

However, it must be acknowledged that the Senate committee that passed SB 362 had extensive discussions about the role of private providers and the treatment of virtual programs that many across the state have worked hard to set up quickly during the COVID-19 pandemic, specifically, the Eastern Shore of Maryland Educational Consortium (ESMEC), and about what level of accountability virtual schools should be subject to. MSDE believes that these questions, too, must be answered with a focus on student learning outcomes at the forefront and that it is important to keep in mind the distinction between a school system that uses the services of private providers and those that have virtual schools run or administered by a private, for-profit entity.

Partnerships with private providers can enable smart innovations - for example, the TranZed Academy for Working Students (TAWS) program that Montgomery County Public Schools runs in partnership with a private provider has demonstrated strong student outcomes,⁴ which is why MSDE believes that language is necessary in SB 362 that allows a program such as this one to continue.

However, for-profit education providers across the country have an abject record of serving students well in many cases. This track record means strong accountability systems and smart guardrails are key⁵. Partnerships with private providers that do not demonstrate strong outcomes should not be allowed to continue for the sake of innovation, or because it was difficult to set up the partnership. The motivation to preserve existing programs and/or launching a virtual school simply cannot be because a school system fears losing its enrollment, especially at the expense of high-quality student learning outcomes. Students cannot afford continuation of programs in which students have extremely high failure rates and low attendance rates under a loose accountability framework. MSDE will continue to track data on student participation and outcomes in virtual schools and programs across the state and make clear where these patterns are troubling and require intensive interventions⁶.

All virtual schools should be held accountable for producing positive student outcomes - whether those schools are run solely by a school system or operate in partnership with a private provider. Therefore, MSDE requests an additional amendment that school systems “**shall**” have their approval to operate a virtual school revoked if during the previous two school years a virtual school performs in the bottom 10% of schools as determined by metrics of the State accountability system. This provision should also apply to existing virtual programs, such as ESMEC, after a two-year “transition” period. Existing programs should be allowed to continue provided that they meet the accountability measures outlined in the requested amendment. Giving the Department discretion to shut down underperforming virtual schools as currently drafted in the bill gives too much influence to the whims of adult politics, instead of centering student learning at the forefront.

MSDE looks forward to working with school systems to develop and set best in class standards for virtual instruction and student enrollment practices and 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. MSDE will also continue discussions on these issues with legislators, local superintendents, and our State Board of Education to ensure that we get this issue right in the coming months.

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

⁴ [A Promising Work-and-Learn Model: A Case Study of the TranZed Academy for Working Students.](#)

⁵ [Department of Education Should Help States Address Student Testing Issues and Financial Risks Associated with Virtual Schools, Particularly Virtual Charter Schools](#)

⁶ [Local Education Agency Virtual Programs Update, State Board January 2022](#) and [Virtual Programs Update State Board, March 2022](#)