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Position: FAV

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

**House Ways and Means Committee
March 29, 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 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 – though not require – 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 to all students, and that they should have access to adequate technology and full support services, including nutritional services, social-emotional wellness programming, and extracurricular activities. It ensures that they can learn using the same rigorous standards applied to in-person schools.

It also guarantees 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 county or collaborating county where the school is based, 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 quality standards and systems comparable to those at 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.

SB0610_PEARSON_Clark_FWA.pdf

Uploaded by: DENNIS RASMUSSEN

Position: FWA



Testimony offered on behalf of:
PEARSON VIRTUAL SCHOOLS

**IN SUPPORT, WITH AMENDMENTS TO:
SB0610 – Primary and Secondary Education – Virtual Education**

HOUSE WAYS AND MEANS COMMITTEE

Hearing: 3/29/2023 at 1:00 PM

Good afternoon, Madam Chair Atterbeary, and members of the Committee. Thank you for allowing me an opportunity to provide testimony related to SB0610.

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.

SB0610 establishes requirements related to virtual education for public schools, including requirements for:

- virtual schools,
- teacher preparation programs, and
- expanding computer and Internet security infrastructure for virtual education.

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. A virtual school may not include classes for prekindergarten or kindergarten students. The bill includes various reporting requirements for the Maryland State Department of Education (MSDE). If enacted, the bill takes effect July 1, 2023.

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.

3/27/2023

SB0610

SB0610 will bring virtual education opportunities to Maryland's students. But there are some provisions within this bill that we feel require some amendments and clarification. Most promising is the legislature's commitment to opening this dialogue and directing the Department of Education to work with stakeholders on the intricacies of this opportunity. Pearson Virtual Schools is available to bring our more than 20 years of experience in 31 other states to that conversation.

Our 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.

PEARSON VIRTUAL SCHOOLS thanks the sponsors and the House Ways and Means Committee for all the effort you have expended in working through virtual learning legislation in the past and respectfully asks for your **FAVORABLE SUPPORT ON SB0610, AS AMENDED IN THE SENATE.**

Should the Committee require any additional information, please contact me or Dennis F. Rasmussen, df@rasmussengrp.net or 410-821-4445.

Respectfully,

Jennifer Clarke

Jennifer Clarke, M.Ed.
Specialist, Partnerships & Policy
PEARSON VIRTUAL SCHOOLE
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FINAL SB610 Primary and Secondary Education - Virt

Uploaded by: Grace Wilson

Position: FWA



SB610 PRIMARY AND SECONDARY EDUCATION – VIRTUAL EDUCATION

March 29, 2023

WAYS AND MEANS

SUPPORT WITH AMENDMENTS

Grace Wilson, Legislative & Policy Specialist (410.440.1758)

Anne Arundel County Public Schools (AACPS) supports with amendments **SB610 Primary and Secondary Education – Virtual Education**. This bill establishes requirements related to virtual education for public schools, including requirements for: (1) virtual schools; (2) teacher preparation programs; and (3) expanding computer and Internet security infrastructure for virtual education. Specifically, the bill: (1) authorizes virtual education days for severe weather conditions; (2) permits the establishment of a virtual school by county boards; and (3) allows for the operation of public schools virtually during a prolonged state of emergency. If a virtual education day is used because severe weather prevents the operation of schools normally, the school system must have used all days allocated for closure due to inclement weather and virtual education day must consist of at least four synchronous learning hours. Regarding the establishment of virtual schools, the bill prevents virtual schools for the elementary band from being approved for operation before December 1, 2024; permits county boards to establish one additional virtual school upon a showing of just cause; and prohibits a for-profit entity from operating or administering a virtual school. A virtual school may not include classes for prekindergarten or kindergarten students. Finally, the bill included various reporting requirements for MSDE.

AACPS appreciates the bill's intent to expand virtual learning opportunities for Maryland students and to build a framework for a robust statewide approach to ensure access for students to virtual learning. However, it is important to note that local school systems are already fully authorized to provide appropriate virtual learning opportunities under existing State law. In fact, AACPS is currently operating the only stand-alone virtual school in the State, the AACPS Virtual Academy. The Virtual Academy services students who due to personal medical conditions, the medical conditions of a member of the household, or social emotional barriers are prevented from attending brick-and-mortar schools. Students in the Virtual Academy receive real-time, synchronous instruction four and a half to six hours per day from certified AACPS instructors and participate in AACPS curriculum and assessments as well as all in-person mandatory Maryland State assessments. The AACPS Virtual Academy served over 500 students during the 2021-2022 school year.

While AACPS is supportive of efforts to expand virtual learning, we are concerned regarding the specific limitations imposed by the bill on the use of virtual education during inclement weather days and virtual schools and programs. With regard to the use of virtual education during inclement weather days, AACPS requests that the prescriptive notifications requirements of this bill regarding use of virtual education during severe weather be removed as it does not align with the way AACPS notifies staff, students, and families of school closure or the use of virtual education. Rather, AACPS requests that school systems be permitted to notify their staff, students, and families of the transition to a virtual education day in case of severe weather in a way they deem best.

Additionally, AACPS believes the requirement that school systems use all days allocated for closure for inclement weather before using a virtual education day in the case of inclement weather is contrary to the intent of this bill. The purpose of virtual education is to continue with teaching and learning instead of closing schools and thereby forfeiting a school day due to inclement weather. AACPS believes that this requirement should be removed from SB610 in order to preserve flexibility at the local level on this matter and allow for continued teaching and learning in cases of

inclement weather. Similarly, AACPS respectfully requests that asynchronous learning days be permitted to continue the learning experience for students in the case of inclement weather.

