

(MSC) SB362 Testimony (FAV).pdf

Uploaded by: Jon DiPietro

Position: FAV

MARYLAND STUDENT COALITION

JON DIPIETRO, DIRECTOR
HUNTER CRAIG, DEPUTY DIRECTOR

CHRIS LIDARD, ASSOCIATE DIRECTOR
VINAY KHOSLA, ASSOCIATE DIRECTOR

TESTIMONY

BILL: House Bill (HB) 56 - Primary and Secondary Education - Virtual Schools - Revisions

SPONSORS: Senators Pinsky, Patterson, Lam, Washington, and Kagan

POSITION: FAVORABLE

Tuesday, February 15, 2022

SB362: Favorable

The Maryland Student Coalition is an entirely student-led, advocacy group that serves to bring students together to promote education policy reform. Founded in 2020 as a vehicle for advocating for students' right to demonstrate, our scope has since expanded to include more educational advocacy initiatives. You can learn more at marylandstudents.org

Chair Pinsky, Vice Chair Kagan, and honorable members of the Education, Health, and Environmental Affairs Committee: The Maryland Student Coalition is writing in favor of Senate Bill 362.

This bill provides comprehensive development of standards for virtual schools administered by local school systems. By ensuring that virtual schools are representative of students from a diversity of former schools and identity groups, this bill will ensure that even in a virtual format, schools will preserve the important role as a nexus for individuals of different backgrounds to come together. We also support the important role of schools providing essential services to their students, services that many rely on even when attending virtual school. Finally, when teachers are able to teach comfortably, students are able to learn comfortably, and the teacher accommodations provided for in this bill will ensure that that effect continues. It is paramount in particular that teachers receive training on the pedagogical differences of a virtual environment.

Virtual learning is a model that does not always work for every student, but works exceedingly well for certain students. Even as we witness a transition away from virtual learning as the primary education model for local school systems, we must not abandon it as a strong alternative to in-person education programs. By reinforcing the standards that determine the operations of virtual education, the Maryland Student Coalition hopes that it will remain a viable option for years to come.

MARYLAND STUDENT COALITION

JON DIPIETRO, DIRECTOR
HUNTER CRAIG, DEPUTY DIRECTOR

CHRIS LIDARD, ASSOCIATE DIRECTOR
VINAY KHOSLA, ASSOCIATE DIRECTOR

Us students deserve a virtual education model that works well for everybody who needs it. For that reason, the Maryland Student Coalition supports the principles within the legislation and strongly encourages issuing a **favorable** report on SB 362.

SB362_MSEA_Lamb_FAV.pdf

Uploaded by: Lauren Lamb

Position: FAV

**Testimony in Support of Senate Bill 362
Primary and Secondary Education - Virtual Schools - Revisions**

**Education, Health, and Environmental Affairs
Wednesday, 2/16/2022**

**Lauren Lamb
Government Relations**

The Maryland State Education Association supports Senate Bill 362, which would alter the requirements for virtual schools by establishing teacher preparedness standards, procedures for the enrollment of students, requirements to ensure equitable access to extracurriculars and other school-based supports, comparably rigorous curriculum, and other guidelines for the operation of virtual schools.

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 comes with 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, as in-person learning has considerable benefits for students' academic and social development. 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 would authorize each county to establish one virtual school serving Grades 1-12, which must deliver 60% or more of its instruction online. It includes enrollment caps and outreach to families, which can help to ensure that virtual schools reflect the racial, ethnic, and gender diversity of each county. By clearly defining virtual schools and requiring that they only work with nonprofit contractors, this legislation will discourage the proliferation of profit-driven virtual programs in Maryland.

Crucially, this bill establishes a county's virtual school should be open and accessible to all students, and that they should have access to adequate technology and full support services, including nutritional services, school counselors, and extracurricular activities. It guarantees that they can learn from the same rigorous College and Career Readiness standards applied to in-person schools.

It also ensures that the educators in virtual schools will be fully certified Maryland teachers, trained in virtual teaching strategies. This bill rightly designates that educators in virtual schools should be employees of the district where their students live, not contractors, and that they can focus on their virtual students rather than splitting their attention between online and in-person classrooms.

