

**SB0362/373022/1**

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 362  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “requiring a teacher preparation program to include certain training related to teaching in a virtual learning environment as a component of instruction;”; in line 4, after “education;” insert “providing that certain virtual schools approved by the State Department of Education on or before a certain date may continue to operate as a virtual school for a certain period of time under certain circumstances;”;

and after line 10, insert:

“BY adding to  
Article - Education  
Section 7-1401.1  
Annotated Code of Maryland  
(2018 Replacement Volume and 2021 Supplement)”.

AMENDMENT NO. 2

On page 2, in line 24, strike “established” and substitute “:

**(1) ESTABLISHED”;**

in line 25, strike “in which the school” and substitute “:

**(2) THAT”;**

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in the same line, strike “technology” and substitute “ONE OR MORE TECHNOLOGIES”; in line 26, strike “THE MAJORITY of”; strike beginning with “via” in line 26 down through “setting” in line 27 and substitute “ENTIRELY OR PRIMARILY ONLINE; AND

**(3) IN WHICH THE STUDENTS AND INSTRUCTORS PARTICIPATE REMOTELY FROM SEPARATE LOCATIONS**”;

and after line 27, insert:

**“7-1401.1.**

**THIS SUBTITLE DOES NOT APPLY TO:**

**(1) A VIRTUAL LEARNING OPPORTUNITY OFFERED BY THE DEPARTMENT OR A COUNTY BOARD UNDER § 7-1002 OF THIS TITLE; OR**

**(2) AN UPPER-LEVEL HIGH SCHOOL PROGRAM THAT:**

**(i) HAS ONLINE COMPONENTS; AND**

**(ii) DESIGNS A STUDENT’S ACADEMIC PROGRAM TO MAXIMIZE THE FLEXIBILITY OF THE STUDENT’S SCHEDULE TO ACCOMMODATE THE STUDENT’S WORK SCHEDULE.**”.

On page 3, in line 1, after “school” insert “PER GRADE BAND”; after line 4, insert:

**“(3) THE DEPARTMENT MAY REVOKE APPROVAL OF A VIRTUAL SCHOOL IF DURING THE PREVIOUS SCHOOL YEAR THE VIRTUAL SCHOOL FAILS TO MEET THE STANDARDS ESTABLISHED BY THE DEPARTMENT IN REGULATION.”**;

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after line 8, insert:

**“(D) EACH APPROVED VIRTUAL SCHOOL SHALL HAVE A SCHOOL ACCOUNTABILITY CODE ASSIGNED BY THE DEPARTMENT.”;**

in line 9, strike “(D)” and substitute “**(E)** (1)”; in the same line, after “MAY” insert “**NOT**”; in the same line, strike “ONLY”; in line 10, strike “NONPROFIT ORGANIZATION” and substitute “**FOR-PROFIT ENTITY**”; in the same line, strike “PROVIDE SERVICES FOR” and substitute “**OPERATE OR ADMINISTER**”; in the same line, after “SCHOOL” insert “**FOR THE DEPARTMENT OR THE COUNTY BOARD**”; after line 10, insert:

**“(2) THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT THE DEPARTMENT OR A COUNTY BOARD FROM CONTRACTING WITH A FOR-PROFIT ENTITY FOR GOODS AND SERVICES FOR A VIRTUAL SCHOOL.”;**

in line 14, strike “AN” and substitute “**IN ADDITION TO THE CRITERIA ESTABLISHED BY THE DEPARTMENT OR A COUNTY BOARD, AN**”; in line 18, after “(C)” insert “**(1)**”; and after line 20, insert:

**“(2) THE DEPARTMENT MAY AUTHORIZE A COUNTY BOARD TO EXCEED THE CAP UNDER PARAGRAPH (1) OF THIS SUBSECTION ON A SHOWING OF JUST CAUSE.”.**

**AMENDMENT NO. 3**

On page 4, in line 1, strike “AND MARKETING”; strike beginning with “AND” in line 2 down through “STUDENTS” in line 3; in line 15, strike “EXTRACURRICULAR” and substitute “**TO THE EXTENT PRACTICABLE, EXTRACURRICULAR**”; after line 16, insert:

(Over)

**“(II) NOTWITHSTANDING ANY OTHER LAW OR REGULATION AND SUBJECT TO A PARTICIPATION AGREEMENT BETWEEN THE PUBLIC SCHOOL AND THE PARENT OR GUARDIAN OF THE STUDENT, PARTICIPATION IN ORGANIZED ATHLETICS AND ON ATHLETIC TEAMS AT THE PUBLIC SCHOOL THE STUDENT WOULD OTHERWISE BE REQUIRED TO ATTEND;”**;

in lines 17, 18, and 19, strike “(II)”, “(III)”, and “(IV)”, respectively, and substitute “(III)”, “(IV)”, and “(V)”, respectively; in line 23, strike the brackets; in lines 23 and 24, strike “AT LEAST 60% OF THE”; in line 24, strike “ONLINE”; and in line 25, strike “A” and substitute “AN INTERACTIVE”.

