

**SB610\_MSEA\_Lamb\_FAV.pdf**

Uploaded by: Lauren Lamb

Position: FAV

**Testimony in Support of Senate Bill 610  
Primary and Secondary Education - Virtual Education**

**Senate Committee on Education, Energy, and the Environment  
March 1, 2023**

**Lauren Lamb  
Government Relations**

The Maryland State Education Association supports Senate Bill 610, which would require a teacher preparation program to include certain training related to teaching in a virtual learning environment as a component of instruction, provide that a county board of education may authorize a county superintendent of schools, under certain circumstances, to provide virtual education days to students instead of closing the public schools in the county because of severe weather conditions, and alter the requirements for virtual schools operated by county boards of education.

MSEA represents 75,000 educators and school employees who work in Maryland's public schools, teaching and preparing our almost 900,000 students so they can pursue their dreams. 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. This legislation takes steps to ensure that in the event of another public health



emergency or even an inclement weather day, local school systems will be better prepared to temporarily shift to virtual learning.

Many educators have reservations about the merits of permanent virtual schools, 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 or prefer 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 for the elementary, middle, and high school grade bands. 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 using the same rigorous standards applied to in-person schools.

It also ensures that the educators in virtual schools will be fully certificated 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 should be able to focus on their virtual students rather than splitting their attention between online and in-person classrooms simultaneously.



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 urge the committee to issue a Favorable Report on Senate Bill 610.**

# **SB 610\_ Primary and Secondary Education - Virtual**

Uploaded by: Alexa Thomas

Position: FWA



**PSSAM**  
Public School Superintendents' Association  
OF MARYLAND

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**BILL:** SB 610  
**TITLE:** Primary and Secondary Education - Virtual Education  
**DATE:** March 1, 2023  
**POSITION:** Support with Amendment  
**COMMITTEE:** Education, Energy, and the Environment  
**CONTACT:** Mary Pat Fannon, Executive Director, PSSAM

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The Public School Superintendents' Association of Maryland (PSSAM), on behalf of all twenty-four public school superintendents, **supports** Senate Bill 610. However, over the interim, clearer guidance has come from the Maryland State Department of Education (MSDE) on the use of virtual school days. It is our strong preference that the Department continue to be the authorizing entity for any virtual education plans. Additionally, it would be our preference to work with MSDE and other stakeholders, including teachers and students, to build the most effective and meaningful virtual education for Maryland public school students. Further, it should be the responsibility of MSDE to craft and promulgate regulations reflecting this work after collaboration with stakeholders, rather than using legislation to create all the parameters of virtual education.

PSSAM appreciates the prior collaboration with this committee and the sponsors in crafting a reasonable framework for virtual programming and virtual schools. While this legislation largely reflects the collaborative work over the last two legislative sessions, we want the committees to be keenly aware of our organization's priorities, concerns, and preferences.

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 pre-kindergarten 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. This legislation authorizes the continued existence of an existing virtual program that does not meet all of the bill's new requirements through the 2024/2025 school year under certain conditions. The bill also authorizes virtual education days for severe weather conditions under specified circumstances. No virtual schools for the elementary band may be approved for operation before December 1, 2024. The bill requires, to the extent practicable that virtual students may participate in activities at the public school the student otherwise would be required to attend. Further, the bill ensures the following services be provided to virtual students including (1) wraparound services; (2) food and nutrition services, and; (3) health care services available to students who receive in-person instruction.

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, superintendents embrace this new mode of learning and feel it is a welcome supplement to the high-quality education already provided in Maryland schools.

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 instill 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.

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 this 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*. Last year MSDE provided guidance and a 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 definitions of a "virtual school," "Blended Virtual Learning," and "virtual programs" is warranted.

Another concern is the limitation to one virtual school per LEA. This number 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, as well as 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 more authority in the development of local plans, including 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 homeschool 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 the local decision making to include discussion of 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 of 10% of a single regular school's population for 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 over the last two years have provided many of these amenities, this is not happening 100% across all LEAs. Some have focused on the food and wrap-around services, while others have 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 that expectations should be clear that this is a different opportunity compared to traditional, in-person schools with some trade-offs. As such, local boards and superintendents should have the right to set the criteria for participation in a virtual program.

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 committee's prior engagement with us, as well as other education advocates, and look forward to working with the committee during their deliberations.

For the reasons stated above, PSSAM requests a **favorable report on Senate Bill 610, with amendments** addressing our concerns described above.

