

HB1163/713221/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1163
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 3 down through “principles;” in line 7 and substitute “requiring a teacher preparation program to include certain training related to teaching in a virtual learning environment as a component of instruction; providing that a county board of education may authorize a county superintendent of schools, under certain circumstances, to provide virtual education days to students instead of closing the public schools in the county because of severe weather conditions; requiring the county board to publish the county board’s plan for the use of virtual education days on the school system’s website and requiring the plan to include certain items; requiring a county superintendent to take certain actions and make certain accommodations if the county superintendent decides to provide a virtual education day for public school students in the county;”; in line 8, strike “Department” and substitute “State Department of Education”; in line 10, strike “requiring” and substitute “authorizing”; and in line 11, strike “of education”.

On pages 1 and 2, strike beginning with “repealing” in line 14 on page 1 down through “circumstances;” in line 3 on page 2 and substitute “altering the requirements for virtual schools established by a county board; requiring county boards to adopt virtual education plans for the operation of public schools during a prolonged state of emergency; providing for the contents of a virtual education plan; requiring public schools to establish certain learning supports and a behavioral health plan under certain circumstances; requiring the Department to establish certain training standards for teachers on the provision of virtual education under certain circumstances;”.

On page 2, strike beginning with “repealing” in line 6 down through “Fund;” in line 7 and substitute “requiring the State Superintendent of Schools to report to the State Board of Education and the General Assembly on or before a certain date certain”.

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findings and recommendations regarding the balance between certain types of learning in virtual schools; providing that certain virtual schools approved by the Department on or before a certain date may continue to operate as a virtual school for a certain period of time under certain circumstances; requiring the Department, in consultation with certain stakeholders, to study best practices for the provision of virtual education and submit a certain report on or before a certain date; prohibiting the approval of new elementary grade band virtual school on or before a certain date;”; strike in their entirety lines 9 through 13, inclusive; after line 13, insert:

“BY repealing and reenacting, with amendments,

Article – Education

Section 6–121(a), 7–202.1, 7–1401 through 7–1408, and 9.9–103

Annotated Code of Maryland

(2018 Replacement Volume and 2021 Supplement)”;

in line 16, strike “6–127” and substitute “7–103.2 and 7–1401.1”; in the same line, strike “7–1402 through 7–1408” and substitute “7–14A–01 through 7–14A–09”; in the same line, strike “amended”; strike line 17 in its entirety and substitute “new subtitle “Subtitle 14A. Operation of Public Schools During a Prolonged State of Emergency – Virtual Education Plans””; strike in their entirety lines 20 through 24, inclusive; and strike beginning with “Section(s)” in line 26 down through “That” in line 28.

AMENDMENT NO. 2

On page 2, after line 30, insert:

“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;

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(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;

AND

(IX) TRAINING IN THE SKILLS AND TECHNIQUES FOR TEACHING EFFECTIVELY IN A VIRTUAL LEARNING ENVIRONMENT;

(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.”.

On pages 2 and 3, strike in their entirety the lines beginning with line 31 on page 2 through line 19 on page 3, inclusive.

(Over)

AMENDMENT NO. 3

On page 5, after line 12, insert:

“7-103.2.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A COUNTY BOARD MAY AUTHORIZE THE COUNTY SUPERINTENDENT, IN CASES OF SEVERE WEATHER CONDITIONS, TO PROVIDE VIRTUAL EDUCATION DAYS TO STUDENTS INSTEAD OF CLOSING THE PUBLIC SCHOOLS IN THE COUNTY DURING A SEVERE WEATHER EVENT.

(B) BEFORE A COUNTY BOARD MAY AUTHORIZE THE COUNTY SUPERINTENDENT TO PROVIDE VIRTUAL EDUCATION DAYS TO STUDENTS IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION, THE COUNTY BOARD SHALL:

(1) DISCUSS THIS TOPIC AT AN OPEN MEETING; AND

(2) VOTE AFFIRMATIVELY TO AUTHORIZE THE COUNTY SUPERINTENDENT TO PROVIDE VIRTUAL EDUCATION DAYS TO STUDENTS DURING A SEVERE WEATHER EVENT.

(C) (1) A COUNTY BOARD SHALL PUBLISH THE COUNTY BOARD’S PLAN FOR THE USE OF VIRTUAL EDUCATION DAYS ON THE SCHOOL SYSTEM’S WEBSITE.

