



**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**

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

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.