW BEST TO ACTIVELY INVOLVE PARENTS AND FAMILIES IN THE VIRTUAL EDUCATION PROCESS; AND

(XI) HOW NEEDED SERVICES, INCLUDING NUTRITIONAL SERVICES, MAY BE BEST PROVIDED TO A STUDENT ENROLLED IN A VIRTUAL SCHOOL; AND

(2) DEVELOP CRITERIA FOR THE ESTABLISHMENT OF VIRTUAL SCHOOLS THAT:

(I) INCORPORATE THE DATA GATHERED UNDER ITEM (1) OF THIS SUBSECTION; AND

(II) ARE AT LEAST AS RIGOROUS AS THE CRITERIA LISTED UNDER § 7-1403 OF THIS SUBTITLE.

(C) ON OR BEFORE SEPTEMBER 1, 2023, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE RESULTS OF THE STUDY AND THE CRITERIA DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION.

7-1403.

(A) (1) THE CRITERIA LISTED UNDER THIS SECTION SHALL FORM A BASELINE FOR THE CRITERIA ADOPTED BY THE DEPARTMENT UNDER § 7-1402 OF THIS SUBTITLE.

(2) THE DEPARTMENT'S CRITERIA MUST BE AT LEAST AS RIGOROUS AS THE CRITERIA LISTED UNDER THIS SECTION.

(B) (1) A COUNTY BOARD MAY APPLY TO THE STATE BOARD TO ESTABLISH A VIRTUAL SCHOOL IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBSECTION.

(2) A COUNTY BOARD'S APPLICATION MUST INCLUDE A RIGOROUS PROGRAM OF INSTRUCTION THAT INCLUDES AN EQUIVALENT METHOD FOR SATISFYING ANY REQUIREMENT FOR PUBLIC SCHOOLS IN THE STATE IN A VIRTUAL EDUCATION SETTING.

(3) A COUNTY BOARD'S APPLICATION SHALL INCLUDE ANY ATTENDANCE CRITERIA THAT ARE MORE SPECIFIC THAN THOSE LISTED UNDER SUBSECTION (F) OF THIS SECTION.

(4) A COUNTY BOARD'S APPLICATION SHALL INCLUDE THE PLANNED STAFFING MODEL FOR THE VIRTUAL SCHOOL, INCLUDING PROVISIONS FOR STAFF RECRUITMENT, TRAINING, EVALUATION, AND PROFESSIONAL DEVELOPMENT THAT ARE IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION.

(C) (1) THE STATE BOARD SHALL REVIEW A COUNTY BOARD'S APPLICATION FOR A VIRTUAL SCHOOL WITHIN 120 CALENDAR DAYS OF RECEIPT.

(2) THE STATE BOARD MAY APPROVE AN APPLICATION FOR A VIRTUAL SCHOOL CONTINGENT ON:

(i) THE COUNTY BOARD'S ABILITY TO MEET TIMELINES ESTABLISHED IN THE APPLICATION; AND

(ii) THE COUNTY BOARD'S ABILITY TO PROCURE SUITABLE EQUIPMENT AND SOFTWARE NECESSARY TO FORM A PLAN OF SUITABLY RIGOROUS INSTRUCTION.

(3) THE STATE BOARD'S DECISION TO APPROVE OR DENY AN APPLICATION TO FORM A VIRTUAL SCHOOL IS FINAL.

(D) A VIRTUAL SCHOOL MAY NOT BE ESTABLISHED THROUGH A CONTRACT WITH A FOR-PROFIT PRIVATE ENTITY THAT IS RESPONSIBLE FOR THE DAY-TO-DAY EDUCATION OF STUDENTS IN A VIRTUAL SCHOOL.

(E) (1) EMPLOYEES OF A VIRTUAL SCHOOL:

(I) ARE PUBLIC SCHOOL EMPLOYEES, AS DEFINED IN §§ 6-401(E) AND 6-501(G) OF THIS ARTICLE;

(II) ARE EMPLOYEES OF A PUBLIC SCHOOL EMPLOYER, AS DEFINED IN §§ 6-401(F) AND 6-501(H) OF THIS ARTICLE, IN THE COUNTY IN WHICH THE VIRTUAL SCHOOL IS FORMED; AND

(III) SHALL HAVE THE RIGHTS GRANTED UNDER TITLE 6, SUBTITLES 4 AND 5 OF THIS ARTICLE.