(2) THE COUNTY BOARD’S PLAN PUBLISHED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) A PLAN TO ENSURE THAT ATTENDANCE WILL BE TAKEN FOR ALL STUDENTS AND TEACHERS DURING EACH VIRTUAL EDUCATION DAY;

(II) A PLAN TO PROVIDE OPPORTUNITIES FOR STUDENTS TO MAKE UP WORK MISSED DURING VIRTUAL EDUCATION DAYS WHEN THEY RETURN TO IN-PERSON SCHOOL;

(III) A PLAN TO ENSURE THAT ALL STAFF AND STUDENTS, INCLUDING STUDENTS WITH DISABILITIES, HOMELESS STUDENTS, AND ENGLISH LANGUAGE LEARNERS, HAVE THE NECESSARY DEVICES AT HOME FOR VIRTUAL EDUCATION DAYS, INCLUDING ACCESS TO WI-FI; AND

(IV) SPECIFIC STRATEGIES FOR THE CONTINUED IMPLEMENTATION OF INDIVIDUALIZED EDUCATION PROGRAMS DURING THE VIRTUAL EDUCATION DAY, INCLUDING SPECIALLY DESIGNED INSTRUCTION, RELATED SERVICES, SUPPLEMENTARY AIDS AND SERVICES, AND ACCOMMODATIONS.

(D) A COUNTY SUPERINTENDENT MAY DECIDE TO PROVIDE A DAY OF VIRTUAL EDUCATION FOR PUBLIC SCHOOL STUDENTS IN THE COUNTY ONLY IF:

(1) THE LOCAL SCHOOL SYSTEM HAS USED ALL THE DAYS INCORPORATED INTO ITS CALENDAR FOR SCHOOL CLOSURES FOR SEVERE WEATHER CONDITIONS;

(2) THE COUNTY BOARD HAS AUTHORIZED THE COUNTY SUPERINTENDENT TO PROVIDE VIRTUAL EDUCATION DAYS TO STUDENTS IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION; AND

(3) THE COUNTY SUPERINTENDENT DETERMINES THAT SEVERE WEATHER CONDITIONS ARE LIKELY TO PREVENT NORMAL ATTENDANCE AT THE PUBLIC SCHOOL.

(E) (1) IF A COUNTY SUPERINTENDENT DECIDES TO PROVIDE A VIRTUAL EDUCATION DAY FOR PUBLIC SCHOOL STUDENTS IN THE COUNTY, THE COUNTY SUPERINTENDENT SHALL NOTIFY THE SCHOOL PRINCIPALS AS SOON AS POSSIBLE AFTER THE DECISION IS MADE.

(2) A SCHOOL PRINCIPAL WHO RECEIVES NOTICE OF A VIRTUAL EDUCATION DAY IMMEDIATELY SHALL NOTIFY THE STUDENTS, PARENTS, AND SCHOOL STAFF OF THE IMPLEMENTATION OF THE VIRTUAL EDUCATION DAY.

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(F) (1) A VIRTUAL EDUCATION DAY SHALL CONSIST OF NOT LESS THAN 4 HOURS OF SYNCHRONOUS INSTRUCTION, AND ASYNCHRONOUS INSTRUCTION DESIGNED TO MAXIMIZE THE ADVANTAGES OF ONLINE ACCESS.

(2) A COUNTY SUPERINTENDENT SHALL ADEQUATELY DESIGN THE VIRTUAL EDUCATION DAY MODEL BEFORE IMPLEMENTATION OF THE FIRST VIRTUAL EDUCATION DAY.”.

AMENDMENT NO. 4

On page 6, strike beginning with “ON” in line 23 down through “2023,” in line 24; and in line 24, strike “SHALL” and substitute “MAY”.

On page 7, in line 1, strike “2023–2024” and substitute “2024–2025”.

On pages 7 through 11, strike in their entirety the lines beginning with line 20 on page 7 through line 2 on page 11, inclusive.

AMENDMENT NO. 5

On pages 11 through 16, strike in their entirety the lines beginning with line 3 on page 11 through line 23 on page 16, inclusive.

On page 16, after line 23, insert:

“Subtitle 14. Virtual Schools.

7–1401.

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

(b) “Quality online education standards” means the National Standards for Quality Online Programs: Second Edition (2019).

(c) “Sponsor” means [the Department or] a county [school] board, having a fiduciary responsibility for the operation of the virtual school.

(d) “Virtual school” means a public school [established]:

(1) ESTABLISHED by [the Department or by] a county board OR MULTIPLE COUNTY BOARDS UNDER A WRITTEN AGREEMENT under § 4–109 of this article [in which the school];

(2) THAT uses [technology] ONE OR MORE TECHNOLOGIES to deliver [a significant portion of] instruction to its students [via the Internet in a virtual or remote setting] ENTIRELY OR PRIMARILY ONLINE; AND

(3) IN WHICH THE STUDENTS AND INSTRUCTORS PARTICIPATE REMOTELY FROM SEPARATE LOCATIONS.

