

# HOUSE BILL 805

F1, F5  
HB 1170/21 – W&M & APP

2lr0609

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By: **Delegate Szeliga**

Introduced and read first time: February 3, 2022

Assigned to: Ways and Means and Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Primary and Secondary Education – Virtual Schools – Alterations**

3 FOR the purpose of authorizing the State Department of Education, a county board of  
4 education, or a public institution of higher education to establish a statewide virtual  
5 school in the State; repealing certain provisions of law relating to the operation and  
6 establishment of virtual schools; requiring the State to distribute certain funds to  
7 virtual schools in a certain manner; authorizing a public institution of higher  
8 education to contract with other entities to perform the duties of a virtual school;  
9 and generally relating to virtual schools of primary and secondary education in the  
10 State.

11 BY repealing and reenacting, with amendments,  
12 Article – Education  
13 Section 4–109, 7–1401 through 7–1404, 7–1407, and 7–1408  
14 Annotated Code of Maryland  
15 (2018 Replacement Volume and 2021 Supplement)

16 BY repealing and reenacting, without amendments,  
17 Article – Education  
18 Section 7–1405 and 7–1406  
19 Annotated Code of Maryland  
20 (2018 Replacement Volume and 2021 Supplement)

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

23 **Article – Education**

24 4–109.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) **THIS SECTION DOES NOT APPLY TO A VIRTUAL SCHOOL ESTABLISHED**  
2 **UNDER TITLE 7, SUBTITLE 14 OF THIS ARTICLE.**

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

6 [(b)] (C) On approval by the State Superintendent, any school established under  
7 this section becomes a part of the State program of public education.

8 [(c)] (D) With the advice of the county superintendent, the county board shall  
9 determine the geographical attendance area for each school established under this section.

10 7-1401.

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

12 (b) **“INSTITUTION OF HIGHER EDUCATION” MEANS A PUBLIC INSTITUTION**  
13 **OF POSTSECONDARY EDUCATION THAT GENERALLY LIMITS ENROLLMENT TO**  
14 **GRADUATES OF SECONDARY SCHOOLS AND AWARDS DEGREES AT EITHER THE**  
15 **ASSOCIATE, BACCALAUREATE, OR GRADUATE LEVEL.**

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

18 [(c)] (D) “Sponsor” means the Department [or], a county school board, **OR AN**  
19 **INSTITUTION OF HIGHER EDUCATION** having a fiduciary responsibility for the operation  
20 of the virtual school.

21 [(d)] (E) “Virtual school” means a **STATEWIDE** public school established by the  
22 Department [or by], a county board [under § 4-109 of this article], **OR AN INSTITUTION**  
23 **OF HIGHER EDUCATION** in which the school uses technology to deliver [a significant  
24 portion of] **ALL** instruction to its students via the Internet in a virtual or remote setting.

25 7-1402.

26 (a) (1) Subject to [the approval of] **PARAGRAPH (2) OF THIS SUBSECTION,**  
27 the Department, a county board, **OR AN INSTITUTION OF HIGHER EDUCATION** may  
28 establish a virtual school.

29 (2) **AN INSTITUTION OF HIGHER EDUCATION MAY ESTABLISH A**  
30 **VIRTUAL SCHOOL ONLY IF THE INSTITUTION OFFERS A TEACHER EDUCATION**  
31 **PROGRAM.**

32 (b) (1) [A] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**

1 **SUBSECTION, A virtual school is subject to all applicable federal and State laws and**  
2 **regulations governing the operation of a public school.**

3 **(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A VIRTUAL**  
4 **SCHOOL IS EXEMPT FROM STATE POLICIES OR REGULATIONS RELATING TO:**