# **SB 610.Virtual Schools Operations.pdf**

Uploaded by: John Woolums

Position: FWA

**BILL:** Senate Bill 610  
**TITLE:** Primary and Secondary Education - Virtual Education - Requirements  
**DATE:** March 1, 2023  
**POSITION:** SUPPORT WITH AMENDMENTS  
**COMMITTEE:** Education, Energy, and the Environment  
**CONTACT:** John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) supports the intent of Senate Bill 610 to build a framework for a robust statewide approach to ensuring access for students to options for high-virtual 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 and flexibility for local school systems to establish virtual schools.

Generally, MABE agrees that this legislation addresses important policy issues related to virtual education within Maryland's public schools. The legislation provides criteria for operating a virtual school within a local school system, short-term shifts to virtual instruction due to severe weather, and requires the adoption of state-approved virtual education plans for use in long-term school closures. In addition, the bill includes requirements for teacher preparation programs, cyber security, and the role of outside contractors. In these ways, this legislation is extraordinarily detailed and restrictive regarding the ongoing operation of virtual learning and the future operation of emergency virtual learning.

MABE believes local school systems are already fully authorized to provide appropriate virtual learning opportunities through programs and courses under existing law. That said, MABE participated in extensive discussions and deliberations on legislation very similar to Senate Bill 610 in the 2022 legislative session, and this bill reflects much of that work. However, local school systems continue to raise concerns regarding the limitations imposed by this bill, including: restrictions on the use of virtual days at the discretion of the local school system in accordance with locally adopted policies; restrictions on the use of synchronous and asynchronous instruction; and the role of for-profit entities in operating virtual schools. In this light, MABE looks forward to engaging constructively in the dialogue on any legislation to be enacted in the 2023 session to make reasonable improvements and clarifications to the processes for state review and approval and local operation of virtual schools.

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. 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 most effective uses of virtual learning and optimize the use of technology in improving student instruction. However, MABE urges a cautious approach to enacting legislation which could create impediments to local school systems establishing high-quality approaches to emergency or short-term use of virtual learning and the operation of permanent virtual schools and programs.

For these reasons, MABE requests a favorable report on Senate Bill 610 with amendments to streamline the very detailed and prescriptive approach of this legislation to the operation of both temporary and permanent virtual schools and programs by local school systems.

# **SB 362 Virtual Schools Written Testimony 2023 Upda**

Uploaded by: Robin Fairall

Position: FWA



# ESMEC

Serving the Public County School Systems of  
Caroline, Cecil, Dorchester, Kent  
Queen Anne's, Somerset, Talbot, Wicomico and Worcester

Eastern Shore of Maryland Educational Consortium

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## Senate Bill 362

### Primary and Secondary Education – Virtual Schools – PROPOSED AMENDMENTS

#### Introduction:

The Eastern Shore of Maryland Educational Consortium (ESMEC) consists of the nine public school systems on Maryland's Eastern Shore. In the spring of 2020, to address student and family needs, with the recommendation, advice, and consent of the State Superintendent of Schools, ESMEC began to develop a plan to implement a Blended Virtual Program (BVP) to offer a blend of synchronous and asynchronous instruction to interested students and families.

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. Given the size, needs, and resources available to rural school systems, it was quickly recognized that the best pathway to create a multi-district BVP was to partner with a vendor to support the program. We secured the services of a **program coordinator**, a teacher who is on-loan from Wicomico County Public Schools, created an **advisory committee with representatives from each Shore school system**, and developed and issued a request for proposals (RFP) from vendors to provide resources to support the BVP. Based on responses to the RFP, the advisory committee selected a vendor.

In the spring of 2021, working with school system representatives, we developed an application process, aligned course offerings, and created a BVP calendar. With the start of the 2021 – 2022 school year, we launched the ESMEC BVP with an enrollment of 352 students in grades 6 through 12. **At the end of the first year of the BVP, our students had a pass rate of 83%. For the 2022-23 school year, we began with 218 students and currently seeing an 86% pass rate as of first semester.**

The *Blueprint for Maryland's Future* encourages **innovative programs in education**. The ESMEC BVP is a primary example of innovation in public education as it has established the first multi-district blended virtual learning program in the state. The ESMEC BVP offers an equitable solution to many children who are unable to attend traditional in-person learning, regardless of family income, race, and/or ethnicity.