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;

(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; OR

(3) A PUBLIC SCHOOL OPERATING UNDER A VIRTUAL EDUCATION PLAN DURING A PROLONGED STATE OF EMERGENCY UNDER SUBTITLE 14A OF THIS TITLE.

7–1402.

(Over)

(a) (1) [Subject] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBJECT to the approval of the Department, a county board may establish [a] ONE virtual school FOR THE ELEMENTARY, MIDDLE, AND HIGH SCHOOL GRADE BANDS.

(2) THE DEPARTMENT MAY PROVIDE PRELIMINARY AUTHORIZATION TO A COUNTY BOARD TO ESTABLISH ONE ADDITIONAL VIRTUAL SCHOOL ON A SHOWING OF JUST CAUSE, AS DETERMINED BY THE DEPARTMENT.

(3) EACH VIRTUAL SCHOOL SHALL RECEIVE FINAL APPROVAL FROM THE STATE BOARD.

(4) THE DEPARTMENT MAY REVOKE APPROVAL OF A VIRTUAL SCHOOL, SUBJECT TO FINAL APPROVAL OF THE STATE BOARD, IF DURING THE PREVIOUS SCHOOL YEAR THE VIRTUAL SCHOOL FAILS TO MEET THE STANDARDS ESTABLISHED BY THE DEPARTMENT IN REGULATION.

(B) A VIRTUAL SCHOOL MAY NOT INCLUDE CLASSES FOR PREKINDERGARTEN OR KINDERGARTEN STUDENTS.

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

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

(E) (1) A COUNTY BOARD MAY NOT CONTRACT WITH A FOR-PROFIT ENTITY, BUT MAY CONTRACT WITH A NONPROFIT ENTITY, TO OPERATE OR ADMINISTER A VIRTUAL SCHOOL FOR THE COUNTY BOARD.

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

7-1403.

[(c)] (A) A student who is eligible for enrollment in a public school in the State [may] IS ELIGIBLE TO enroll in a virtual school.

(B) IN ADDITION TO THE CRITERIA ESTABLISHED BY THE DEPARTMENT OR A COUNTY BOARD, AN APPLICATION FOR ENROLLMENT IN A VIRTUAL SCHOOL SHALL REQUIRE AN APPLICANT TO DESCRIBE WHY INSTRUCTION IN A VIRTUAL LEARNING ENVIRONMENT WILL LEAD TO SUCCESSFUL ACADEMIC OUTCOMES FOR THE APPLICANT.

(C) (1) NOT MORE THAN 10% OF THE STUDENTS WHO WOULD OTHERWISE ATTEND A SINGLE PUBLIC SCHOOL IN THE COUNTY IN ANY SCHOOL YEAR MAY ENROLL IN A VIRTUAL SCHOOL ESTABLISHED BY A COUNTY BOARD.

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

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF A COUNTY BOARD RECEIVES MORE APPLICATIONS THAN THERE ARE AVAILABLE SPACES IN A VIRTUAL SCHOOL, THE COUNTY BOARD SHALL ADMIT ALL STUDENTS ON A LOTTERY BASIS.

(2) A COUNTY BOARD SHALL GIVE GREATER WEIGHT TO A STUDENT'S LOTTERY STATUS AS A PART OF A LOTTERY HELD UNDER PARAGRAPH (1) OF THIS SUBSECTION BASED ON DEMOGRAPHIC DIVERSITY UNDER SUBSECTION (E) OF THIS SUBSECTION AND ANY OTHER CRITERIA ESTABLISHED BY THE COUNTY BOARD.

(E) TO THE EXTENT PRACTICABLE, THE STUDENT BODY OF A VIRTUAL SCHOOL SHALL REFLECT THE SOCIOECONOMIC, RACIAL, ETHNIC, CULTURAL, AND GENDER DIVERSITY OF THE STUDENTS ENROLLED IN THE PUBLIC SCHOOL SYSTEM IN THE COUNTY.

(F) THE COUNTY BOARD SHALL DEVELOP AN OUTREACH CAMPAIGN TO PROVIDE INFORMATION TO THE PUBLIC ON THE AVAILABILITY OF THE VIRTUAL SCHOOL OPTION.

[7-1403.] 7-1404.

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

(1) 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 virtual school's principal place of business OR THE COUNTY DESIGNATED UNDER A WRITTEN AGREEMENT BETWEEN MULTIPLE COUNTY BOARDS;

(2) 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) Regular assessment in the core areas of instruction as required by regulations adopted by the State Board under [§ 7-1408] § 7-1409 of this subtitle; AND

(4) ACCESS TO THE FOLLOWING SERVICES:

(I) TO THE EXTENT PRACTICABLE, EXTRACURRICULAR ACTIVITIES AT THE PUBLIC SCHOOL THE STUDENT WOULD OTHERWISE BE REQUIRED TO ATTEND;

(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;

(III) WRAPAROUND SERVICES;

(IV) FOOD AND NUTRITION SERVICES; AND

(V) HEALTH CARE SERVICES EQUIVALENT TO SERVICES AVAILABLE TO STUDENTS WHO RECEIVE IN-PERSON INSTRUCTION IN THE PUBLIC SCHOOLS IN THE COUNTY.