(2) IF A COLLECTIVE BARGAINING AGREEMENT UNDER TITLE 6, SUBTITLE 4 OR SUBTITLE 5 OF THIS ARTICLE IS ALREADY IN EXISTENCE IN THE COUNTY SEEKING TO FORM A VIRTUAL SCHOOL, THE EMPLOYEE ORGANIZATION AND THE PUBLIC SCHOOL EMPLOYER MAY MUTUALLY AGREE TO NEGOTIATE AMENDMENTS TO THE EXISTING AGREEMENT TO ADDRESS THE NEEDS OF THE PARTICULAR VIRTUAL SCHOOL, INCLUDING AMENDMENTS TO WORK DAYS, WORK HOURS, SCHOOL YEAR, EXTRA DUTY ASSIGNMENTS, AND PROCEDURES FOR TRANSFER THAT ARE CONSISTENT WITH PARAGRAPH (3) OF THIS SUBSECTION.

(3) A COUNTY BOARD THAT ESTABLISHES A VIRTUAL SCHOOL SHALL MAKE EVERY ATTEMPT TO CONFIRM THAT A STAFF MEMBER DESIRES TO WORK IN THE VIRTUAL SCHOOL BEFORE ASSIGNING THE STAFF MEMBER TO THE SCHOOL.

(F) (1) ONLY A STUDENT WHO IS ELIGIBLE TO ATTEND A PUBLIC SCHOOL IN THE COUNTY UNDER § 7-301 OF THIS TITLE, MAY ATTEND A VIRTUAL SCHOOL ESTABLISHED BY A COUNTY BOARD.

(2) ADMISSION TO A VIRTUAL SCHOOL IS ENTIRELY VOLUNTARY.

(G) A VIRTUAL SCHOOL SHALL PROVIDE THE FOLLOWING TO EACH ENROLLED STUDENT:

(1) ACCESS TO A SEQUENTIAL CURRICULUM APPROVED BY THE STATE BOARD THAT:

(I) MEETS OR EXCEEDS THE STANDARDS ADOPTED BY THE COUNTY BOARD IN THE COUNTY IN WHICH THE VIRTUAL SCHOOL'S PRINCIPAL PLACE OF BUSINESS IS LOCATED; AND

(II) CONSISTS, AS MUCH AS IS PRACTICABLE, OF SYNCHRONOUS VIRTUAL EDUCATION;

(2) LEARNING OPPORTUNITIES PER ACADEMIC YEAR FOR AT LEAST THE SAME AMOUNT OF TIME REQUIRED FOR PUBLIC SCHOOL STUDENTS;

(3) REGULAR ASSESSMENT IN THE CORE AREAS OF INSTRUCTION AS REQUIRED BY REGULATIONS ADOPTED BY THE STATE BOARD UNDER § 7-1409 OF THIS SUBTITLE;

(4) QUALITY ONLINE EDUCATION STANDARDS; AND

(5) ALL NECESSARY INSTRUCTIONAL MATERIALS, INCLUDING ANY NECESSARY HARDWARE AND SOFTWARE.

(H) A VIRTUAL SCHOOL SHALL MAINTAIN AN ADMINISTRATIVE OFFICE IN THE COUNTY IN WHICH THE SCHOOL IS ESTABLISHED AND THE OFFICE SHALL BE CONSIDERED ITS PRINCIPAL PLACE OF BUSINESS.

(I) A VIRTUAL SCHOOL SHALL BE EVALUATED EACH YEAR BY THE COUNTY BOARD BASED ON THE FOLLOWING CRITERIA:

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

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

7-1404.

(A) IF THERE IS A SUSTAINED EMERGENCY, AS DECLARED BY THE GOVERNOR OR THE GOVERNING BODY OF A COUNTY, THAT PREVENTS REGULAR, IN-PERSON ATTENDANCE AT A PUBLIC SCHOOL OVER SEVERAL SCHOOL DAYS, A COUNTY BOARD MAY ELECT TO TRANSITION THE SCHOOL TO VIRTUAL EDUCATION, SUBJECT TO THE LIMITATIONS OF THIS SECTION.