We also hope to work with the committee to ensure that education support professionals, such as reading and math aides or others tasked with direct instruction of students, are employees of the school district. This bill effectively clarifies that for certificated teachers, but it may need clearer guardrails to prevent irresponsible outsourcing of school staff positions. The bill specifies that certified teachers should be full employees of the county with access to professional development, and education support professional deserve the same opportunity.

Those teaching and learning in virtual schools deserve the full scope of resources that public schools can offer. To be successful, virtual schools must have standards and systems comparable to traditional in-person schools, and this bill takes meaningful steps toward that end. We thank the sponsor and the interim workgroup for identifying these issues and crafting this proposal. **We urge the committee to issue a Favorable Report on Senate Bill 362.**

SB 362 - Support with Amendments - Primary and Sec

Uploaded by: Ary Amerikaner

Position: FWA



Mohammed Choudhury
State Superintendent of Schools

BILL:	Senate Bill 362	DATE:	February 16, 2022
SUBJECT:	Primary and Secondary Education - Virtual Schools - Revisions	COMMITTEE:	Education, Health, and Environmental Affairs
POSITION:	Support with Amendments		
CONTACT:	Ary Amerikaner 410-767-0090 ary.amerikaner@maryland.gov		

EXPLANATION:

The Maryland State Department of Education (MSDE) supports with amendments **Senate Bill 362 – Primary and Secondary Education - Virtual Schools - Revisions**, which would alter the requirements for establishing and maintaining virtual schools. The Department has appreciated the opportunity to collaborate with stakeholders and the sponsor of this bill over the past year to carefully deliberate and consider the issue of educating students in a virtual environment.

The available data from the most recent two school years where the vast majority of students were learning virtually for significant portions of the year strongly suggests that most students do not thrive academically or socially in a virtual learning environment. However, both prior to and during the pandemic, a limited number of students have found success learning virtually. Additionally, virtual learning opportunities can be a useful tool in assisting to spur innovative ways of teaching and learning through the use of time and efficient course progression and completion at the secondary level. This will aid in the overall implementation of the college and career readiness priority within the Blueprint for Maryland's Future.

There are a number of conditions and safeguards that are critical to the success of students who participate in a virtual setting¹. These include, but are not limited to: carefully tracking student data and providing supports if early signs show a student is not thriving in a virtual program - and pulling that student back into an in-person environment quickly if those supports do not work; a research-based minimum number of hours of synchronous instruction; ensuring that wrap around supports are available to students in virtual programs, including, for example, access to school meal programs, school counselors, mental and physical health services; and ensuring that extracurricular activities - including athletics - are available for virtual students.

¹ <https://www.marylandpublicschools.org/stateboard/Documents/2022/0125/LEAVirtualProgramsUpdateJanuary2022Updated.pdf>

It is also helpful to employ a meaningful process for selecting students who are likely to succeed with virtual learning. Finally, virtual schools must - like all public schools - be held accountable for student outcomes; in order to meaningfully include virtual schools in the State's accountability system, virtual schools should be developed and implemented by grade band.

With those concepts in mind and with support for the narrowly tailored goals identified in this bill, MSDE requests that the committee consider the following suggested amendments:

1. Add language enabling MSDE to establish requirements regarding the amount of necessary synchronous instruction for students enrolled in virtual school;
2. Add clarification that the school will be treated as its own school with its own school accountability code for purposes of reporting and monitoring in the accountability system;
3. Add language allowing MSDE to revoke a local school system's ability to operate a virtual school if in the previous school year the school falls within the bottom 10% in terms of performance under the state accountability system.
4. On page 3, lines 2-4, add language that allows districts to, by showing just cause to the Department, establish one virtual school per grade band (elementary, middle, high) as opposed to one school total regardless of grade band;
5. On page 3, lines 18-20, add "with the approval of the Department, local school systems may allow a local school system to exceed the 10% cap by demonstrating just cause."
6. On page 4, remove lines 23-24, as it could create unnecessary confusion with the definition of a virtual school on page 2 which references a majority of instruction provided to students via the Internet in a virtual or remote setting;
7. On page 4, lines 16-17, add "regardless of existing regulations, participation in organized athletics and on athletic teams at the student's (non-virtual) zoned public school" following the "extracurricular" line.

MSDE will continue to vigorously monitor ongoing virtual programs throughout the State to ensure the success of students, and based on developing best practices and metrics make recommendations regarding the effectiveness of virtual programs.