(b) A curriculum adopted under subsection (a) of this section shall have [an]:

(1) AN interactive program with significant online components; AND

(2) AN INTERACTIVE SOCIAL AND EMOTIONAL WELLNESS COMPONENT DESIGNED FOR A VIRTUAL SCHOOL ENVIRONMENT.

(c) Beginning in the 2022–2023 school year, a virtual school shall follow the quality online education standards.

(D) THE DEPARTMENT SHALL ESTABLISH IN REGULATION THE FOLLOWING STANDARDS FOR ALL VIRTUAL SCHOOLS:

(1) AFTER COLLABORATION WITH LOCAL SCHOOL SYSTEMS, STUDENT ATTENDANCE REQUIREMENTS AND REPORTING;

(2) STUDENT ENGAGEMENT AND CONDUCT;

(3) PROGRAM QUALITY METRICS;

(4) TRACKING AND USE OF STUDENT DATA; AND

(5) DATA REPORTING REQUIREMENTS.

(E) A COUNTY BOARD SHALL ADOPT POLICIES FOR THE MANDATORY RETURN TO IN-PERSON INSTRUCTION FOR STUDENTS ENROLLED IN A VIRTUAL SCHOOL, INCLUDING STUDENTS WHO ARE FAILING ACADEMICALLY AFTER RECEIVING THE APPROPRIATE SUPPORTS.

[7-1404.] 7-1405.

(Over)

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(a) A virtual school shall provide to the parent or guardian of each enrolled student:

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

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

(3) INFORMATIONAL MATERIALS ON:

(I) SCHOOL POLICIES;

(II) STUDENT ATTENDANCE, CONDUCT, AND ENGAGEMENT REQUIREMENTS;

(III) ACCESS TO EXTRACURRICULAR ACTIVITIES AND WRAPAROUND SERVICES;

(IV) ACCESS TO FOOD AND NUTRITION SERVICES AND HEALTH CARE SERVICES;

(V) TECHNOLOGY REQUIREMENTS AND SUPPORT SERVICES;

(VI) CYBERSECURITY POLICY AND BEST PRACTICES;

(VII) TEACHER CONTACT INFORMATION AND OFFICE HOURS;

AND

(VIII) ANY OTHER RELEVANT INFORMATION AS DETERMINED BY THE VIRTUAL SCHOOL.

(B) (1) A VIRTUAL SCHOOL IS STRONGLY ENCOURAGED TO HOLD IN-PERSON ORIENTATION SESSIONS WITH THE STUDENTS, PARENTS OR GUARDIANS, AND SCHOOL PERSONNEL TO PROVIDE THE INFORMATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.

(2) A VIRTUAL SCHOOL SHALL HOLD AN ONLINE ORIENTATION TO PROVIDE THE INFORMATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION IF THE VIRTUAL SCHOOL IS UNABLE TO HOLD IN-PERSON ORIENTATION SESSIONS.

[(b)] (C) A virtual school [may]:

(1) MAY not provide funds for the purchase of instructional programs or materials to a student or to a student's parent or guardian; AND

(2) SHALL PROVIDE THE APPROPRIATE DIGITAL DEVICE TO A STUDENT TO PARTICIPATE IN THE VIRTUAL SCHOOL, IF REQUIRED.

[7-1405.] 7-1406.

(A) (1) A teacher [employed by] ASSIGNED TO a virtual school shall have a teacher's certificate issued by the State Superintendent under Title 6 of this article 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:

(I) BE AN EMPLOYEE OF THE COUNTY, OR A COLLABORATING COUNTY, THAT ESTABLISHED THE VIRTUAL SCHOOL;

(II) SUBJECT TO SUBSECTION (B) OF THIS SECTION, BE SUBJECT TO THE COLLECTIVE BARGAINING AGREEMENT OF THAT JURISDICTION; AND

(III) HAVE ACCESS TO PROFESSIONAL DEVELOPMENT.

(B) A COLLECTIVE BARGAINING AGREEMENT MAY INCLUDE PROVISIONS SPECIFIC TO EMPLOYEES WHO WORK IN A VIRTUAL SCHOOL IN CONSIDERATION

(Over)

OF THE CONDITIONS AND REQUIREMENTS RELEVANT TO THAT WORK ENVIRONMENT.