(B) (1) ON OR BEFORE JUNE 1, 2022, A COUNTY BOARD SHALL, IN CONSULTATION WITH COUNTY ADMINISTRATORS AND SCHOOL STAFF, UPDATE THE COUNTY BOARD'S CONTINUITY OF LEARNING PLAN, IN EFFECT DURING THE COVID-19 PANDEMIC, TO FORM A TEMPORARY VIRTUAL EDUCATION PLAN THAT INCLUDES:

(I) ATTENTION TO STUDENT EQUITY THROUGHOUT ALL ASPECTS OF THE PLAN IN ORDER TO ENSURE THAT ALL STUDENTS ENGAGED IN VIRTUAL EDUCATION CONTINUE TO RECEIVE A THOROUGH AND FREE EDUCATION;

(II) A METHOD TO ACCURATELY MEASURE ATTENDANCE;

(III) A PROCESS TO PROVIDE A FREE AND APPROPRIATE PUBLIC EDUCATION TO A STUDENT WITH A DISABILITY ENROLLED IN TEMPORARY VIRTUAL EDUCATION;

(IV) A METHOD TO MEASURE LEARNING LOSS DURING THE COURSE OF VIRTUAL EDUCATION THAT:

1. INCLUDES BENCHMARKS AT THE INITIATION AND COMPLETION OF VIRTUAL EDUCATION AND PERIODICALLY WHILE IT IS IN EFFECT; AND

2. DOES NOT SIGNIFICANTLY INTERRUPT INSTRUCTION;

(V) INSTRUCTIONAL PROCEDURES DESIGNED TO GUARANTEE STUDENT ENGAGEMENT DURING SYNCHRONOUS VIRTUAL EDUCATION, INCLUDING:

1. ACTIVE PARTICIPATION;

2. VERIFIED PRESENCE DURING THE ENTIRETY OF CLASS TIME; AND

3. WHEN APPROPRIATE, ACTIVATED STUDENT CAMERAS;

(VI) PROPER ASSIGNMENTS FOR ALL SCHOOL PERSONNEL THAT, TO THE EXTENT PRACTICABLE, REASONABLY BALANCE WORKLOADS;

(VII) A PLAN TO PROVIDE NECESSARY INSTRUCTIONAL MATERIAL TO STUDENTS IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION;

(VIII) A PLAN FOR REGULAR STUDENT CHECK-INS IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION;

(IX) A BEHAVIORAL HEALTH PLAN IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION;

(X) A PLAN FOR REGULAR COMMUNICATION WITH PARENTS IN ACCORDANCE WITH SUBSECTION (G) OF THIS SECTION; AND

(XI) A PROCESS TO TRANSITION FROM A TEMPORARY VIRTUAL SCHOOL BACK TO ORDINARY SCHOOL ATTENDANCE.

(2) A COUNTY BOARD SHALL UPDATE THE TEMPORARY VIRTUAL EDUCATION PLAN REQUIRED UNDER THIS SUBSECTION EVERY 2 YEARS.

(3) IF AN EMERGENCY REQUIRES THE CESSATION OF IN-SCHOOL ATTENDANCE AT A PUBLIC SCHOOL, A COUNTY BOARD IMMEDIATELY SHALL PUT THE TEMPORARY VIRTUAL EDUCATION PLAN INTO PLACE AND TRANSITION THE PUBLIC SCHOOL TO A TEMPORARY VIRTUAL SCHOOL.

(4) (I) AS SOON AS IS PRACTICABLE, THE COUNTY BOARD SHALL:

1. ADJUST THE TEMPORARY VIRTUAL EDUCATION PLAN TO FIT THE SPECIFIC NEEDS OF THE SCHOOLS AFFECTED AND THE PARTICULARITIES OF THE EMERGENCY; AND

2. SUBMIT THE ADJUSTED PLAN TO THE STATE BOARD.

(II) IN ADJUSTING THE PLAN UNDER THIS PARAGRAPH, THE COUNTY BOARD SHALL DESIGNATE A LEAD VIRTUAL STAFF MEMBER WHO SHALL ASSIST STUDENTS AND STAFF WITH ENGAGEMENT IN VIRTUAL EDUCATION.

(5) WITHIN 10 CALENDAR DAYS OF RECEIPT OF A TEMPORARY VIRTUAL EDUCATION PLAN, THE STATE BOARD SHALL:

(I) ACCEPT THE PLAN; OR

(II) RETURN THE PLAN TO THE COUNTY BOARD FOR SPECIFIC MODIFICATION.

(6) IF AN ADJUSTED TEMPORARY VIRTUAL EDUCATION PLAN IS RETURNED, THE COUNTY BOARD SHALL MODIFY AND RESUBMIT THE PLAN WITHIN 5 CALENDAR DAYS OF THE DATE THE PLAN IS RETURNED.

(7) THE COUNTY BOARD SHALL PUBLISH THE MOST RECENT TEMPORARY VIRTUAL EDUCATION PLAN AVAILABLE ON THE COUNTY BOARD'S WEBSITE.