We respectfully request that you consider this information as you deliberate **Senate Bill 362**. Please contact Ary Amerikaner, at 410-767-0090, or ary.amerikaner@maryland.gov, for any additional information.

Support with Amendments

Uploaded by: John Andes

Position: FWA

February 14, 2022

The Honorable Paul G. Pinsky, Chair
Education, Health and Environmental Affairs Committee
Miller Senate Office Building, 2 West Wing
11 Bladen Street
Annapolis, MD 21401

Dear Chair Pinsky, Vice-Chair Kagan, and Committee Members:

Ref: **Senate Bill 362** – Primary and Secondary Education – Virtual Schools – Revisions – **Support with Amendments**

On behalf of the Eastern Shore of Maryland Educational Consortium (ESMEC) consisting of the nine public school systems on the Eastern Shore of Maryland, we are concerned that the bill as drafted will impede our ability to continue to offer our students and families our Blended Virtual Program (BVP). We offer the following background information for your consideration.

To address our student and family needs, with the encouragement, advice, and consent of the State Superintendent of Schools, in the spring of 2020, ESMEC began to develop a plan to implement a Blended Virtual Program (BVP). Given the size and resources available to rural school systems, it was quickly recognized that the best pathway to create a BVP was to adopt a multi-district model. Knowing that this was the first multi-district BVP in Maryland, we spent the fall of 2020 researching the characteristics of a variety of models offered in other states with a special emphasis on rural areas, securing the services of a program coordinator who is on-loan from Wicomico County Public Schools, creating an advisory committee with representatives from each Shore school system, and developing and issuing a request for proposals from vendors to operate the BVP.

In the spring of 2021, we reviewed vendor proposals. After reviewing proposals from vendors and considering the needs and resources of our school systems, it was determined to offer the ESMEC BVP to students in grades 6 – 12. Working with school system representatives, we developed an application process, aligned course offerings, and created a BVP school calendar. With the start of the 2021 – 2022 school year, we launched the ESMEC BVP with an enrollment of 352 students.

The following is an overview of the ESMEC BVP:

- To participate in the ESMEC BVP, students shall:
 - be enrolled in their local public school
 - reside in one of the nine ESMEC school systems
 - be in grades 6-12
 - apply and be accepted by their local school system
 - agree to report in-person to their local school of record for any required state testing
- The ESMEC BVP:
 - supports students who need or desire an alternative to in-person instruction
 - provides an alternative pathway to graduate with a Maryland diploma
 - offers a blend of synchronous and asynchronous instruction
 - aligns with the Maryland state curriculum
 - is a full-time program allowing students to take 7-8 courses per academic year
 - offers regular, honors, and AP courses

February 12, 2022

The Honorable Paul G. Pinsky, Chair

Page 2 of 2

Ref: **Senate Bill 362** – Primary and Secondary Education – Virtual Schools – Revisions – **Support with Amendments**

- provides parents, local school counselors/administrators, and students with a weekly student progress report including past due and upcoming assignments, attendance, and current grade to date
- BVP teachers:
 - are Maryland-certified teachers
 - provide office hours to tutor students
 - respond to emails within 24 hours
 - participate in IEP meetings
 - offer parent teacher conferences as needed
 - have access to high-quality and relevant professional development
- BVP attendance requirements:
 - BVP students follow a custom BVP calendar ensuring 180 days of instruction
 - BVP students do not have weather related closures or delays
 - Daily attendance is reported to the local school of record
- Local School System provides students with:
 - Special support services (IEP, 504, ELL Plans)
 - Technology needed to participate in the program
 - Health services equivalent to services available to in-person students
 - Counseling services
 - Food and nutrition services
 - Service-learning opportunities
 - Opportunities to participate in extracurricular activities and athletics through their school of record
- The ESMEC BVP provides additional student supports such as:
 - Weekly one-on-one meetings with a Student Success Coordinator to check student progress and social-emotional wellness
 - Live tutoring M-F from 8 am - 8 pm

In summary, the ESMEC BVP is not a separate school. All students participating in the ESMEC BVP must be enrolled in their local public school. Students have access to services and activities provided by their local school while receiving synchronous and asynchronous instruction. We are concerned that the bill as drafted and potentially interpreted threatens our ability to continue to provide critically needed educational services through the ESMEC BVP to the students and families that we serve on the Shore. If the bill continues to be considered, we respectfully request that we be included in a workgroup to provide critical input. If you need additional information or clarification, please contact us.