(C) AN EMPLOYEE ASSIGNED TO A VIRTUAL SCHOOL MAY NOT BE REQUIRED TO PROVIDE VIRTUAL AND IN-PERSON INSTRUCTION OR SUPPORT TO STUDENTS SIMULTANEOUSLY.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COUNTY BOARD SHALL DETERMINE THE APPROPRIATE STUDENT-TEACHER RATIO FOR THE SIZE OF A CLASS IN A VIRTUAL SCHOOL BASED ON MULTIPLE FACTORS, INCLUDING GRADE LEVEL, SUBJECT MATTER, AND TEACHER WORKLOAD.

(2) THE SIZE OF A CLASS IN A VIRTUAL SCHOOL SHALL BE CONSISTENT WITH THE COUNTYWIDE AVERAGE CLASS SIZE FOR IN-PERSON CLASSES.

(E) A VIRTUAL SCHOOL SHALL PROVIDE TO A TEACHER AND ANY OTHER EMPLOYEE EMPLOYED TO TEACH OR PROVIDE DIRECT INSTRUCTION IN A VIRTUAL SCHOOL:

(1) THE TECHNOLOGY AND EQUIPMENT REQUIRED TO PERFORM THE FUNCTIONS OF THE JOB; AND

(2) IF NECESSARY, A PHYSICAL SPACE TO CONDUCT TEACHING OR PROVIDE DIRECT INSTRUCTION IN THE VIRTUAL SCHOOL.

(F) A VIRTUAL SCHOOL SHALL HAVE A PLANNED STAFFING MODEL, INCLUDING PROVISIONS FOR STAFF RECRUITMENT, TRAINING, EVALUATION, AND PROFESSIONAL DEVELOPMENT.

[7-1406.] 7-1407.

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

[7-1407.] 7-1408.

A virtual school shall be evaluated each year by [its sponsor] 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.

[7-1408.] 7-1409.

(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. LIAISING 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)

(B) 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 virtual school.

AMENDMENT NO. 6

On page 16, before line 24, insert:

“SUBTITLE 14A. OPERATION OF PUBLIC SCHOOLS DURING A PROLONGED STATE OF EMERGENCY – VIRTUAL EDUCATION PLANS.

7-14A-01.

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

(B) “LEARNING LOSS” MEANS A GENERAL OR SPECIFIC LOSS OF KNOWLEDGE OR SKILLS DUE TO AN EXTENDED GAP OR DISCONTINUITY IN A STUDENT’S REGULAR EDUCATION PROGRAM.

(C) “PROLONGED STATE OF EMERGENCY” MEANS A STATE OF EMERGENCY DECLARED BY THE GOVERNOR UNDER TITLE 14 OF THE PUBLIC SAFETY ARTICLE THAT PREVENTS REGULAR, IN-PERSON ATTENDANCE AT A PUBLIC SCHOOL FOR AT LEAST 14 SCHOOL DAYS.

(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 U.S. 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.

(E) "VIRTUAL EDUCATION" MEANS ACADEMIC INSTRUCTION:

(1) BY WHICH ONE OR MORE TECHNOLOGIES ARE USED TO DELIVER A SIGNIFICANT PORTION OF THE TEACHING TO STUDENTS ENTIRELY OR PRIMARILY ONLINE; AND

(2) IN WHICH STUDENTS AND INSTRUCTORS PARTICIPATE REMOTELY FROM SEPARATE LOCATIONS."

in line 24, strike "7-1404." and substitute "7-14A-02."; strike beginning with "SUSTAINED" in line 25 down through "DAYS" in line 27 and substitute "PROLONGED STATE OF EMERGENCY"; in line 28, strike "ELECT TO"; in the same line, strike

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“SCHOOL” and substitute “PUBLIC SCHOOLS IN THE COUNTY”; in the same line, after “EDUCATION” insert “UNDER AN APPROVED VIRTUAL EDUCATION PLAN”; in line 30, after “(1)” insert “(I)”; in line 31, strike “UPDATE” and substitute “USE”; and in the same line, after “STAFF,” insert “ADOPT A VIRTUAL EDUCATION PLAN FOR USE DURING A PROLONGED STATE OF EMERGENCY.”

(II) A COUNTY BOARD SHALL.

