

HB 1163.Virtual School Platform and Programs - SEN

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Position: FWA

BILL: House Bill 1163
TITLE: Primary and Secondary Education - Virtual Education - Requirements
DATE: March 29, 2022
POSITION: SUPPORT WITH AMENDMENTS
COMMITTEE: Education, Health, and Environmental Affairs
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) supports the intent of House Bill 1163 to build a framework for a robust statewide approach to ensuring access for students to options for high quality virtual learning.

The COVID-19 pandemic resulted in statewide school facility closures and necessitated the immediate transition to distance learning through access to online platforms and other instructional materials from mid-March through the end of the school year. The demands on local school systems to provide almost exclusively online instruction to Maryland's nearly 900,000 students, including the provision of tens of thousands of digital devices, highlighted the significant and inequitable gaps in student, family, and community access to the broadband services needed to access online instruction. Thankfully, enormous investments of federal funding are already being made and the availability of high-speed access is expanding dramatically.

Long before the pandemic, MABE advocated for funding and policies at the State and federal levels to enhance the ability of local school systems to utilize and make available educational technology that is essential to our students' college and career readiness and success. Again, before school closures mandated the shift to digital and distance learning, local boards recognized that virtual and distance learning programs and strategies are effective adjuncts to traditional classroom instruction.

MABE continues to support state and local efforts to pursue the effective use of virtual learning initiatives and will continue to support programs to optimize the use of technology in improving student instruction. MABE recognizes the value and need to continuously improve student access to high quality virtual learning programs, including through stand-alone virtual schools. However, given the breadth and scope of the many complex provisions of this legislation, and the stakeholder input being provided on closely related Senate legislation, MABE requests amendments aligned with the concerns raised last session on this House legislation, and to reflect the need for alignment with the currently pending Senate Bill 362.

In particular, MABE recognizes that House Bill 1163 would prohibit the role for for-profit entities in being responsible for the day-to-day education of students in virtual schools. Similarly, Senate Bill 362 would prohibit contracts with for-profit entities to operate or administer a virtual school. MABE supports the approach taken in House Bill 1163. MABE also supports the more flexible approach taken in House Bill 1163 to the respective to the role of synchronous learning.

Clearly, this is a comprehensive and therefore complex piece of legislation; a bill proposing major modifications to the existing law which local boards generally believe provides significant authority, flexibility, and state oversight for local school systems to establish high quality virtual schools in the best interests of students and families.

For these reasons, MABE requests a favorable report on House Bill 1163 in the context of aligning it with Senate Bill 362 and the issues outlined above.

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Uploaded by: Lauren Lamb

Position: FWA

**Testimony in Support with Amendments to House Bill 1163
Primary and Secondary Education - Virtual Education - Requirements**

**Education, Health, and Environmental Affairs
Tuesday, March 29th, 2022**

**Lauren Lamb
Government Relations**

The Maryland State Education Association supports, with amendments, House Bill 1163, which would, in part, require 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, require the Department to establish a statewide universal learning management system for public schools, and otherwise establish guidelines for virtual learning.

MSEA represents 76,000 educators and school employees who work in Maryland's public schools, teaching and preparing our almost 900,000 students for the careers and jobs of the future. MSEA also represents 39 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3-million-member National Education Association (NEA).

The use of virtual learning throughout the Covid-19 pandemic demonstrated the relevance of teaching and learning online. As our members can attest, this approach has brought unique challenges. Virtual teaching can make it more difficult to connect with students and their families, and counties are not always equipped to support staff and students in a virtual setting.

Understandably, many educators have reservations about the merits of virtual schooling. However, we acknowledge that virtual schools are here to stay, and for those who need a full-time virtual setting, creating guardrails that protect students' right to a free and appropriate public education is essential.

This legislation, in part, establishes processes and requirements for the State



Department to study and oversee the accessible and effective implementation of virtual education, for county boards to apply to create virtual schools, and for the equitable treatment and resource allocation for staff and students in virtual schools compared to their in-person counterparts. It also establishes a process for the creation of temporary virtual education plans to be utilized in the event of future emergency situations requiring remote learning.