Sincerely yours,



Louis H. Taylor, President of ESMEC
Superintendent of the Worcester County Public Schools

Sincerely yours,



Jon M. Andes, Ed.D.
Executive Director

PC: Eastern Shore Superintendents of Schools
Mary Pat Fannon, Executive Director of PSSAM

SB 362.Virtual Schools Revisions.pdf

Uploaded by: John Woolums

Position: FWA

BILL: Senate Bill 362
TITLE: Primary and Secondary Education - Virtual Schools - Revisions
POSITION: SUPPORT WITH AMENDMENTS
DATE: February 16, 2022
COMMITTEE: Education, Health, and Environmental Affairs
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) supports Senate Bill 362 with amendments to address several definitions and standards intended to ensure the delivery of high-quality virtual learning experiences for students enrolled in virtual schools established by local boards of education or the Maryland State Department of Education (MSDE).

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 1 million 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, and therefore supports Senate Bill 362 with amendments to address the following specific provisions of the bill.

- Remove the standard of "just cause" for MSDE approval of a local virtual school. The autonomous, local discretionary decision to establish a virtual school should remain vested in the local board of education, in accordance with other provisions of state law.
- Remove the prohibition on contracting with a for profit entity to provide any services for a virtual school. MABE appreciates the legislative intent to mirror the charter school statute which prohibits for profit operators, a distinction MABE believes should be made in this bill.
- Remove any prescriptive eligibility standards for families interested in enrolling their child in a virtual school. Specifically, the bill would require an applicant to explain why instruction in the virtual school will lead to successful academic outcomes. Of course, MABE firmly believes this must be the reasonable expectation of all families for all public schools, and therefore inappropriate as requirement for parents seeking virtual school enrollment for their child.
- Remove specific numeric thresholds for enrollment (10% of students in any one school) and in the definition of a charter school (at least 60% of the curricular components must be online).

- Remove the requirement for transfer from a virtual school to in-person instruction based solely on academic failure. MABE recognizes the need for appropriate state regulations governing virtual school operations, but opposes the limitation this provision would place on student assignments and reassignments between schools, including virtual schools.
- Remove, or modify, the absolute prohibition on non-school employees working as teachers in virtual schools.
- Add a “hold-harmless” provision clearly preserving the local board authority and continuing operations of any virtual school or virtual programs which may be interpreted to be governed by provisions of this bill at least through the 2023-2024 school year.

To be clear, MABE believes local school systems are already fully authorized to provide appropriate virtual learning opportunities through programs and courses under existing law. Therefore, MABE supports passage of Senate Bill 362 in so far as it relates to governing the establishment of virtual schools as separate and distinct entities for purposes of student enrollment, school leadership and administration, and performance accountability.

For these reasons, MABE requests a favorable report on Senate Bill 362, with the amendments described above.

SB 362 virtual schools PSSAM FWA.pdf

Uploaded by: Mary Pat Fannon

Position: FWA



Mary Pat Fannon, Executive Director

BILL:	Senate Bill 362
TITLE:	Primary and Secondary Education – Virtual Schools – Revisions
DATE:	February 16, 2022
POSITION:	Favorable with amendments
COMMITTEE:	Senate Education, Health, and Environmental Affairs Committee
CONTACT:	Mary Pat Fannon, Executive Director, PSSAM

This bill changes the requirements for a local board of education or the Maryland State Department of Education (MSDE) to establish a virtual school and sets requirements for students, teachers, and services at a virtual school. A local school system is limited to establishing one virtual school; however, MSDE may authorize a local school system to establish a second virtual school on a showing of just cause. A virtual school may not include classes for prekindergarten or kindergarten students. MSDE or a local board of education may contract only with a nonprofit organization to provide services for a virtual school. A teacher preparation program must include instruction on training in the skills and techniques for teaching effectively in a virtual learning environment. By December 31, 2022, the State Superintendent of Schools must report the appropriate balance of synchronous and asynchronous learning.

The Public Schools Superintendents' Association of Maryland (PSSAM) **supports SB 362 with amendments.**

The Covid-19 pandemic has created many challenges in the delivery of public education. However, it has highlighted the value and potential of virtual learning. There is no doubt that virtual learning will continue as an important component of public education, well past the end of this pandemic. As the state's top educators, we embrace this new mode of learning and feel it is a welcome supplement to the high-quality education already provided in Maryland schools. We hope to have the opportunity to work collaboratively with MSDE and many other stakeholders, including teachers and students, to build the most effective and meaningful virtual education for Maryland public school students.