The Eastern Shore proposes three recommendations for **virtual programs** in Senate Bill 362:

- 1). 7-1402 (3) (D) – Propose to have local school systems remain accountable by reporting student data from the virtual program to their home school not using a separate school code.
- 2). 7-1402 (3) (E) (1) – Propose to accept contracts with for-profit vendors to provide virtual programming for our MSDE approved courses pending successful pass rates.
- 3). 7-1406 (A) (2) (1) - Propose if a vendor is used for primary instruction of a collaborative virtual program the teacher does not need to be an employee of the county.

## **ESMEC BVP Overview:**

### **1. Background information about ESMEC BVP**

- a. 2021 – 2022 Enrollment: 350 students in grades 6-12 (**2022 – 2023 Enrollment: 218 students in grades 6-12**)
- b. Initiated by former Maryland State Superintendent, Dr. Karen Salmon, who approached ESMEC to develop this program and supported it with funding
- c. ESMEC BVP was developed **in compliance with state requirements** for a blended program requiring a minimum of 20% of synchronous, live instruction (*COMAR 13A.04.15*). (**Currently having 40% of synchronous, live instruction for the 2022-2023 school year**)
- d. ESMEC BVP offers over 65 courses
  - i. All High School core courses offered by the ESMEC BVP to fulfill graduation requirements have been **approved by MSDE** for the MSDE Maryland Virtual Student Learning Opportunities (MVSLO) program
- e. Students stay **enrolled in their local public school** allowing them to:
  - i. Participate in co-curricular and/or extracurricular activities (athletics, clubs, music and drama programs, honor societies, and more)
  - ii. Graduate from their local school with their peers
  - iii. Access any resources available to students participating in in-person instruction
- f. **Local school is responsible and accountable for student success**
  - i. ESMEC BVP students must report to their local school to take state assessments
  - ii. Local schools are accountable for BVP student results

### **2. ESMEC BVP Teachers & Support Staff**

- a. ESMEC BVP partnered with a vendor to provide teachers due to:

- i. Current national **teacher shortage**
- ii. Maryland State Board of Education has declared a teacher shortage in all areas of certification and geographic locations
- b. All ESMEC BVP teachers are **Maryland-certified**
- c. ESMEC BVP teachers attend IEP/504 meetings as needed
- d. Student Success Coordinators provided by the vendor– **meet 1 on 1 with students** weekly to check in on academic performance, social-emotional wellbeing, and to provide additional support and resources to students in need
- e. When surveyed:
  - i. **95%** of students feel supported by teachers and that they receive good feedback on their assignments
  - ii. **94%** of parents say their child feels supported in the program and is satisfied with the BVP teachers
  - iii. **95%** of students feel the Student Success Coordinators (SSCs) care about them and help them be more successful

### 3. Student Services

The ESMEC BVP currently collaborates with local schools to ensure students receive the same supports and services as in-person students.

Provided by ESMEC BVP	Provided by Local Schools
<ul style="list-style-type: none"> <li>a. <b>Synchronous instruction</b> (live with Maryland-certified teachers via Zoom) in all regular and honors core and elective courses</li> <li>b. <b>Asynchronous instruction</b> (including online modules, tutorials, projects, and assessments)</li> <li>c. <b>ESMEC BVP Coordinator</b> (on loan from Wicomico County Public Schools)</li> <li>d. <b>ESMEC BVP liaison</b> from each participating school system on the shore</li> <li>e. <b>Student Success Coordinators</b></li> <li>f. <b>Live tutoring</b> (Monday-Friday 8 am to 8 pm)</li> <li>g. <b>Teacher provided study halls &amp; office hours</b> for small group/individual support</li> </ul>	<ul style="list-style-type: none"> <li>a. <b>Administrator(s)</b></li> <li>b. <b>Counselors</b></li> <li>c. <b>State and local testing</b></li> <li>d. <b>Special Educators</b> (IEP/504/English Language Learner support)</li> <li>e. <b>Technology</b></li> <li>f. <b>Co-curricular/extra-curricular activities</b> (athletics, clubs, music and drama programs, honor societies, and more)</li> <li>g. <b>Meals</b></li> <li>h. <b>Health Services</b></li> </ul>