(C) A TEMPORARY VIRTUAL SCHOOL SHALL:

(1) TO THE EXTENT PRACTICABLE, PROVIDE EACH STUDENT WITH ACCESS TO THE SAME CURRICULUM, SUBJECT TO THE SAME STANDARDS, THAT THE STUDENT WOULD HAVE HAD ACCESS TO IF THE SCHOOL HAD NOT TRANSITIONED TO VIRTUAL EDUCATION;

(2) WHENEVER PRACTICABLE, PROVIDE INSTRUCTION THROUGH SYNCHRONOUS VIRTUAL EDUCATION; AND

(3) PROVIDE REGULAR ASSESSMENTS TO MEASURE LEARNING LOSS IN CORE AREAS OF INSTRUCTION.

(D) THE ADMINISTRATOR OF A TEMPORARY VIRTUAL SCHOOL SHALL PROVIDE APPROPRIATE INSTRUCTIONAL MATERIALS, INCLUDING ANY NECESSARY HARDWARE OR SOFTWARE, TO THE PARENT OR GUARDIAN OF EACH ENROLLED STUDENT.

(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN ADMINISTRATOR OF A TEMPORARY VIRTUAL SCHOOL SHALL REQUIRE A STAFF MEMBER TO CONDUCT REGULAR CHECK-INS WITH STUDENTS AT LEAST ONCE PER WEEK.

(2) IF A REGULAR CHECK-IN REVEALS THAT A STUDENT IS STRUGGLING WITH THE EDUCATIONAL, EMOTIONAL, BEHAVIORAL, OR PSYCHOLOGICAL STRESSORS OF VIRTUAL EDUCATION, AN ADMINISTRATOR SHALL REQUIRE A STAFF MEMBER TO CHECK IN WITH STRUGGLING STUDENTS MULTIPLE TIMES PER WEEK.

(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, AND IN ACCORDANCE WITH THE BEHAVIORAL HEALTH PLAN ESTABLISHED UNDER SUBSECTION (F) OF THIS SECTION, AN ADMINISTRATOR MAY ASSIGN A COMMUNITY SCHOOL COORDINATOR, STAFF MEMBER, OR TEAM OF STAFF TO CONDUCT THE CHECK-INS REQUIRED UNDER THIS SUBSECTION.

(II) IF A STUDENT IS IDENTIFIED AS STRUGGLING WITH EMOTIONAL, BEHAVIORAL, OR PSYCHOLOGICAL STRESSORS IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, AN ADMINISTRATOR SHALL ARRANGE FOR A SCHOOL PSYCHOLOGIST, A PUPIL PERSONNEL WORKER, A SCHOOL SOCIAL WORKER, A SCHOOL COUNSELOR, OR A BEHAVIORAL HEALTH SPECIALIST TO PERFORM ADDITIONAL CHECK-INS WITH THE STUDENT.

(F) (1) THE ADMINISTRATOR OF A TEMPORARY VIRTUAL SCHOOL SHALL DEVELOP A BEHAVIORAL HEALTH PLAN THAT INCLUDES:

(I) PROPER ASSIGNMENTS FOR ALL BEHAVIORAL AND MENTAL HEALTH STAFF;

(II) METHODS FOR ALL STUDENTS TO ACCESS BEHAVIORAL AND MENTAL HEALTH SUPPORTS, INCLUDING THROUGH TELEHEALTH IF NECESSARY;

(III) PROCEDURES FOR REFERRAL TO PROPER BEHAVIORAL AND MENTAL HEALTH SUPPORTS FOR STUDENTS WHO ARE STRUGGLING; AND

(IV) INCREASED ATTENTION AND CARE FOR STUDENTS STRUGGLING WITH THE EMOTIONAL, BEHAVIORAL, OR PSYCHOLOGICAL STRESSORS OF VIRTUAL EDUCATION.

(2) IN ESTABLISHING A BEHAVIORAL HEALTH PLAN UNDER THIS SUBSECTION, A TEMPORARY VIRTUAL SCHOOL ADMINISTRATOR MAY USE A MULTITIER SYSTEM OF SUPPORTS MODEL.

(G) (1) THE ADMINISTRATOR OF A TEMPORARY VIRTUAL SCHOOL SHALL DEVELOP A CULTURALLY APPROPRIATE PARENT AND FAMILY ENGAGEMENT PLAN, INCLUDING A SPECIFIC STRATEGY TO ENGAGE WITH:

(I) PARENTS AND FAMILIES OF STUDENTS FROM DIFFERENT ETHNIC AND RACIAL BACKGROUNDS;

(II) STUDENTS ELIGIBLE FOR AID; AND

(III) FAMILIES WHO PRIMARILY SPEAK A LANGUAGE OTHER THAN ENGLISH.