In order to preserve the highest quality public education in Maryland, we need to enter the world of virtual learning with a deliberate, methodical, and research-based approach. We need to create virtual school programs that ensure academic success for our students, and instills confidence for families knowing that their children will continue to receive the highest quality instruction. We also need to work collaboratively with public school teachers, giving them a meaningful role in the development of virtual schools and providing support for those who will work in such an environment.

Too many states have moved to a system of virtual learning that embraces and encourages private entities to run virtual schools. While there may be a role for some outside collaboration with well-tested companies as we build these models, our public school teachers will be at the center of any new mode of learning.

One Voice, One Vision for Maryland's Students

P. O. Box 12040, Baltimore, MD 21281

www.pssam.org; marypat.fannon@pssam.org; 410-935-7281

There are several aspects to this bill that we embrace such as the teacher preparation program enhancements and the requirement of a lottery should demand exceed supply for seats in the school. Some of our schools have a waiting list but setting the expectation of a lottery will help families understand their choices. LEAs need the continued discretion to establish requirements and expectations for virtual participation and the bill's discussion of attendance, conduct, and requirements are helpful for setting an appropriate standard.

Our biggest concern about the legislation is what is truly defined as a virtual school. As you can see in the attachment, last year MSDE provided the checklist/application for virtual schools and for Blended Virtual Learning (BVL) Programs. Most of our LEAs used the BVL model and did not seek "school status," which in regulations creates a standalone school with its own school ID number. However, the bill's provisions regarding a school as one where the "majority" of teaching is online, and later referenced as 60% online teaching, creates some confusion as to the bill's intentions. The department's creation of the BVL model allows these programs to operate above those thresholds without being considered a "school." We believe more clarity on the definition of a "virtual school," "Blended Virtual Learning," and "virtual programs" needs to be discussed and defined more precisely.

Another concern is the limitation to one virtual school per LEA. This seems somewhat arbitrary because there may be opportunities to create smaller specialized schools focusing on a particular curriculum. A school system may also want to establish separate virtual schools by grade band. We want our virtual programs and schools to be designed to meet the needs of a range of learners and avoid policies that make them only available to students who are already highflyers. The language allowing MSDE to authorize an additional school partially addresses this concern, but without having a clearer idea of "just cause," there could be confusion.

A major concern is the requirement that county boards may only contract with a nonprofit to provide services for a virtual school. We understand the intent is not to allow a for profit entity to operate and manage a school system's virtual school, or to replace Maryland teachers in LEAs; however, "services" could mean a variety of other things including curriculum and material development and the use of a virtual platform created and maintained by a private entity. Even the State's Learning Management System (LMS), CANVAS, is owned by Instructure, a for-profit education technology company.

Generally, we would request greater local development of various provisions of the bill including development our own attendance policies, just as we do for traditional brick and mortar schools. We request flexibility in the application to include criteria as determined by the local board. We also request the ability to provide, with the Department's approval, Pre-Kindergarten or Kindergarten classes. At least one of our LEAs provides Kindergarten in our virtual school and were able to return home school students to the public school system. We prefer in-person learning for our youngest students, but some of these programs are extremely impressive and we would appreciate the ability to evaluate their success when we have more data before a complete prohibition.

We are also seeking an amendment to provide flexibility in class size to meet individual local personnel and budgetary needs, as well as vacancies. This is in keeping with our current practice of class size target ratios, and the language could read, "Average class sizes in virtual classes should be consistent with average class sizes of in-person classes." In addition, we believe the bill's limit to 10% of a single regular school's population participation in a virtual school should be a consideration, not a proscription. It is likely that most of our existing programs meet this threshold, but we would prefer to remove the requirement.

The provisions requiring virtual schools to offer enrolled students access to extracurriculars, wrap-around services, food and nutrition services, and equivalent health care services is important but may be too restrictive. We seek language that allows that these may be provided by the entire LEA and not just at the student's "home school," and in accordance with local board policies and procedures and offered to the "extent practicable." While many of our programs for the '21-22 school year are providing many of these amenities, they are not 100% across all LEAs. Some have focused on the food and wrap around services portions, but limited participation in sports and extracurriculars for various reasons including operational difficulties with transportation. It is important to remember that virtual schools are a choice for families and expectations should clear that this is a different opportunity compared to traditional in-person schools with some trade-offs.