On page 17, in line 1, strike “COVID-19 PANDEMIC” and substitute “2020-2021 SCHOOL YEAR”; in the same line, strike “TEMPORARY”; in the same line, after “PLAN” insert a period; and in lines 1 and 2, strike “THAT INCLUDES” and substitute:

(2) A VIRTUAL EDUCATION PLAN SHALL INCLUDE THE FOLLOWING COMPONENTS:

(I) A STAFFING AND PERSONNEL ASSIGNMENT PLAN;

(II) A STUDENT INSTRUCTION PLAN;

(III) A STUDENT ASSESSMENT AND LEARNING SUPPORT PLAN;

(IV) A SOCIAL AND EMOTIONAL LEARNING PLAN;

(V) A COMMUNITY COMMUNICATIONS PLAN;

(VI) A TECHNOLOGY PLAN;

(VII) A NUTRITIONAL AND HEALTH SERVICES PLAN; AND

(VIII) A PLAN FOR RETURN TO IN-PERSON INSTRUCTION.

On pages 17 and 18, strike in their entirety the lines beginning with line 3 on page 17 through line 4 on page 18, inclusive.

On page 18, in lines 5, 7, 11, 19, 24, and 27, strike “**(2)**”, “**(3)**”, “**(4)**”, “**(5)**”, “**(6)**”, and “**(7)**”, respectively, and substitute “**(C)**”, “**(D) (1)**”, “**(2)**”, “**(E) (1)**”, “**(2)**”, and “**(F)**”, respectively; in lines 5, 9, 12, 19, 24, and 28, in each instance, strike “**TEMPORARY**”; in line 6, strike “**REQUIRED UNDER THIS SUBSECTION**”; in line 7, strike “**AN**” and substitute “**A PROLONGED STATE OF**”; in line 8, after “**SCHOOL**” insert “**AND THE COUNTY BOARD DETERMINES VIRTUAL EDUCATION IS REQUIRED**”; in the same line, strike “**PUT**” and substitute “**IMPLEMENT**”; in line 9, strike “**INTO PLACE**”; in line 10, strike “**A TEMPORARY VIRTUAL SCHOOL**” and substitute “**VIRTUAL EDUCATION**”; in line 11, strike “**AS SOON AS IS PRACTICABLE, THE**” and substitute “**A**”; strike beginning with “**SHALL**” in line 11 down through “**ADJUST**” in line 12 and substitute “**MAY ADJUST**”; strike beginning with the semicolon in line 14 down through “**THE**” in line 15 and substitute “**.**

(II) A COUNTY BOARD SHALL SUBMIT AN”;

in line 15, after “**BOARD**” insert “**AS SOON AS PRACTICABLE**”; strike in their entirety lines 16 through 18, inclusive; and after line 29, insert:

“7-14A-03.

(A) THE COMPONENTS OF A VIRTUAL EDUCATION PLAN ADOPTED UNDER § 7-14A-02 OF THIS SUBTITLE SHALL INCLUDE THE INFORMATION INDICATED IN THIS SECTION.

(Over)

(B) THE STAFFING AND PERSONNEL ASSIGNMENT PLAN SHALL PROVIDE AN APPROPRIATE ASSIGNMENT FOR ALL SCHOOL PERSONNEL AND, TO THE EXTENT PRACTICABLE, REASONABLY BALANCED WORKLOADS.

(C) (1) THE STUDENT INSTRUCTION PLAN SHALL INCLUDE:

(I) PROVISION OF INSTRUCTION THROUGH THE APPROPRIATE BALANCE OF SYNCHRONOUS AND ASYNCHRONOUS LEARNING;

(II) ACCESS TO THE SAME CURRICULUM, SUBJECT TO THE EQUIVALENT STANDARDS, AS PROVIDED THROUGH IN-PERSON INSTRUCTION;

(III) STUDENT ENGAGEMENT PROCEDURES, INCLUDING METHODS TO ENCOURAGE ACTIVE PARTICIPATION, VERIFIED STUDENT PRESENCE DURING THE ENTIRE CLASS PERIOD, AND ACTIVATED CAMERAS, WHEN APPROPRIATE;

(IV) A METHOD FOR PROVIDING INSTRUCTIONAL MATERIALS TO STUDENTS; AND

(V) ATTENTION TO STUDENT EQUITY TO ENSURE ALL STUDENTS ARE RECEIVING A THOROUGH AND APPROPRIATE EDUCATION DURING THE PERIOD OF VIRTUAL EDUCATION.

(2) A COUNTY BOARD SHALL ENSURE THAT STUDENTS WITH A DISABILITY ARE RECEIVING THEIR REQUIRED SERVICES AND A FREE AND APPROPRIATE PUBLIC EDUCATION THROUGH VIRTUAL EDUCATION.

(D) THE STUDENT ASSESSMENT AND LEARNING SUPPORT PLAN SHALL INCLUDE:

(1) THE ADMINISTRATION OF REGULAR ASSESSMENTS, PROVIDED THAT THE ADMINISTRATION DOES NOT SIGNIFICANTLY DISRUPT REGULAR INSTRUCTION;

(2) A PROCESS FOR ESTABLISHING BENCHMARKS AT THE START AND END OF VIRTUAL EDUCATION, AND PERIODICALLY DURING THE COURSE OF VIRTUAL EDUCATION, IF REQUIRED; AND

(3) PROVISION OF ADDITIONAL LEARNING SUPPORTS FOR STUDENTS IDENTIFIED AS HAVING LEARNING LOSS.