#### 4. Student Achievement

- a. **83.3% pass rate** at the end of the 2021-22 school year, an increase of 17% from the end of quarter 1
- b. Students who are not being successful are
  - i. **provided additional support by the local schools,**
  - ii. **offered additional help during virtual study halls and teacher office hours,**
  - iii. **and/or returning to in-person learning**
- c. **Student progress is continuously monitored** by (1) ESMEC BVP Coordinator; (2) Local District ESMEC BVP liaison, (3) School-based Counselors & Administrators; (4) Special educators (if applicable); (5) Student Success Coordinators; (6) Parents/Guardians (receive a weekly report showing student's grades, missing assignments, and upcoming assignments)
- d. **81% of families want their child to continue** in the program for the next year

#### 5. ESMEC BVP Parent & Student Feedback

- a. *"I have watched my son blossom from a depressed, unmotivated, distant boy into a confident, highly intelligent, whole person and I cannot be more happy with it."* (Parent of a 7<sup>th</sup> grade student)
- b. *"The BVP has put [my child] in a position where he is in complete control of his education. This opportunity at this stage of his education is very beneficial. The online structure is preparing him for the rigors of the collegiate environment."* (Parent of an 11<sup>th</sup> grade student)
- c. *"My grades this year are way better than when I did my own homeschool program last year because of the amazing help from my teachers."* (9<sup>th</sup> grade student)
- d. *"I like learning at my own pace and being able to do work on my own schedule."* (6<sup>th</sup> grade student)
- e. *"My Student Success Coordinator meets with me every week to see how I am doing and if I need help with anything. She also talks to me about things I am interested in like creating music and video games. When I was going to in person school, there wasn't anybody there who did that."* (7<sup>th</sup> grade student)
- f. *"When (my child) was in-person, his sensory was extremely overstimulated which caused him to shut down, refuse to participate, and be unable to control his emotions (frustration, anger, and sadness). His grades were D's and E's and he was removed from the classroom often. With the BVP his grades are A's and B's. He never experiences any emotional breakdown's during school and is always present in his classes for their entirety."* (Parent of a 6<sup>th</sup> grade student)



## Summary

In summary, **MSDE encouraged ESMEC to create the BVP**. To create a virtual option for students in our rural area, we partnered together to form the ESMEC BVP. **All students participating in the ESMEC BVP must be enrolled in their local public school**. Consequently, **the local school is accountable for the success of each student**. Students have access to services and activities provided by their local school while receiving synchronous and asynchronous instruction and supports through the ESEMC BVP. **If this bill as drafted becomes law, the ESMEC BVP will cease to exist, and more than 200 students will be forced to find alternative pathways such as homeschooling or private school or public school.**

We were asked to be innovative in providing opportunities for students and that is what we did create a **Blended Virtual Program** option. Governor Hogan stated, "I believe that every parent and child should have the option to choose the best learning opportunity that works for their circumstances and abilities. This bill will erode that choice by limiting the types of providers local school systems can partner with to deliver a full-time education program." (Letter dated May 27, 2022)

**Respectfully submitted,**

**Kelly L. Griffith, Ed.D.**

**Executive Director of ESMEC**

# **McKone Testimony SB0610.pdf**

Uploaded by: alexandria Mckone

Position: UNF

My name is Alexandria McKone and I am a mother of four in Anne Arundel County. I ask you to reject SB0610, as it has adverse consequences for the families it was meant to aid. My children were wonderful students before technology took the place of teachers in the classroom. Now, they come home from school with bloodshot eyes, unable to focus on simple tasks, and unable to write legibly or spell. Technology has not only failed them, but has caused them harm. Studies have proven that excessive screen time is linked to lower scores in cognitive assessments, higher impulsivity, obesity, depressive symptoms, low self-esteem, behavioral issues, and damage to the retina. Yet, this bill is pushing to further embed screen time without limitation in education.

On a normal inclement weather day, older children would stay home and play; something that would not require constant supervision. However, SB0610 puts technology into their hands on these days, requiring constant supervision both to keep the children from accessing inappropriate content as well as to keep them on task. Current measures in our schools allow access to video games, YouTube videos, and even pornography. While well-intended, school districts' content monitoring is ineffective at best. The result of a virtual instruction day is thereby unsupervised access to inappropriate content, which most parents would like to prevent. Alternatively, older children could consciously choose not to engage in the lesson, resulting in an unlawful absence.