The bill requires that MSDE submits a report on the appropriate balance of synchronous vs. asynchronous learning by December 31, 2022. We would like to see language included that requires MSDE to work with local school systems in determining the appropriate levels of virtual learning models.

The bill also requires MSDE to establish regulations regarding attendance, student engagement and conduct, program metrics, tracking and use of student data, and mandatory parameters for students to return to in-person instruction when failing academically. There are many reasons why virtual students may be moved back to their regular school beyond academic failure. The legislation discusses the need for virtual schools to reflect the populations in traditional schools, but this provision may not be realistic. We need to ensure students are in the best place for them for a variety of reasons. If the reason for a student's failure is their inability to manage the virtual environment, that is one element, but students fail for many reasons. The language here should require a regular review of placement decisions for students who are struggling, but placement determinations should remain case-by-case and/or in accordance with local board policies and procedures.

Currently LEAS are using the existing law, which as written, ensures the authorization and operation of high-quality virtual schools. We appreciate the need for guardrails as we move into this new stage of public education, but we need to retain the ability to create educational programs to meet and respond to our local priorities. We appreciate the sponsor's openness to working with us and other education advocates on this legislation, and look forward to working with the committee during their deliberations.

For the reasons stated above, PSSAM requests a **favorable report on SB 362, with amendments** addressing our concerns described above.

SB0362 Howard Co BOE Testimony 021622 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
February 16, 2022**

**Board of Education
of Howard County**

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*

SB0362: UNFAVORABLE

Primary and Secondary Education - Virtual Schools – Revisions

The Board of Education of Howard County (the Board) opposes **SB0362 Primary and Secondary Education - Virtual Schools – Revisions** due to the potential limitations on current and future virtual education options for students in Howard County.

The unplanned transition to virtual learning during the COVID-19 pandemic required school systems to develop new resources of knowledge and technological capabilities. Using lessons learned, the Howard County Public School System (HCPSS) is able to reimagine multiple aspects of digital learning, including the benefits of a virtual option for students who were more engaged and successful, as well as those who may be best served through an online experience because of medical, social-emotional or other reasons, the potential for expanded course offerings in both subject matter and availability that can reach broader student populations, and the opportunity for enhanced professional learning for staff.

As the Howard County Public School System planned for in-person learning for the 2021-2022 school year, a fully virtual option became a necessity to meet the needs of our student and families. Under the flexibility of current state education law, HCPSS has been us to offer a digital education program for students in Grades K-6 through the implementation of a new Digital Education Center (DEC). As we look to the future, the Board is also exploring the expansion of the DEC as interest and our budget allows.

While we appreciate the collaboration that went into the development of SB0362, as written, this bill could create roadblocks to current and future innovative digital offerings that are transformative for all students and help to close achievement and opportunity gaps. These include:

- The arbitrary nature of the 10% limit per school, which does not take into account the varied needs of local schools or student populations.
- The need for clarity around “services” which can only be provided by non-profit entities – understanding the intent is to not replace teachers for the delivery of education, but services could include the virtual platform, development of materials by outside companies, contracting of outside personnel where shortages in expertise exist, etc.

- The need for flexibility in the application process where criteria can be determined by the local board.
- The need for the provision of extracurriculars, wrap-around services, food and nutrition services, and health care services to be provided by the school system, as opposed to the virtual school itself, in accordance with local board policies and procedures.
- The need for school systems to work collaboratively with MSDE to determine the appropriate balance of synchronous vs. asynchronous learning.
- The recognition that students may need to be moved to their regular school for more reasons than failing grades, which should be in accordance with local board policy. Under current HCPSS Policy 9000 a student “who does not meet expectations described in the HCPSS Student Code of Conduct (including, but not limited to attending regularly and on time, showing academic commitment, and following behavioral expectations) may be returned to the student’s designated school.”
- The need for flexibility in class sizes to meet local personnel and budgetary restraints that account for fluctuations in class size averages as well as vacancies. While staff agrees with the intent to not over-burden teachers similar to a brick and mortar classroom, currently, HCPSS utilizes target student to teacher ratios and monitors these annually.