(2) AN ADMINISTRATOR OF A TEMPORARY VIRTUAL SCHOOL SHALL USE MULTIPLE METHODS OF COMMUNICATION DURING VIRTUAL EDUCATION TO ENSURE THAT STUDENTS AND PARENTS RECEIVE THE FOLLOWING INFORMATION:

(I) A DAILY SCHEDULE OF ACTIVITIES AND INSTRUCTION, INCLUDING THE ANTICIPATED SCHEDULE FOR UPCOMING SCHOOL DAYS;

(II) AN OVERVIEW OF SCHOOL PRIORITIES AND ACTIVITIES FOR THE NEXT 4 WEEKS; AND

(III) 1. A LIST OF THE SERVICES THAT ARE AVAILABLE, INCLUDING NUTRITIONAL OR TRANSPORTATION SERVICES AND LEARNING CENTERS ESTABLISHED IN ACCORDANCE WITH SUBSECTION (I) OF THIS SECTION; AND

2. INSTRUCTIONS ON HOW TO ACCESS THE SERVICES, INCLUDING THE LOCATIONS AND TIMES THE SERVICES WILL BE AVAILABLE.

(3) IF POSSIBLE, AN ADMINISTRATOR SHALL PROVIDE THE INFORMATION REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION IN THE NATIVE SPOKEN LANGUAGE OF THE PARENTS OF EACH STUDENT.

(H) (1) A TEMPORARY VIRTUAL SCHOOL SHALL STRIVE TO PREVENT LEARNING LOSS BY:

(I) 1. ESTABLISHING A VIRTUAL TUTORING SYSTEM; OR

2. PROVIDING INSTRUCTIONAL TIME FOR VIRTUAL LEARNING THAT IS IN ADDITION TO THE DAILY AND HOURLY ATTENDANCE REQUIREMENTS UNDER § 7-103 OF THIS TITLE; AND

(II) DEVELOPING A PLAN TO FOCUS ON STUDENTS WITH THE GREATEST NEED AND THE MOST LEARNING LOSS, INCLUDING:

1. STUDENTS WITH DISABILITIES; AND

2. STUDENTS IN HISTORICALLY UNDERSERVED GROUPS, INCLUDING:

A. ENGLISH LANGUAGE LEARNERS; AND

B. STUDENTS ELIGIBLE FOR AID.

(2) IN COMPLETING ITS DUTIES UNDER THIS SUBSECTION, A TEMPORARY VIRTUAL SCHOOL MAY NOT REQUIRE STAFF MEMBERS WHOSE TERMS OF EMPLOYMENT ARE SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT TO WORK IN EXCESS OF NEGOTIATED TERMS ON WORK HOURS.

(I) IF IT IS IN ACCORDANCE WITH PUBLIC HEALTH GUIDANCE, A COUNTY BOARD THAT HAS TRANSITIONED A PUBLIC SCHOOL TO A TEMPORARY VIRTUAL SCHOOL SHALL:

(1) WHERE APPROPRIATE AND PRACTICABLE, ESTABLISH LEARNING CENTERS FOR USE DURING AN EXTENDED SCHOOL CLOSURE IN SUITABLE UNOCCUPIED BUILDINGS, INCLUDING STATE BUILDINGS THAT ARE NOT IN USE; AND

(2) IF FUNDING IS AVAILABLE DURING THE EXTENDED SCHOOL CLOSURE, ESTABLISH ADDITIONAL LEARNING CENTERS PRIORITIZING:

(I) COMMUNITY SCHOOLS ELIGIBLE FOR CONCENTRATION OF POVERTY GRANTS UNDER § 5-223 OF THIS ARTICLE; AND

(II) 1. AREAS WITH HIGH LEVELS OF ABSENTEEISM DURING THE EXTENDED SCHOOL CLOSURE; OR

2. IF THE DATA UNDER ITEM 1 OF THIS ITEM IS UNAVAILABLE, AREAS WITH HIGH LEVELS OF ABSENTEEISM DURING THE PREVIOUS SCHOOL YEAR.

(J) (1) ON OR BEFORE AUGUST 15, 2021, AND EACH AUGUST 15 THEREAFTER WHEN APPLICABLE, EACH COUNTY BOARD SHALL COLLECT THE FOLLOWING DATA FROM EACH SCHOOL THAT ENGAGED IN VIRTUAL EDUCATION THROUGH A TEMPORARY VIRTUAL SCHOOL DURING THE PREVIOUS SCHOOL YEAR:

(I) THE LEARNING MODELS EMPLOYED, INCLUDING:

1. VIRTUAL EDUCATION;
2. IN-PERSON INSTRUCTION; AND
3. HYBRID INSTRUCTION;

(II) THE PROPORTION OF SCHOOL HOURS SPENT IN EACH LEARNING MODEL;

(III) STUDENT ATTENDANCE;

(IV) STUDENT ENGAGEMENT; AND

(V) TEACHER ATTENDANCE.