For younger children unable to stay home, parents would drop them off with someone in their support system or at a daycare center for an inclement weather day. However, SB0610 hinders these options. Let us explore how these two scenarios play out in families with young children if SB0610 passes:

I, along with most parents, struggle with these devices. Surely my neighbors and friends (my support system), all of whom have no experience with Brightspace, will encounter difficulty getting my children online, if they even have internet. If my neighbors and friends cannot get my children online, I face an unlawful absence. As a result, my support system is no longer an option.

The next option is to drop the children off at a daycare center. If one teacher cannot prevent their class from playing video games in the classroom, how will a daycare center handle all of the children, frequently requiring individual assistance on their devices, while still caring for the infants and toddlers? Daycare providers are not familiar with the inappropriate content, frequently disguised as learning games. As a result, the children will have unrestricted access to inappropriate content and will not have the individualized support they need to engage in virtual instruction. Further, they may play games instead of accessing the lesson, resulting in an unlawful absence.

This bill essentially requires parents to take the day off to stand over their children's shoulders and ensure they are staying on task. What happens to the children of teachers, who are also required to attend virtual instruction days, but have a parent who is preoccupied? What happens to the children who do not have power or internet at home, which is especially likely in inclement weather? What happens to the families who cannot afford to have an adult stay home to supervise, and their child decides not to attend?

Lastly, the bill requires that virtual instruction days do not include graded material. This implies that the virtual instruction days will be less than educational. What is the point of requiring children to attend virtual instruction days, when we know they will be a joke?

Please do not pass this bill. The consequences are detrimental to working parents, including the teachers themselves, while the gains are negligible.

**MD\_HouseTestimony\_3.2.23.pdf**

Uploaded by: DENNIS RASMUSSEN

Position: UNF

Good Afternoon Chairman Atterbeary, and members of the Committee. Thank you for allowing me an opportunity to provide testimony related to House Bill 985.

My name is Jennifer Clarke and I am a State Policy Support Specialist for Pearson Virtual Schools (PVS), working with states in the northeast, many of which have established full-time statewide virtual schools. We support the establishment of a fully online opportunity for Maryland's students. PVS has more than 20 years of experience serving students in grades K-12 in an online setting. We currently support 46 fully online schools in 31 states. In fact, Pearson's online curriculum is used in many traditional and charter schools in Maryland right now.

Online educational opportunities are not for every student, but for some students they provide a much-needed alternative. Having worked in online education for more than 15 years, I have personally met students who were struggling academically or were being bullied in their traditional school environment. I have worked with students who were medically fragile, were pregnant or were a necessary income provider in their household. I've worked with other students who were high-achievers and looking for any opportunity available to them to take AP courses, or travel with a highly competitive sports program.

During the pandemic, families got a taste of the flexibility of online education. They learned what students attending virtual schools in neighboring states have known for years – high quality online options can provide flexibility and individualization too and are distinguished from emergency remote learning some students experienced

It is time for Maryland's students to have the same educational opportunities that students in Pennsylvania, Virginia, Rhode Island, Maine, South Carolina, Georgia and many other states have had for years. HB 985 will provide that. Pearson Virtual Schools' headquarters are in Maryland. We want to serve the students of our home state and look forward to working with you to adopt legislation that will afford us that opportunity.

Thank you for giving me this opportunity.

**SB0610 .pdf**

Uploaded by: Virginia Kolakoski

Position: UNF

SB0610 Unfavorable

I think students should have snow days! There's nothing more fun than getting one, going outside and getting exercise over the winter when that's very limited.

**EACtestimony.SB610.pdf**

Uploaded by: Leslie Margolis

Position: INFO



# Education Advocacy Coalition

## for Students with Disabilities

### SENATE EDUCATION, ENERGY, AND THE ENVIRONMENT COMMITTEE

#### SENATE BILL 610: PRIMARY AND SECONDARY EDUCATION—VIRTUAL EDUCATION

DATE: MARCH 1, 2023

#### POSITION: 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 610, which authorizes virtual education days in the event of severe weather, sets standards for virtual education schools, addresses professional development, and sets forth the components of the virtual education plan that each county school board must develop. The EAC appreciates that Senate Bill 610 requires county school boards to ensure that students with disabilities have access to devices, Wifi, and continued access to continued implementation of their individualized education programs (IEPs) during periods of virtual instruction. We file this letter of information to share our member organizations' experiences with virtual education for students with disabilities and their families and to bring several issues to the attention of Committee members.