For these reasons, we urge a UNFAVORABLE report of SB0362 from this Committee. The Board is seeking the local authority and flexibility to work collaboratively with the State Board and our local partners to give teachers, students, and parents a meaningful role in the continuation and future development of virtual educational options in Howard County.

SB 362 - Primary and Secondary Education - Virtual

Uploaded by: Anna Yates

Position: INFO

**Senate Bill 362
Primary and Secondary Education – Virtual Schools - Revisions
Education, Health, and Environmental Affairs Committee
February 16, 2022**

Letter of Information

Chair Pinsky, Vice Chair Kagan, and Members of the Committee,

Thank you for the opportunity to share our thoughts on Senate Bill 362 - Primary and Secondary Education – Virtual Schools - Revisions.

St. Mary's College of Maryland offers a Master of Arts in Teaching (MAT) program in which we offer certification in fourteen different areas for aspiring secondary and K-12 teachers. Part of our MAT program's curriculum, well before the pandemic, is a class that focuses on the use of technology in the classroom. This course provides MAT students with the knowledge and skills to successfully deliver remote instruction and the ability to design effective teaching and assessment.

It is unknown what the most effective teaching pedagogies are for students who are engaged in remote learning for extended periods of time. Much research and development of virtual learning must take place before any methodologies can be recommended with a high degree of confidence. Should those methodologies require the addition of a new course to the MAT program, the College would need to address the necessary resources to provide that instruction. A change to our State-approved curriculum may also be necessary in order to accommodate a new course.

Thank you for your consideration and continued support of St. Mary's College of Maryland.



Tuajuanda C. Jordan, Ph.D.
President



SB362 Virtual Schools 2.16.22.pdf

Uploaded by: Jeanette Ortiz

Position: INFO



SB362 PRIMARY AND SECONDARY EDUCATION - VIRTUAL SCHOOLS – REVISIONS

February 16, 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 **SB362 Primary and Secondary Education - Virtual Schools - Revisions**. This bill changes the requirements for a local board of education or the Maryland State Department of Education (MSDE) to establish a virtual school and sets requirements for students, teachers, and services at a virtual school. A local school system is limited to establishing one virtual school; however, MSDE may authorize a local school system to establish a second virtual school on a showing of just cause. A virtual school may not include classes for prekindergarten or kindergarten students. MSDE or a local board of education may contract only with a nonprofit organization to provide services for a virtual school. A teacher preparation program must include instruction on training in the skills and techniques for teaching effectively in a virtual learning environment. By December 31, 2022, the State Superintendent of Schools must report the appropriate balance of synchronous and asynchronous learning.

AACPS appreciates the bill's intent to expand virtual learning opportunities for Maryland students. It is, however, important to note that local school systems are already fully authorized to provide appropriate virtual learning opportunities under existing law. AACPS initiated the Virtual Academy, the only virtual school in the State this school year. Our Virtual Academy has been showcased by MSDE due to its rigorous and purposeful structures, schedules, and organization. MSDE has also highlighted our hiring practices and professional learning.

AACPS remains committed to elevating all students and eliminating all gaps. We recognize the educational benefits of a diverse workforce that enriches the education experience of all AACPS students. We can accomplish this by investing in the development of highly effective teachers and leaders that reflect our diversity and commitment to diversity, equity, inclusion, and a high-quality education for all AACPS students. We recognize individuals who use student data, reflect on their practice, and engage in professional learning as highly effective educators. Such educators enhance their knowledge and skills to increase student learning in their classrooms, at their schools, and in our school district. AACPS believes that the quality of education is directly dependent on the quality of the teacher workforce, which is directly impacted by the school system's ability to recruit and retain high-quality educators. We currently do this without legislation, and as such, have concerns about some of the prescriptive language as we believe school districts should retain flexibility to best align with strategic initiatives for their programs.

AACPS requests additional clarity regarding the definition of "virtual school" and recommend that there also be clarity on the definitions of "Blended Virtual Learning," and "virtual programs" as the bill's provisions regarding a school as one where the "majority" of teaching is online, and later referenced as 60% online teaching, create confusion as to the bill's intentions.