On page 5, in line 1, strike “STUDENT” and substitute “AFTER COLLABORATION WITH LOCAL SCHOOL SYSTEMS, STUDENT”; after line 4, insert:

**“(5) DATA REPORTING REQUIREMENTS.”**;

in line 5, strike “(5)” and substitute “(E)”; in the same line, after “THE” insert “DEPARTMENT AND A COUNTY BOARD SHALL ADOPT POLICIES FOR THE”; and in line 6, after “STUDENTS” insert “ENROLLED IN A VIRTUAL SCHOOL, INCLUDING STUDENTS”.

On page 6, in line 8, after “(A)” insert “(1)”; in the same line, strike “employed by” and substitute “ASSIGNED TO”; in the same line, strike the brackets; in the same line, strike the colon; in line 9, strike “(1) HAVE”; in line 10, strike the semicolon and substitute “OR ANY OTHER RELEVANT PROFESSIONAL CERTIFICATION AUTHORIZED UNDER COMAR 13A.12.01.”.

**“(2) TEACHERS OR EDUCATION SUPPORT PERSONNEL ASSIGNED TO WORK IN A VIRTUAL SCHOOL SHALL:”**;

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in lines 11, 13, and 15, strike “(2)”, “(3)”, and “(4)”, respectively, and substitute “(I)”, “(II)”, and “(III)”, respectively; in line 11, after “COUNTY” insert “, OR A COLLABORATING COUNTY,”; in line 17, strike “TEACHERS” and substitute “EMPLOYEES”; in the same line, strike “TEACH” and substitute “WORK”; in line 19, strike “A TEACHER EMPLOYED TO TEACH IN” and substitute “AN EMPLOYEE ASSIGNED TO”; in line 20, after “INSTRUCTION” insert “OR SUPPORT”; and strike beginning with “MAY” in line 27 down through “OR” in line 28 and substitute “SHALL BE CONSISTENT WITH THE”.

AMENDMENT NO. 4

On page 7, after line 16, insert:

“(A) (1) (I) THE STATE SUPERINTENDENT MAY ASSIGN THE DUTIES RELATED TO THE OVERSIGHT OF VIRTUAL SCHOOLS TO THE APPROPRIATE OFFICE OR DIVISION WITHIN THE DEPARTMENT.

(II) THESE DUTIES SHALL INCLUDE:

1. THE DEVELOPMENT, COMPILATION, AND UPDATING OF BEST PRACTICES FOR TEACHING AND LEARNING IN A VIRTUAL ENVIRONMENT, PROVISION OF SERVICES, AND THE OPERATION AND ADMINISTRATION OF A VIRTUAL SCHOOL; AND

2. LAISING WITH COUNTY BOARDS THAT OPERATE VIRTUAL SCHOOLS OR OTHER STAKEHOLDERS.

(2) THE OFFICE OR DIVISION ASSIGNED THE DUTIES UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY CREATE AN ADVISORY COMMITTEE TO PROVIDE ADVICE ON TOPICS REGARDING VIRTUAL SCHOOLS AND VIRTUAL LEARNING.”;

(Over)

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in line 17, before “The” insert “**(B)**”; in line 26, after “issue” insert “and collaboration with local school systems”; after line 26, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) (1) Subject to paragraph (2) of this subsection, a virtual school established and operated by a county board of education under § 4–109 of the Education Article and approved by the State Department of Education under § 7–1402 of the Education Article before the effective date of this Act, including a virtual education program established through the Eastern Shore of Maryland Educational Consortium for students enrolled in public schools in counties that are members of the Consortium, may continue to operate as a virtual school through the 2023–2024 school year.

(2) The State Department of Education may revoke approval of a virtual school authorized to continue operations under paragraph (1) of this subsection if during the previous school year the virtual school performs in the bottom 10% of schools as determined by metrics of the State accountability system.

(b) A virtual school that is authorized to continue operations under subsection (a) of this section is encouraged to seek all available opportunities to bring the virtual school into compliance with the requirements for virtual schools enacted under Section 1 of this Act as soon as practicable if not otherwise inconsistent with the law.”;

and in line 27, strike “3.” and substitute “4.”.