(2) EACH APPLICABLE YEAR, EACH COUNTY BOARD SHALL PUBLISH ON ITS WEBSITE THE DATA REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION DISAGGREGATED BY RACE, ETHNICITY, GENDER, DISABILITY STATUS, ENGLISH PROFICIENCY STATUS, AND INCOME.

7-1405.

(A) IN EACH OF FISCAL YEARS 2023 THROUGH 2025, THE DEPARTMENT SHALL ADMINISTER GRANTS IN ACCORDANCE WITH THIS SECTION TO A COUNTY BOARD TO PROVIDE VIRTUAL EDUCATION COURSES IN A PUBLIC HIGH SCHOOL IN THE COUNTY.

(B) (1) A VIRTUAL EDUCATION COURSE OFFERED UNDER THIS SECTION SHALL BE A COURSE FOR WHICH:

(I) THERE IS INSUFFICIENT STUDENT DEMAND TO OFFER THE COURSE IN EVERY HIGH SCHOOL IN A COUNTY; AND

(II) THERE IS SUFFICIENT STUDENT DEMAND THROUGHOUT THE COUNTY TO ENSURE FULL COURSE ENROLLMENT.

(2) A VIRTUAL EDUCATION COURSE OFFERED UNDER THIS SECTION SHALL BE:

(I) BASED ON COUNTY CURRICULA; OR

(II) IF THE COURSE IS NEWLY ESTABLISHED, DEVELOPED BY THE COUNTY BOARD IN CONSULTATION WITH SUBJECT MATTER EXPERTS AND REPRESENTATIVES FROM THE COLLECTIVE BARGAINING UNIT.

(3) (I) ENROLLMENT FOR A VIRTUAL EDUCATION COURSE OFFERED UNDER THIS SECTION SHALL BE ENTIRELY VOLUNTARY.

(II) PREFERENCE FOR ENROLLMENT IN A VIRTUAL EDUCATION COURSE OFFERED UNDER THIS SECTION SHALL BE GIVEN TO A STUDENT ELIGIBLE FOR AID.

(4) A TEACHER WHO TEACHES A VIRTUAL EDUCATION COURSE OFFERED UNDER THIS SECTION SHALL:

(I) BE AN EMPLOYEE OF THE COUNTY BOARD WITH A CERTIFICATE ISSUED BY THE STATE SUPERINTENDENT UNDER TITLE 6 OF THIS ARTICLE;

(II) BE PROPERLY CREDENTIALLED AND PROFESSIONALLY QUALIFIED TO TEACH THE COURSE;

(III) TEACH THE COURSE THROUGH SYNCHRONOUS VIRTUAL EDUCATION SOLELY TO STUDENTS ENGAGED IN VIRTUAL EDUCATION AND NOT SIMULTANEOUSLY TO STUDENTS ATTENDING IN PERSON AND TO STUDENTS ENGAGED IN VIRTUAL EDUCATION;

(IV) HAVE OTHER DUTIES, INCLUDING TEACHING, MENTORING, AND LEADING DUTIES REQUIRED UNDER TITLE 6, SUBTITLE 10 OF THIS ARTICLE, REDUCED BY A REASONABLE AMOUNT TO COMPENSATE FOR THE TIME SPENT TEACHING A VIRTUAL EDUCATION COURSE; AND

(V) RECEIVE PROFESSIONAL DEVELOPMENT IN VIRTUAL EDUCATION IN ACCORDANCE WITH § 7-1406 OF THIS SUBTITLE.

(C) TO BE ELIGIBLE TO APPLY FOR A GRANT UNDER THIS SECTION, A COUNTY BOARD THAT OFFERS VIRTUAL EDUCATION COURSES SHALL, IN

CONSULTATION WITH SCHOOL ADMINISTRATORS AND STAFF, ESTABLISH AN EQUITY PLAN THAT:

(1) GUARANTEES THAT ALL STUDENTS ENGAGED IN VIRTUAL LEARNING RECEIVE A THOROUGH AND FREE EDUCATION, REGARDLESS OF THEIR BACKGROUNDS;

(2) INCLUDES INSTRUCTIONAL PROCEDURES DESIGNED TO GUARANTEE STUDENT ENGAGEMENT DURING SYNCHRONOUS VIRTUAL EDUCATION, INCLUDING:

(I) ACTIVE PARTICIPATION;

(II) VERIFIED PRESENCE DURING THE ENTIRETY OF CLASS TIME; AND

(III) WHEN APPROPRIATE, ACTIVATED STUDENT CAMERAS; AND

(3) ASSESSES STUDENT COURSE PERFORMANCE WITHOUT SIGNIFICANT INTERRUPTION TO INSTRUCTION.