(E) THE SOCIAL AND EMOTIONAL LEARNING PLAN SHALL INCLUDE:

(1) AN INTERACTIVE SOCIAL AND EMOTIONAL WELLNESS COMPONENT DESIGNED FOR THE VIRTUAL EDUCATION ENVIRONMENT;

(2) REGULAR STUDENT CHECK-INS IN ACCORDANCE WITH § 7-14A-04 OF THIS SUBTITLE; AND

(3) THE DEVELOPMENT OF A STUDENT BEHAVIORAL HEALTH PLAN IN ACCORDANCE WITH § 7-14A-04 OF THIS SUBTITLE.

(F) A COMMUNITY COMMUNICATIONS PLAN SHALL INCLUDE:

(1) A CULTURALLY APPROPRIATE FAMILY ENGAGEMENT PLAN THAT HAS METHODS OF ENGAGING WITH:

(Over)

(I) PARENTS AND GUARDIANS AND STUDENTS FROM VARIOUS ETHNIC AND RACIAL BACKGROUNDS;

(II) STUDENTS ELIGIBLE FOR AID; AND

(III) PARENTS AND STUDENTS WHOSE PRIMARY LANGUAGE IS NOT ENGLISH;

(2) MULTIPLE METHODS FOR COMMUNICATING WITH STUDENTS, PARENTS AND GUARDIANS, AND OTHER COMMUNITY STAKEHOLDERS DURING THE PERIOD OF VIRTUAL EDUCATION; AND

(3) IMPORTANT INFORMATION THAT MUST BE PROVIDED.

(G) THE TECHNOLOGY PLAN SHALL INCLUDE:

(1) THE PROVISION OF TECHNOLOGY, INCLUDING HARDWARE AND SOFTWARE, TO STUDENTS AND SCHOOL PERSONNEL TO RECEIVE AND PROVIDE INSTRUCTION AND SUPPORT SERVICES; AND

(2) ACCESS TO BROADBAND AND INTERNET SERVICES TO ALL STUDENTS AND SCHOOL PERSONNEL.

(H) THE NUTRITIONAL AND HEALTH SERVICES PLAN SHALL INCLUDE:

(1) THE PLACES AND TIMES THAT STUDENTS AND OTHER ELIGIBLE INDIVIDUALS MAY RECEIVE FREE MEALS; AND

(2) THE AVAILABILITY OF HEALTH SERVICES TO ELIGIBLE INDIVIDUALS.

(i) THE PLAN FOR RETURN TO IN-PERSON INSTRUCTION SHALL INCLUDE:

(1) PLANS FOR THE RAPID RETURN TO IN-PERSON LEARNING AS SOON AS IT IS SAFE TO DO SO;

(2) A CLEAR PROCESS FOR STUDENT ENGAGEMENT ON RETURN TO IN-PERSON LEARNING; AND

(3) IDENTIFIED STRATEGIES FOR A RETURN TO IN-PERSON LEARNING FOLLOWING A PROLONGED STATE OF EMERGENCY.

7-14A-04.

On pages 18 and 19, strike in their entirety the lines beginning with line 30 on page 18 through line 12 on page 19, inclusive.

On page 19, in lines 13, 24, and 33, strike “(E)”, “(F)”, and “(F)”, respectively, and substitute “(A)”, “(B)”, and “(B)”, respectively; in lines 13 and 14, strike “AN ADMINISTRATOR OF A TEMPORARY VIRTUAL SCHOOL” and substitute “THE PRINCIPAL”; in lines 19, 24, and 29, in each instance, strike “AN ADMINISTRATOR” and substitute “THE PRINCIPAL”; in line 33, strike “ADMINISTRATOR OF A TEMPORARY VIRTUAL SCHOOL” and substitute “SCHOOL PERSONNEL ASSIGNED UNDER SUBSECTION (A)(3)(II) OF THIS SECTION”; and in line 34, after “PLAN” insert “FOR A STRUGGLING STUDENT UNDER SUBSECTION (A) OF THIS SECTION”.

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On page 20, in line 11, strike “TEMPORARY VIRTUAL SCHOOL ADMINISTRATOR” and substitute “PRINCIPAL”; and strike in their entirety lines 13 through 30, inclusive.