AACPS has concerns with several other provisions in the legislation. For example, Section 7-1402(d) requires county boards of education to only contract with a nonprofit to provide services for a virtual school. AACPS seeks clarification on the intent of this language. Presumably, the intent is not to replace teachers for the delivery of education. What specially is intended by the term "services" – does this refer to the virtual platform, development of materials, or other similar deliverables? AACPS recommends that this language be removed altogether to allow districts flexibility on how to provide services to students enrolled in a virtual school.

Additionally, Section 7-1404(a) of the legislation requires a virtual school to offer enrolled students access to extracurricular activities, wrap-around services, food and nutrition services, and health care services equivalent to those services provided to who receive in-person instruction in the school system. AACPS seeks an amendment clarifying that such services would be provided by the local school system, to the extent practicable, in accordance with school system policies and procedures. It is important to note that, in accordance with COMAR and MPSSAA, a student may only represent the school in which the student is registered.

Section 7-1404(b) of the bill mandates that curriculum must be at least 60% online and include a social-emotional component specific to virtual students. MSDE is also required to must submit a report on the appropriate balance of synchronous vs. asynchronous learning by December 31, 2022. AACPS seeks an amendment requiring MSDE to collaborate without local education agencies to determine the appropriate balance of synchronous vs. asynchronous learning.

AACPS is also seeking an amendment to Section 7-1404(d) to remove the language concerning the parameters around which students would return to in-person learning. AACPS recognizes that students may be moved to in-person learning for a variety of reasons and not solely as a result of failing grades. Accordingly, this determination should remain with the local school district in accordance with school system policies and procedures.

Finally, AACPS seeks an amendment to Section 7-1406(d) of the bill, which prohibits a virtual school class from exceeding the statewide or countywide average for in-person classes. Specifically, AACPS requests an amendment to provide flexibility regarding class size to meet local personnel and budgetary needs that account for fluctuations in class size averages which is similar to our current practice of class size target ratios.

Thank you for consideration of this information regarding SB362.

EACtestimony2022.SB362.pdf

Uploaded by: Leslie Margolis

Position: INFO

Education Advocacy Coalition for Students with Disabilities

SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE

SENATE BILL 362: PRIMARY AND SECONDARY EDUCATION—VIRTUAL SCHOOLS—REVISIONS

FEBRUARY 16, 2022

LETTER OF INFORMATION

The Education Advocacy Coalition for Students with Disabilities (EAC), a coalition of approximately 40 organizations and individuals concerned with education policy for students with disabilities in Maryland, submits this Letter of Information regarding Senate Bill 362, which would, if enacted, allow a county board of education to establish an additional virtual school on a showing of just cause. Senate Bill 362 requires the Maryland State Department to set standards for virtual schools, including standards for the mandatory return to in-person instruction for students who are failing academically after receiving appropriate supports. Senate Bill 362 does not mention accommodations for students with disabilities, nor does it require provision of information to parents regarding participation by students with disabilities in the virtual learning program.

The EAC submits this letter of information to share our member organizations' experience with virtual learning programs (VLPs), which were created last spring and summer to address the need for an alternative way that students unable to attend school in person could access their education. Not all jurisdictions created VLPs. The VLPs that were created were identified as general education programs, and any students with disabilities who applied to the VLPs were referred to their IEP teams, even though the IEP teams and the VLPs operate independently of each other. Students with disabilities were routinely denied enrollment in the VLPs or had their acceptance rescinded for reasons ranging from a need for testing accommodations or reading support to the need for more intensive services than what the VLP said it could provide. VLPs did not independently consider accommodations under Section 504 of the Rehabilitation Act of 1973 (Section 504) or the Americans with Disabilities Act (ADA). Students with disabilities who could not attend school in person had no alternative but to seek home and hospital instruction; intended for students who are unable to attend school because of physical illness or emotional crisis, home and hospital instruction is highly restrictive, offering only a limited number of hours of instruction per week to students with no peer contact.

We understand that virtual schools are different from virtual learning programs. We share our VLP experience, however, because without any provisions requiring compliance with Section 504 or the ADA, Senate Bill 362 may inadvertently deny students with disabilities the opportunity to access the full range of educational opportunities available in their jurisdiction and permit the creation of virtual schools that exclude students on the basis of their disabilities.

Please feel free to contact Leslie Seid Margolis, chairperson, at lesliem@disabilityrightsmd.org or 410-370-5730 for more information or with any questions.

Respectfully submitted,

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(over)

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