(D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO ESTABLISH CRITERIA FOR THE AWARD AND ADMINISTRATION OF GRANTS UNDER THIS SECTION.

(E) IN EACH OF FISCAL YEARS 2023 THROUGH 2025, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$500,000 TO THE DEPARTMENT FOR GRANTS TO ESTABLISH VIRTUAL EDUCATION COURSES IN ACCORDANCE WITH THIS SECTION.

(F) ON OR BEFORE DECEMBER 1, 2024, A COUNTY BOARD THAT OFFERED VIRTUAL EDUCATION COURSES UNDER THIS SECTION SHALL REPORT TO THE GOVERNOR AND THE STATE BOARD, FOR EACH YEAR A VIRTUAL EDUCATION COURSE WAS PROVIDED:

(1) THE NUMBER OF VIRTUAL EDUCATION COURSES PROVIDED IN ACCORDANCE WITH THIS SECTION;

(2) THE TYPES OF COURSES OFFERED;

(3) THE NUMBER OF STUDENTS WHO ENROLLED IN THE VIRTUAL EDUCATION COURSES AND WHICH HIGH SCHOOLS THEY WERE ENROLLED IN; AND

(4) DATA ON STUDENT OUTCOMES, INCLUDING COURSE PERFORMANCE, DISAGGREGATED BY RACE, ETHNICITY, GENDER, INCOME, ENGLISH LEARNER STATUS, AND DISABILITY STATUS.

7-1406.

(A) THE DEPARTMENT SHALL ESTABLISH STANDARDS FOR TRAINING TEACHERS ON THE PREPARATION OF VIRTUAL EDUCATION PLANS.

(B) A COUNTY BOARD SHALL PROVIDE PERIODIC PROFESSIONAL DEVELOPMENT AND SUPPORTS FOR TEACHERS FOLLOWING THE DEPARTMENT'S GUIDANCE REQUIRED UNDER § 6-127 OF THIS ARTICLE.

(C) THE DEPARTMENT SHALL PROVIDE FUNDING FOR THE PROFESSIONAL DEVELOPMENT AND SUPPORTS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.

(D) DURING PROLONGED PERIODS OF SCHOOL CLOSURE DURING WHICH A SCHOOL HAS ELECTED TO TRANSITION TO VIRTUAL EDUCATION, THE DEPARTMENT SHALL PROVIDE MENTAL HEALTH SUPPORTS FOR SCHOOL PERSONNEL.

7-1407.

(A) THE DEPARTMENT SHALL EXPAND COMPUTER AND INTERNET SECURITY INFRASTRUCTURE FOR VIRTUAL EDUCATION, INCLUDING STAFF TO MAINTAIN SECURITY.

(B) EACH LOCAL SCHOOL SYSTEM SHALL DEDICATE AT LEAST ONE STAFF MEMBER TO OVERSEE COMPUTER AND INTERNET SECURITY INFRASTRUCTURE FOR VIRTUAL EDUCATION.

7-1408.

(A) NOTHING IN THIS SUBTITLE MAY BE CONSTRUED TO PROHIBIT THE PROVISION OF VIRTUAL INSTRUCTION THROUGH A SCHOOL THAT IS NEITHER A VIRTUAL SCHOOL NOR A TEMPORARY VIRTUAL SCHOOL.

(B) A COUNTY BOARD OR PUBLIC SCHOOL MAY PROVIDE VIRTUAL EDUCATION COURSES TO STUDENTS ENROLLED IN PUBLIC SCHOOLS THAT ARE NEITHER VIRTUAL SCHOOLS NOR TEMPORARY VIRTUAL SCHOOLS IF THE VIRTUAL EDUCATION COURSE:

(1) IS DEVELOPED IN ACCORDANCE WITH § 7-1002 OF THIS TITLE; OR

(2) (I) IS IN EXISTENCE ON JUNE 1, 2021;

(II) IS APPROVED BY THE COUNTY BOARD;

(III) ADHERES TO STATE-APPROVED STANDARDS;