While we can appreciate the benefits of creating virtual education plans, our highest priority right now is to ensure that any virtual schools created or already in operation are equitable and effective for students and staff. Thus, we believe it is important that this legislation address several other areas of concern, including but not limited to:

- Procedures regarding student enrollment in a virtual school, including requirements and enrollment caps
- A limit of one virtual school per grade band per county
- A provision that the State Department may revoke approval of a virtual school that performs in the bottom 10% of schools in the year prior, or otherwise does not meet established requirements
- Technology requirements that maintain the prohibition on contracting with for-profit entities but allow for more local control regarding instructional tools
- Further detail or clarification regarding class size in a virtual setting, teacher preparation requirements, and distinctions between virtual schools and other virtual learning opportunities

This bill already includes several strong provisions that would maintain collective bargaining rights, affirm that educators must be employees of the county board, ensure appropriate technology and services for students and staff, and establish common-sense guardrails on what may be required of staff working in virtual settings. Adding to the above-referenced areas would further clarify and strengthen this legislation.

Those teaching and learning in virtual schools deserve the full scope of resources that public schools can offer. With amendments, this bill can establish appropriate guardrails that protect and support students and staff. **We urge the committee to issue a Favorable Report, with amendments, on House Bill 1163.**

HB1163 Howard Co BOE Testimony 032922 for EHEA - V

Uploaded by: Staff Howard County

Position: UNF



**Board of Education of Howard County
Testimony Submitted to the Maryland Senate,
Education, Health and Environmental Affairs Committee
March 29, 2022**

**Board of Education
of Howard County**

**HB1163: UNFAVORABLE
Primary and Secondary Education - Virtual Education – Requirements**

- Vicky Cutroneo, *Chair*
Antonia Watts, *Vice Chair*
Christina Delmont-Small
Yun Lu, Ph.D.
Jennifer Swickard Mallo
Jolene Mosley
Chao Wu, Ph.D.
Peter J. Banyas
Student Member
Michael J. Martirano, Ed.D.
*Superintendent
Secretary/Treasurer*

The Board of Education of Howard County (the Board) opposes **HB1163 Primary and Secondary Education - Virtual Education - Requirements** based on several mandates placed on the use of virtual schools that may have the impact of limiting Howard County Public School System (HCPSS) [offerings](#) under the Digital Education Program synchronous instruction and fully online courses, the Digital Education Center (DEC), and future use of alternative instructional models in the case of temporary school closures.

Initially, by September 2022, the Maryland State Department of Education (MSDE) must establish a statewide universal learning management system that would eventually be used by all school systems in the state. If a county is not under contract with the State’s learning management system by August 2022, they must adopt by July 2023. MSDE will provide technical support, aid with professional development and financial support to a county that adopts the State’s learning management system. HCPSS has invested significant resources into developing curriculum and communities within our current learning management system. While MSDE currently uses the same platform as HCPSS, and access to the statewide resources for districts that need it would be welcome, the impact of moving to a State-controlled system and the flexibility afforded to local school systems to determine use would not be known prior to mandated implementation.

In addressing virtual courses under the existing Education Article § 7-1002, HB1163 allows a county board to request MSDE develop a new virtual course or can elect to develop the course itself – which would be subject to MSDE review and approval within 45 days. Virtual courses are, however, subject to new requirements including a mandate to be offered through synchronous learning, prohibition on enrolling more students than a teacher can reasonably be expected to meaningfully engage with, prohibition on requiring a teacher to simultaneously instruct students in person, and a requirement for teachers of these courses to be allotted the same time under new Blueprint career ladder percentages for activities outside the classroom. Current HCPSS Digital Education Program courses that are offered at the high school level are not entirely synchronous, and those that are synchronous may include both in-person and remote participants in order to expand enrollment for students at various locations.

The main provisions of HB1163 set up the use of temporary vs. (permanent) virtual schools. Foremost, no virtual schools may be approved for operations until July 1, 2024. The Board, through its FY23 budget request, is advancing an expanded virtual school for school year 2022-2023 to provide options for K-12 students who are more engaged and successful in a virtual setting, or where health concerns prevent in-person learning, and may be best served through an online experience. A prohibition until school year 2024-2025 would directly impact HCPSS and the students who have taken advantage of the DEC, removing this vital option for Howard County families.

Leading up to FY25, HB1163 requires MSDE in consultation with teachers, administrators, and academic experts to study best practices in virtual education and develop criteria for establishment of virtual schools based on a set list of data to be gathered. The bill goes on to list baseline criteria that must be incorporated in a county board's application, which would ultimately be approved or denied by the State Board, with no discretion for local authority to implement.

