

# SENATE BILL 362

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By: **Senators Pinsky, Patterson, Lam, Washington, and Kagan**

Introduced and read first time: January 21, 2022

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of altering the requirements for virtual schools established by the State  
4 Department of Education or a county board of education; and generally relating to  
5 virtual schools.

6 BY repealing and reenacting, with amendments,  
7 Article – Education  
8 Section 6–121(a) and 7–1401 through 7–1408  
9 Annotated Code of Maryland  
10 (2018 Replacement Volume and 2021 Supplement)

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

13 **Article – Education**

14 6–121.

15 (a) A teacher preparation program shall:

16 (1) Include the following components of instruction:

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

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

9 (viii) Skills and techniques for effective classroom management; AND

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

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

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

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

18 7-1401.

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

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

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

24 (d) “Virtual school” means a public school established by the Department or by a  
25 county board under § 4-109 of this article in which the school uses technology to deliver [a  
26 significant portion] **THE MAJORITY** of instruction to its students via the Internet in a  
27 virtual or remote setting.

28 7-1402.

29 (a) **(1) [Subject] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
30 **SUBSECTION AND SUBJECT** to the approval of the Department, a county board may

1 establish [a] ONE virtual school.

2           **(2) THE DEPARTMENT MAY AUTHORIZE A COUNTY BOARD TO**  
3 **ESTABLISH ONE ADDITIONAL VIRTUAL SCHOOL ON A SHOWING OF JUST CAUSE, AS**  
4 **DETERMINED BY THE DEPARTMENT.**

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

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

9           **(D) THE DEPARTMENT OR A COUNTY BOARD MAY CONTRACT ONLY WITH A**  
10 **NONPROFIT ORGANIZATION TO PROVIDE SERVICES FOR A VIRTUAL SCHOOL.**

11 **7-1403.**

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

14           **(B) AN APPLICATION FOR ENROLLMENT IN A VIRTUAL SCHOOL SHALL**  
15 **REQUIRE AN APPLICANT TO DESCRIBE WHY INSTRUCTION IN A VIRTUAL LEARNING**  
16 **ENVIRONMENT WILL LEAD TO SUCCESSFUL ACADEMIC OUTCOMES FOR THE**  
17 **APPLICANT.**

18           **(C) NOT MORE THAN 10% OF THE STUDENTS FROM A SINGLE PUBLIC**  
19 **SCHOOL IN THE COUNTY MAY ENROLL IN A VIRTUAL SCHOOL ESTABLISHED BY A**  
20 **COUNTY BOARD.**

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

25           **(2) THE DEPARTMENT OR A COUNTY BOARD MAY GIVE GREATER**  
26 **WEIGHT TO A STUDENT'S LOTTERY STATUS AS A PART OF A LOTTERY HELD UNDER**  
27 **PARAGRAPH (1) OF THIS SUBSECTION BASED ON CRITERIA ESTABLISHED BY THE**  
28 **DEPARTMENT OR THE COUNTY BOARD.**

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

32           **(F) THE DEPARTMENT OR THE COUNTY BOARD SHALL DEVELOP AN**

1 **OUTREACH AND MARKETING CAMPAIGN TO PROVIDE INFORMATION TO THE PUBLIC**  
2 **ON THE AVAILABILITY OF THE VIRTUAL SCHOOL OPTION AND TO ENCOURAGE**  
3 **APPLICATIONS FROM STUDENTS.**

4 **[7-1403.] 7-1404.**

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

6 (1) Access to a sequential curriculum approved by the State Board that  
7 meets or exceeds the standards adopted by the county board in the county of the virtual  
8 school's principal place of business;

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

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

14 **(4) ACCESS TO THE FOLLOWING SERVICES:**

15 **(I) EXTRACURRICULAR ACTIVITIES AT THE PUBLIC SCHOOL**  
16 **THE STUDENT WOULD OTHERWISE BE REQUIRED TO ATTEND;**

17 **(II) WRAPAROUND SERVICES;**

18 **(III) FOOD AND NUTRITION SERVICES; AND**

19 **(IV) HEALTH CARE SERVICES EQUIVALENT TO SERVICES**  
20 **AVAILABLE TO STUDENTS WHO RECEIVE IN-PERSON INSTRUCTION IN THE PUBLIC**  
21 **SCHOOLS IN THE COUNTY.**

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

23 **(1) AN** interactive program with [significant online] **AT LEAST 60% OF**  
24 **THE** components **ONLINE; AND**

