

# **SB 829.Virtual Schools Operations.pdf**

Uploaded by: John Woolums

Position: FWA

**BILL:** Senate Bill 829  
**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 829 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 other causes, and requires the adoption of state-approved virtual education plans for use in long-term school closures. MABE does note that Senate Bill 829 includes several provisions regarding early education and the role of outside providers that differ from those of the other virtual school bills pending in the Senate. That said, the bill continues to be 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 829 in the 2022 legislative session, and this bill reflects much of that work. While local school systems continue to raise concerns regarding the limitations imposed by this bill, it would provide more flexibility for the use of virtual school days and the operation of virtual schools than the other legislation pending in the 2023 session. 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 829 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.

# **McKone Testimony SB0829.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 SB0829, 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, SB0829 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, SB0829 hinders these options. Let us explore how these two scenarios play out in families with young children if SB0829 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.

**EACtestimony.SB829.pdf**

Uploaded by: Leslie Margolis

Position: INFO

# Education Advocacy Coalition

## for Students with Disabilities

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

#### SENATE BILL 829: PRIMARY AND SECONDARY EDUCATION—VIRTUAL EDUCATION—REQUIREMENTS

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 829, 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 829 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 820 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 829 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,

Selene Almazan, Selene Almazan Law, LLC  
Rene Averitt-Sanzone, The Parents' Place of Maryland  
Linda Barton, MSED, Education Advocate  
Beth Benevides, Howard County Autism Society  
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Michelle Davis, ABCs for Life Success  
Alyssa Fieo, Office of the Public Defender  
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Ronza Othman, National Federation of the Blind of Maryland  
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Guy Stephens, Alliance Against Seclusion and Restraint  
Maureen van Stone, Annie Carver, Tyler Cochran, Project HEAL at Kennedy Krieger Institute  
Jessica Williams, Education Due Process Solutions, LLP  
Liz Zogby and Lauren Ochalek, Maryland Down Syndrome Advocacy Coalition

**SB829.CRSD.virtual school.Letter of Information.pdf**

Uploaded by: Megan Berger

Position: INFO

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# MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

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## SENATE EDUCATION, ENERGY, AND THE ENVIRONMENT COMMITTEE

### SENATE BILL 829: PRIMARY AND SECONDARY EDUCATION—VIRTUAL EDUCATION-- REQUIREMENTS

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 829 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 829 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.

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 829 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:

Megan Berger (Disability Rights Maryland) and Alyssa Fieo (Office of the Public Defender)  
Maryland Coalition to Reform School Discipline  
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**CRSD Members**

The Choice Program at UMBC  
ACLU  
Disability Rights Maryland  
Office of the Public Defender  
Public Justice Center  
Spencer M. Hall, Esq.  
League of Women Voters Maryland  
Project HEAL at Kennedy Krieger Institute

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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.

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