5 **(I) THE LENGTH OF TIME REQUIRED FOR LEARNING**  
6 **OPPORTUNITIES PER ACADEMIC YEAR;**

7 **(II) ATTENDANCE;**

8 **(III) CURRICULUM;**

9 **(IV) CLASS SIZE;**

10 **(V) INSTRUCTION;**

11 **(VI) STAFFING RATIOS;**

12 **(VII) PROFESSIONAL DEVELOPMENT; AND**

13 **(VIII) TEXTBOOKS.**

14 **(c) (1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A student**  
15 **who is eligible for enrollment in a public school in the State may enroll in [a] ANY virtual**  
16 **school ESTABLISHED THROUGHOUT THE STATE REGARDLESS OF WHETHER THE**  
17 **STUDENT IS LOCATED IN THE DISTRICT OF THE VIRTUAL SCHOOL'S PRINCIPAL**  
18 **PLACE OF BUSINESS.**

19 **(2) A VIRTUAL SCHOOL MAY NOT:**

20 **(I) ENROLL MORE THAN 1% OF SCHOOL-AGED CHILDREN IN**  
21 **EACH COUNTY; OR**

22 **(II) CHARGE ANY FEES OR TUITION TO ENROLL IN OR ATTEND**  
23 **THE VIRTUAL SCHOOL.**

24 **(3) IF THE DEPARTMENT, A COUNTY BOARD, OR AN INSTITUTION OF**  
25 **HIGHER EDUCATION ESTABLISHES A VIRTUAL SCHOOL, IT SHALL ESTABLISH A**  
26 **POLICY AND PROCEDURE TO ENSURE A FAIR ENROLLMENT PROCESS.**

27 **(D) ANY VIRTUAL SCHOOL ESTABLISHED UNDER THIS SECTION BECOMES A**  
28 **PART OF THE STATE PROGRAM OF PUBLIC EDUCATION.**

1 7–1403.

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

3 (1) Access to a sequential curriculum [approved by the State Board] that  
4 meets or exceeds the standards adopted by the county board in the county of the virtual  
5 school’s principal place of business; **AND**

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

9 (3)] Regular assessment in the core areas of instruction [as required by  
10 regulations adopted by the State Board under § 7–1408 of this subtitle].

11 (b) A curriculum adopted under subsection (a) of this section shall have an  
12 interactive program with [significant] **ONLY** online components.

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

15 7–1404.

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

18 (1) Instructional materials, including software; and

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

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

23 7–1405.

24 A teacher employed by a virtual school shall have a teacher’s certificate issued by  
25 the State Superintendent under Title 6 of this article.

26 7–1406.

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

29 7–1407.

1 A virtual school shall be evaluated each year by its sponsor based on the [following  
2 criteria:

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

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

7 7-1408.

8 (A) The State [Board shall adopt regulations to carry out the provisions of this  
9 subtitle, including establishing minimum criteria for the establishment and approval of a  
10 virtual school] **SHALL DISTRIBUTE DIRECTLY TO A VIRTUAL SCHOOL ESTABLISHED  
11 UNDER THIS SUBTITLE AN AMOUNT EQUAL TO THE PRODUCT OF:**

12 (1) **THE TOTAL ENROLLMENT OF THE VIRTUAL SCHOOL; AND**

13 (2) **ALL FEDERAL AND STATE OPERATING FUNDS FOR ELEMENTARY,  
14 MIDDLE, AND SECONDARY SCHOOL STUDENTS THAT EACH COUNTY BOARD  
15 RECEIVES FROM ALL SOURCES, DIVIDED BY THE SUM OF EACH COUNTY'S FULL-TIME  
16 EQUIVALENT ENROLLMENT AS DEFINED IN § 5-201 OF THIS ARTICLE.**

17 (B) **AN INSTITUTION OF HIGHER EDUCATION THAT ESTABLISHES A VIRTUAL  
18 SCHOOL MAY:**

19 (1) **CONTRACT WITH OTHER ENTITIES TO PERFORM THE DUTIES OF  
20 THE VIRTUAL SCHOOL; AND**

21 (2) **RETAIN UP TO 2% OF FUNDS DISTRIBUTED UNDER THIS SECTION  
22 TO ADMINISTER THE PROGRAM.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
24 1, 2022.