A temporary virtual school is defined under HB1163 as a school closed to attendance during emergency conditions that has transitioned to virtual education. School systems can elect to transition to virtual education if there is a sustained emergency as declared by the Governor or the Governing body of the county that prevents normal attendance over several days. By June 2023, county boards must update continuity of learning plans developed during COVID to become a temporary virtual education plan that includes a specific list of details laid out on the bill, and will then be updated every two years. When an emergency arises, the county board must adjust the plan to fit the specific needs of that emergency, which must be approved by the State Board within 10 days of receipt. While the need to plan for future closures is inevitable, the Board supports local authority and increased flexibility to develop and implement alternative instructional models for various emergency closures as outlined in HB1306, going beyond those declared by the Governor or Howard County officials.

A section towards the end of HB1163 attempts to address existing virtual instruction that is neither a virtual school or temporary virtual school. However, it is unclear what this refers to. The bill indicates a county board may provide virtual education courses if they are neither a virtual school or temporary school, but indicate the courses must meet the requirements of amended § 7-1002, presenting similar issues outlined above for the delivery of virtual courses.

Legislation which limits local board decision-making authority may weaken the Board's bond with the local community and adversely impact the community's participation in the governance and operation of HCPSS. Additionally, local boards are intimately familiar with their own school system's operations.

For these reasons, we urge an UNFAVORABLE report of HB1163 from this Committee.

HB1163 Virtual Education 3.29.22.pdf

Uploaded by: Jeanette Ortiz

Position: INFO



HB1163 PRIMARY AND SECONDARY EDUCATION - VIRTUAL EDUCATION – REQUIREMENTS

March 29, 2022

EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE

LETTER OF INFORMATION

Jeanette Ortiz, Esq., Legislative & Policy Counsel (410.703.5352)

Anne Arundel County Public Schools (AACPS) is submitting a letter of information on **HB1163 Primary and Secondary Education - Virtual Education - Requirements**.

AACPS appreciates the bill's intent to expand virtual learning opportunities for Maryland students. The district believes that there is value in a statewide uniform approach and in the additional clarity around the use of virtual learning – whether temporary or permanent – in a crisis. AACPS also appreciates the standards, resources, and professional development that are offered in the legislation. However, given the significant input AACPS and other stakeholders have provided on SB362 Primary and Secondary Education – Virtual Schools – Revisions, the committee should consider amending this bill to align with the concerns raised below and SB362.

It is important to note that local school systems are already fully authorized to provide appropriate virtual learning opportunities under existing State law. In fact, AACPS is currently looking to build a virtual school option for current home instruction students as a program of choice in the upcoming school year for targeted middle and high school students who have been successfully enrolled in home instruction. Additionally, the COVID-19 pandemic resulted in statewide school facility closures which compelled the immediate transition to distance learning through access to online platforms and other instructional materials from mid-March 2020 to the present. It is also important to recognize that school systems already do many of the things identified in the bill during the current virtual environment. For example, AACPS has equity and attendance plans, has a process to provide a free and appropriate education to students with disabilities, provides students with access to the same curriculum and standards, provides regular assessments, conducts regular check-ins with students, provides for virtual tutoring, has a plan to focus on students with the greatest need and the most learning loss, and uses multiple methods of communications amongst many other things.

AACPS appreciates the amendment to the bill to remove the Classroom Pilot Program as AACPS believes that a local school system should be the entity determining whether a school or schools participate in the program

AACPS recommends that the language in Section 7-1406(a)(1) authorizing a school administrator of a temporary virtual school to establish learning centers be amended to authorize a local school system to establish additional learning centers. Alternatively, this language can be stricken in its entirety as school systems are already authorized to establish learning centers.

AACPS does have concerns that this legislation will have a fiscal impact and, therefore, creates an unfunded mandate. For example, AACPS would be required to hire a dedicated employee to coordinate the use of the

universal management system. AACPS is also concerned that a shift to a universal management system would be costly. Local school systems around the State currently have learning management systems in place in their respective districts. In fact, AACPS recently procured a learning management system at a cost of \$1 million. As such, it is imperative that statewide universal learning management system selected by MSDE be compatible with the existing learning management systems utilized by the 24 local education agencies.

AACPS also has questions regarding the provision in the bill that would require a temporary administrative office in the State for a temporary virtual school. Presumably, this school would already be in the county and the administrator and staff would be accommodated as any other administrator and staff is currently accommodated by a local school system.

Thank you for consideration of this information regarding HB1163.