It is clear from looking back at the initial pandemic-related period of virtual education, subsequent intermittent periods of virtual education, and the virtual learning programs (VLPs) created for the 2021-22 school year, some of which are still operating, that these programs were designed without fully taking into account the needs of students with disabilities. Although some students with disabilities were able to pivot successfully to virtual education and may even have preferred remote to in-person learning, other students had a disastrous experience and still have not recovered; EAC members have represented or worked with numerous children and youth whose disabilities prevented them from accessing or benefiting from virtual education. Some of these children could not log in or participate because they needed one-to-one support to physically access the education program and be guided to focus on what was happening on screen; their parents were unavailable or unable to serve as their child's instructional assistant because of their jobs, their other child care responsibilities or the inability of the child to work with the parent in the assistant role. Other children were unable to participate in virtual education because the instruction platform was not accessible to them and the school system did not choose accessible alternative platform and instructional materials. Other children could not tolerate virtual instruction and had severe behavioral episodes, trying to destroy their devices or engaging in self-injurious or aggressive behavior. Although some students with disabilities will be able to pivot to virtual learning if it becomes necessary, others will not, and Senate Bill 610 does not offer an alternative that would allow children who need either in-person services or in-person support to access virtual education to receive those services or support.

With respect to the VLPs, many families who welcomed the possibility of having their child attend school remotely because of continuing health concerns encountered barriers when the VLPs refused to accept students with IEPs, saying their needs could not be met in the VLP and refusing to make reasonable accommodations as required by federal law. 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). Students with disabilities who could not attend school in person had no alternative but to seek home and hospital instruction, a much-reduced program offering only a few hours a week of instruction, with no peer contact. The United States Department of Education's Office for Civil Rights is currently investigating one Maryland jurisdiction's VLP for discrimination on the basis of disability.

Additionally, some school systems and nonpublic schools have increasingly begun to use virtual education as an illegal placement for students with disabilities who have been suspended or expelled. This type of virtual education occurs in a myriad of unregulated ways, as school districts are not required to collect or provide data regarding how virtual education is being used for students on disciplinary removal. In some instances, students are only provided with continued "access" to their classes through the virtual platform used in their regular education placement, but they are not provided with any live instruction in their classes, making educational progress all but impossible. In other instances, students are enrolled in a virtual alternative school or other type of online learning that they access from home. These virtual program options are unlawful, however, when used in the disciplinary context for students with disabilities who, by law, are not permitted to be forced to receive their education at home after being subjected to disciplinary action. Contrary to the letter of spirit of Maryland's discipline laws and regulations, which aim to keep students connected to their school communities and on track with classroom work and progress towards IEP goals, some school systems appear to use virtual education as a convenient, if unlawful, alternative for students who are removed from school for disciplinary reasons. Unfortunately, we have seen far too many students placed on virtual education during disciplinary removal who do not, for a variety of reasons, access instruction and are ultimately deemed to be truant.

Further, some school districts and nonpublic schools have also begun to unilaterally place students on virtual education after a disciplinary incident but do not consider the removal to virtual education to be a disciplinary removal, thus flouting legal requirements. Senate Bill 610 contains no "guardrail" provisions regarding circumstances when virtual education would be inappropriate, such as in response to the suspension of a student with disabilities.

We hope this information is helpful as the Committee considers the need to ensure that all students, including all students with disabilities, have access to education during times when school buildings are closed and, more generally, as virtual schools and programs become a more permanent component of Maryland's education system. For more information or if questions, please contact Leslie Seid Margolis, Chairperson, at [lesliem@disabilityrightsmd.org](mailto:lesliem@disabilityrightsmd.org) or 443-692-2505.

Respectfully submitted,

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# **SB610 CRSD.Virtual Education.Letter of Information**

Uploaded by: Megan Berger

Position: INFO

# MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

## SENATE EDUCATION, ENERGY, AND THE ENVIRONMENT COMMITTEE

### SENATE BILL 610: PRIMARY AND SECONDARY EDUCATION—VIRTUAL EDUCATION

DATE: MARCH 1, 2023

#### POSITION: LETTER OF INFORMATION

The Maryland Coalition to Reform School Discipline (CRSD) brings together advocates, service providers, and community members dedicated to transforming school discipline practices within Maryland’s public school systems. CRSD is committed to the fair and equitable treatment of ALL students, including pregnant or parenting students, regardless of race, ethnicity, gender, gender identity, sexual orientation, disability, religion, and socio-economic status, and reducing barriers to learning for ALL students. CRSD appreciates that Senate Bill 610 requires county school boards to ensure that students have access to devices, WI-FI, wraparound services, and continued access to implementation of their individualized education programs (IEPs) during periods of virtual instruction. We file this letter of information to share our member organizations’ experiences with virtual education for students and to bring several issues to the attention of Committee members.