25 **(2) A SOCIAL AND EMOTIONAL WELLNESS COMPONENT DESIGNED**  
26 **FOR A VIRTUAL SCHOOL ENVIRONMENT.**

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

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

- 1           **(1) STUDENT ATTENDANCE REQUIREMENTS AND REPORTING;**  
2           **(2) STUDENT ENGAGEMENT AND CONDUCT;**  
3           **(3) PROGRAM QUALITY METRICS;**  
4           **(4) TRACKING AND USE OF STUDENT DATA; AND**  
5           **(5) THE MANDATORY RETURN TO IN-PERSON INSTRUCTION FOR**  
6 **STUDENTS WHO ARE FAILING ACADEMICALLY AFTER RECEIVING THE APPROPRIATE**  
7 **SUPPORTS.**

8 **[7-1404.] 7-1405.**

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

- 11           (1) Instructional materials, including software; [and]  
12           (2) Information on the closest public facility that offers access to a  
13 computer[, printer,] and Internet connection; **AND**  
14           **(3) INFORMATIONAL MATERIALS ON:**  
15                   **(I) SCHOOL POLICIES;**  
16                   **(II) STUDENT ATTENDANCE, CONDUCT, AND ENGAGEMENT**  
17 **REQUIREMENTS;**  
18                   **(III) ACCESS TO EXTRACURRICULAR ACTIVITIES AND**  
19 **WRAPAROUND SERVICES;**  
20                   **(IV) ACCESS TO FOOD AND NUTRITION SERVICES AND HEALTH**  
21 **CARE SERVICES;**  
22                   **(V) TECHNOLOGY REQUIREMENTS AND SUPPORT SERVICES;**  
23                   **(VI) CYBERSECURITY POLICY AND BEST PRACTICES;**  
24                   **(VII) TEACHER CONTACT INFORMATION AND OFFICE HOURS;**  
25 **AND**  
26                   **(VIII) ANY OTHER RELEVANT INFORMATION AS DETERMINED BY**

1 **THE VIRTUAL SCHOOL.**

2 (b) A virtual school [may]:

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

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

7 **[7-1405.] 7-1406.**

8 (A) A teacher employed by a virtual school shall [have]:

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

11 (2) **BE AN EMPLOYEE OF THE COUNTY THAT ESTABLISHED THE**  
12 **VIRTUAL SCHOOL;**

13 (3) **SUBJECT TO SUBSECTION (B) OF THIS SECTION, BE SUBJECT TO**  
14 **THE COLLECTIVE BARGAINING AGREEMENT OF THAT JURISDICTION; AND**

15 (4) **HAVE ACCESS TO PROFESSIONAL DEVELOPMENT.**

16 (B) **A COLLECTIVE BARGAINING AGREEMENT MAY INCLUDE PROVISIONS**  
17 **SPECIFIC TO TEACHERS WHO TEACH IN A VIRTUAL SCHOOL IN CONSIDERATION OF**  
18 **THE CONDITIONS AND REQUIREMENTS RELEVANT TO THAT WORK ENVIRONMENT.**

19 (C) **A TEACHER EMPLOYED TO TEACH IN A VIRTUAL SCHOOL MAY NOT BE**  
20 **REQUIRED TO PROVIDE VIRTUAL AND IN-PERSON INSTRUCTION TO STUDENTS**  
21 **SIMULTANEOUSLY.**

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

27 (2) **THE SIZE OF A CLASS IN A VIRTUAL SCHOOL MAY NOT EXCEED THE**  
28 **STATEWIDE OR COUNTYWIDE AVERAGE CLASS SIZE FOR IN-PERSON CLASSES.**

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

1 SCHOOL:

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

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

6 [7-1406.] 7-1407.

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

9 [7-1407.] 7-1408.

10 A virtual school shall be evaluated each year by its sponsor based on the following  
11 criteria:

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

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

16 [7-1408.] 7-1409.

17 The State Board shall adopt regulations to carry out the provisions of this subtitle,  
18 including establishing minimum criteria for the establishment and approval of a virtual  
19 school.

20 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31,  
21 2022, the State Superintendent of Schools shall submit a report to the State Board of  
22 Education and, in accordance with § 2-1257 of the State Government Article, the General  
23 Assembly on findings and recommendations regarding the appropriate balance of the  
24 number of hours of synchronous learning and asynchronous learning for instructional  
25 effectiveness of students in virtual schools based on research that has systematically  
26 examined this issue.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
28 1, 2022.