On page 21, strike in their entirety lines 1 through 5, inclusive; after line 5, insert:

“7-14A-05.”;

in lines 6 and 23, strike “(H)” and “(I)”, respectively, and substitute “(A)” and “(B)”, respectively; in lines 6 and 20, in each instance, strike “TEMPORARY VIRTUAL” and substitute “PUBLIC”; strike beginning with “STRIVE” in line 6 down through “LOSS” in line 7 and substitute “ESTABLISH A SYSTEM OF LEARNING SUPPORTS DURING A PERIOD OF VIRTUAL EDUCATION”; in line 19, strike “COMPLETING” and substitute “SATISFYING”; in line 23, strike “IF IT IS IN ACCORDANCE” and substitute “(1) IN COMPLIANCE”; in line 24, strike “TRANSITIONED A”; in the same line, strike “SCHOOL” and substitute “SCHOOLS”; strike beginning with “TO” in line 24 down through “PRACTICABLE,” in line 26 and substitute “OPERATING UNDER A VIRTUAL EDUCATION PLAN SHALL”; in line 27, strike “FOR USE DURING AN EXTENDED SCHOOL CLOSURE”; in line 28, strike “; AND” and substitute a period; in line 29, strike “EXTENDED” and substitute “PROLONGED”; and in line 30, after “CLOSURE,” insert “A COUNTY BOARD SHALL”.

On page 22, after line 7, insert:

“7-14A-06.”;

in lines 8, 12, 13, 14, 15, 16, 18, 19, 20, and 21, strike “(J) (1)”, “(I)”, “1.”, “2.”, “3.”, “(II)”, “(III)”, “(IV)”, “(V)”, and “(2)”, respectively, and substitute “(A)”, “(1)”, “(I)”, “(II)”, “(III)”, “(2)”, “(3)”, “(4)”, “(5)”, and “(B)”, respectively; in line 9, after “THEREAFTER” insert “, ONLY”; in line 11, strike “THROUGH A TEMPORARY VIRTUAL

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SCHOOL” and substitute “IN ACCORDANCE WITH THE COUNTY BOARD’S VIRTUAL EDUCATION PLAN”; and in line 22, strike “PARAGRAPH (1) OF THIS SUBSECTION” and substitute “SUBSECTION (A) OF THIS SECTION”.

On pages 22 through 25, strike in their entirety the lines beginning with line 25 on page 22 through line 5 on page 25, inclusive.

On page 25, in line 6, strike “7-1406.” and substitute “7-14A-07.”; in line 8, strike “VIRTUAL EDUCATION”; in the same line, after “PLANS” insert “FOR THE PROVISION OF VIRTUAL EDUCATION WHEN A PUBLIC SCHOOL IS OPERATING UNDER A VIRTUAL EDUCATION PLAN”; strike beginning with “FOLLOWING” in line 10 down through “ARTICLE” in line 11; and in line 18, strike “7-1407.” and substitute “7-14A-08.”.

On pages 25 through 27, strike in their entirety the lines beginning with line 25 on page 25 through line 12 on page 27, inclusive.

On page 27, strike in their entirety lines 13 through 16, inclusive, and substitute:

“7-14A-09.

THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE, INCLUDING ESTABLISHING MINIMUM CRITERIA FOR THE ADOPTION AND IMPLEMENTATION OF VIRTUAL EDUCATION PLANS BY A COUNTY BOARD DURING A PROLONGED STATE OF EMERGENCY.”.

AMENDMENT NO. 7

On page 28, strike in their entirety lines 14 through 17, inclusive; after line 17, insert:

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“SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2022, the State Superintendent of Schools shall submit a report to the State Board of Education and, in accordance with § 2–1257 of the State Government Article, the General Assembly on findings and recommendations regarding the appropriate balance of the number of hours of synchronous learning and asynchronous learning for instructional effectiveness of students in virtual schools based on research that has systematically examined this issue and collaboration with local school systems.

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 under Title 7, Subtitle 14 of the Education Article as enacted under Section 1 of this Act as soon as practicable if not otherwise inconsistent with the law.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) On or before July 1, 2024, the State Department of Education, in consultation with current public school teachers, current public school administrators, academic experts, and state and national experts in online education, shall:

(1) study best practices for the provision of virtual education, including:

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(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 education 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 or expanded 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 the tools and resources;

(ix) the behavioral health costs to virtual education and how those costs 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:

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(i) incorporate the data gathered under item (1) of this subsection; and

(ii) are at least as rigorous as the criteria listed under Title 7, Subtitle 14 of the Education Article as enacted by Section 1 of this Act.

(b) On or before September 1, 2024, 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 (a) of this section.

(c) Notwithstanding any other provision of law, a county board of education may not establish and the State Department of Education and the State Board of Education may not approve a new elementary grade band virtual school on or before December 1, 2024.”;

and in line 18, strike “4.” and substitute “5.”.