First, not all students are able to benefit from virtual education, as we learned from the poor educational outcomes and learning loss resulting from virtual learning during the COVID-19 pandemic. During the pandemic-related school building closures, CRSD members represented or worked with numerous children and youth whose disabilities or other circumstances prevented them from accessing or benefiting from virtual education. Some of these children could not log in or participate because they needed one-to-one support to physically access the education program and be guided to focus on what was happening on screen, and their parents/guardians were unavailable or unable to serve as their child’s instructional assistant because of their jobs, their other child care responsibilities or the inability of the child to work with the parent/guardian in the assistant role. Other children could not tolerate virtual instruction and had severe behavioral episodes, trying to destroy their devices or engaging in self-injurious or aggressive behavior. Other students could not successfully benefit from virtual learning because they did not have quiet spaces to work from in their homes, or reliable and consistent technology and WI-FI. Although some students will be able to pivot to virtual learning if it becomes necessary, others will not, and Senate Bill 610 does not offer an alternative that would allow children who need in-person services or in-person support to access virtual education to receive those services or support.

Additionally, some school systems and nonpublic schools have increasingly begun to use virtual education illegally as a placement option for students with disabilities who have been suspended or expelled, as well as for regular education students. This type of virtual education occurs in a myriad of unregulated ways, as there is no required data collection on how schools are using virtual education for students on disciplinary removal.<sup>1</sup> In some instances, students are only provided with continued “access”

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<sup>1</sup> Nearly all school systems in Maryland operate alternative schools or programs for children with behavior challenges and children who have been suspended or expelled. However, the Maryland State Department of Education (MSDE) does not collect or report centralized data or information on alternative schools, such as their educational programming, staffing, student assignment procedures, student demographics, and academic outcomes. With the proliferation of virtual education and virtual learning following the school closures due to the COVID pandemic, it is even more critical that this data is collected.

to their classes through the virtual platform, however they are not provided with any live instruction in their classes, making education progress all but impossible. In other instances, students are enrolled in a virtual alternative school they access from home or are otherwise enrolled in some type of online learning accessed from the home. Students' access to this type of virtual education is hindered by internet issues and other technological barriers, particularly when parents or guardians do not have the experience to assist their child to ensure access to the virtual platforms. And more likely than not, students placed in virtual programs for disciplinary reasons may not be able to access the virtual platform or handle the inherent unstructured nature of virtual programs. Yet, we have no data that reports on academic outcomes for students placed in virtual programs. We have seen far too many students placed on virtual education during disciplinary removal who do not attend instruction and are ultimately deemed truant.

Specifically for students with disabilities, the issue of virtual programs accessed from the home is even more complicated as under current law it is in fact an illegal placement if made as a result of a disciplinary removal. Pursuant to COMAR 13.A.05.01.10(C)(6), the instructional setting for the provision of educational services to a student who has been disciplinarily removed from school may not be a student's home because placement in the home is the most restrictive environment as it does not permit instruction to take place with other students. Students with disabilities, by law, are not permitted to be forced to receive their education at home after being subjected to disciplinary action. Another problem is that unilateral removal to virtual education during disciplinary removal does not take into consideration whether the student is able to successfully access or benefit from virtual education. Some school systems appear to use removal to virtual education as a convenient, if unlawful, alternative for students who are removed from school for disciplinary reasons, which is contrary to the letter and spirit of Maryland's discipline laws and regulations which aim to keep students connected to their school communities and on track with classroom work and IEP goals. Senate Bill 610 contains no "guardrail" provisions regarding circumstances when virtual education would be inappropriate, such as in response to the suspension of a student with disabilities.

We hope this information is helpful as the Committee considers the need to ensure that all students have access to education at times when school buildings are closed and, more generally, as virtual schools and programs become a more permanent component of Maryland's education system.

For more information contact:

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**CRSD Members**

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ACLU

Disability Rights Maryland

Office of the Public Defender

Public Justice Center

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League of Women Voters Maryland

Project HEAL at Kennedy Krieger Institute

The Youth, Education, and Justice Clinic at the University of Maryland Francis King Carey School of Law