(IV) IS PROVIDED THROUGH EXCLUSIVELY SYNCHRONOUS VIRTUAL EDUCATION; AND

(V) IS TAUGHT BY A TEACHER WHO:

1. IS NOT SIMULTANEOUSLY REQUIRED TO INSTRUCT STUDENTS ATTENDING THE TEACHER'S CLASSROOM IN PERSON AND THROUGH VIRTUAL EDUCATION; AND

2. HAS OTHER DUTIES, INCLUDING TEACHING, MENTORING, AND LEADING DUTIES REQUIRED UNDER TITLE 6, SUBTITLE 10 OF THIS ARTICLE, REDUCED BY A REASONABLE AMOUNT TO COMPENSATE FOR THE TIME SPENT TEACHING THE VIRTUAL EDUCATION COURSE.

(C) A STUDENT IN A PUBLIC SCHOOL MAY BE ENROLLED IN:

(1) EXCLUSIVELY VIRTUAL EDUCATION COURSES ~~THAT~~ IF:

(I) THE COURSES MEET THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION; AND

(II) THE STUDENT AND THE STUDENT'S FAMILY RECEIVE SUPPORTS IN THE MANNER PRESCRIBED UNDER § 7-1404(C) THROUGH (G) OF THIS SUBTITLE; OR

(2) A COURSE OF VIRTUAL EDUCATION INSTRUCTION IN A PUBLIC ELEMENTARY SCHOOL, IF ~~THE~~:

(I) THE STUDENT AND THE STUDENT'S FAMILY RECEIVE SUPPORTS IN THE MANNER PRESCRIBED UNDER § 7-1404(C) THROUGH (G) OF THIS SUBTITLE; AND

(II) THE COURSE OF INSTRUCTION:

~~(I)~~ 1. IS APPROVED BY THE COUNTY BOARD;

~~(II)~~ 2. ADHERES TO STATE-APPROVED STANDARDS;

~~(III)~~ **3. IS PROVIDED THROUGH EXCLUSIVELY SYNCHRONOUS VIRTUAL EDUCATION; AND**

~~(IV)~~ **4. IS TAUGHT BY A TEACHER WHO:**

~~1.~~ **A. IS NOT SIMULTANEOUSLY REQUIRED TO INSTRUCT STUDENTS ATTENDING THE TEACHER'S CLASSROOM IN PERSON AND THROUGH VIRTUAL EDUCATION; AND**

~~2.~~ **B. HAS OTHER DUTIES, INCLUDING TEACHING, MENTORING, AND LEADING DUTIES REQUIRED UNDER TITLE 6, SUBTITLE 10 OF THIS ARTICLE, REDUCED BY A REASONABLE AMOUNT TO COMPENSATE FOR THE TIME SPENT TEACHING THE VIRTUAL EDUCATION COURSE.**

[7-1408.] ~~7-1411.~~ **7-1409.**

The State Board shall adopt regulations to carry out the provisions of this subtitle, including establishing minimum criteria for the establishment ~~and approval~~ of a ~~PERMANENT~~ virtual school **OR THE TRANSITION TO A TEMPORARY VIRTUAL SCHOOL.**

9.9-103.

(a) There are community schools in the State.

(b) A community school shall:

(1) Promote active family and community engagement, including educational opportunities for adults and family members of students at the school who live in the neighborhood of the school;

(2) Have a community school coordinator, as described under § 9.9-104 of this title;

(3) Promote expanded and enriched learning time and opportunities provided after school, during weekends, and in the summer that emphasize mastering 21st-century skills through practical learning opportunities and community problem-solving;

(4) Promote collaborative leadership and practices that empower parents, students, teachers, principals, and community partners to build a culture of professional learning, collective trust, and shared responsibility using strategies such as site-based leadership teams and teacher learning communities;

(5) Have a parent teacher organization or a school family council; [and]

(6) ADDRESS AND MITIGATE THE EFFECTS OF LEARNING LOSS, CAUSED BY THE EFFECTS OF THE COVID-19 PANDEMIC, AND CHRONIC ABSENTEEISM CAUSED BY SCHOOL CLOSURE AND A LACK OF IN-PERSON INSTRUCTION; AND

(7) Have a community school leadership team.

(c) (1) There shall be a Director of Community Schools in the Department.

(2) The Director of Community Schools in the Department shall coordinate professional development for community school coordinators at each community school.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before June 30, 2022, the State Department of Education shall use any funds held under the Maryland Virtual Learning Opportunities Fund on May 31, 2021, to provide grants under §§ 7-128 and 7-1405 of the Education Article as established by Section 2 of this Act.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ June 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.