AACPS also requests amendments to the portions of this bill addressing the establishment of virtual schools and programs. AACPS is concerned regarding the requirement of this bill to provide students enrolled in a virtual school or program with access to athletic opportunities and, to the extent practicable, extracurricular activities at the school the student would otherwise attend. AACPS believes that local flexibility should be preserved in this instance as it may not always be appropriate to provide students in virtual schools with access to extracurricular activities in person. For example, in-person curriculars are currently not available to AACPS Virtual Academy students. Before students and families are permitted to enroll in the Virtual Academy, AACPS sets the expectation that students will not participate in any in-person activities, with the exception of mandatory in-person State testing. However, this does not mean that Virtual Academy students do not have access to those services available to their peers attending brick-and-mortar schools. Virtual Academy students have access to essential services, such as the ability to purchase meals, including free and reduced price meals, as well as extracurricular activities. Students attending the Virtual Academy have access to virtual co-curricular experiences and clubs with no in-person gatherings, and students who are interested in in-person athletic programs are encouraged to seek opportunities through community organizations. AACPS students who attend the Virtual Academy enroll in this unique program because it best meets their educational needs. These students are unable to participate in in-person learning, it is not appropriate to make in-person extracurricular and athletic opportunities available to them. AACPS would respectfully request that this requirement be removed from the bill.

Finally, AACPS is concerned regarding the requirement of this bill to provide social and emotional wellness components to students in virtual schools. The same is not currently required for comprehensive schools. AACPS requests this language be struck from the bill so that virtual schools and programs are not subject to additional standards that comprehensive schools are not.

Accordingly, AACPS respectfully requests a **FAVORABLE WITH AMENDMENTS** committee report on SB610.

SB 610.Virtual Schools Operations HOUSE.pdf

Uploaded by: John Woolums

Position: FWA

BILL: Senate Bill 610
TITLE: Primary and Secondary Education - Virtual Education - Requirements
DATE: March 29, 2023
POSITION: SUPPORT WITH AMENDMENTS
COMMITTEE: Ways and Means
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-quality 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 already provides a balance of authority, accountability, 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.

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.

Specifically, MABE supports greater local control over the assignment of students to virtual schools, and decisions to assign students to in-person instruction. Therefore, MABE requests striking all of section 7-1403 on pages 6-7 of the bill. MABE requests the removal of strict limitation on the number and types of virtual schools which may be operated by local school systems and the “just cause” standard of review for MSDE’s review and approval of local requests to establish additional virtual schools. Therefore, MABE requests striking the amendments proposed in section 7-1402 (a)(1) and all of section 7-1402 (a)(2). MABE urges the committee to consider these concerns and others raised by local school systems on the bill’s approach to governing emergency virtual education days, permanent virtual schools, and the operation of virtual schools during a prolonged state of emergency.

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.

SB0610 Howard Co BOE Testimony 032923 for W&M - Vi

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Position: UNF



Board of Education of Howard County
Testimony Submitted to the Maryland House of Delegates,
Ways and Means Committee
March 29, 2023



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of Howard County

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Secretary/Treasurer*

SB0610: UNFAVORABLE
Primary and Secondary Education - Virtual Education

The Board of Education of Howard County (the Board) opposes **SB0610 Primary and Secondary Education - Virtual Education** due to its potential to create roadblocks to current and future innovative digital offerings that are transformative for all students and help to close achievement and opportunity gaps.

As a legislative platform, the Board supports flexibility in the format and options for delivery of digital education programs and assessments, including virtual schools, virtual courses, and alternative instruction due to weather and other unforeseen closures. To this end, the Board opposed the 2022 version of SB610 for the restrictive nature of the provisions on virtual schools such as the Howard County Public School System (HCPSS) Digital Education Center (DEC) and uncertainty around its impact on virtual learning options and digital programs, including synchronous courses that have been offered for years at the high school level. While amendments made to the bill late last session curtailed some of these concerns, remaining impacts included restrictive application requirements for virtual schools, and limitations on what populations school systems could serve.

One of the more prominent and polarizing topics during the 2022 session, the bill passed by the General Assembly was ultimately vetoed by the Governor. As a reintroduction, SB0610 addresses three areas of virtual education, including:

- Virtual Education Days – this portion of the bill offers schools some flexibility in the case of weather-related closures. In order to use these days, school systems must create a plan that has to be adopted by the local board of education, and the days may only be used after a school system has exhausted their snow days built into the calendar. Although similar, the provisions are not the robust program HCPSS requested under HB1306 Howard County - Public Schools - Alternative Instruction Model Policy Ho. Co. 09-22 which allowed for models other than virtual education if warranted and for closures other than weather.
- Virtual Education Plans – this portion of the bill addresses closures for prolonged emergencies such as a pandemic. By June 1, 2024, school systems must update the continuity of learning plans that were in place during SY2020-2021, and then if the Governor were to declare an emergency closure, each school system must update the plan to fit the specifics of the emergency with the Maryland State Department of Education (MSDE) able to approve or recommend changes.
- Virtual Schools – this portion of the bill covers the larger topic of operations of virtual schools. Initially, any schools existing prior to the passage of the bill are not subject to the parameters until SY2025, and such schools are encouraged to come into compliance as soon as possible before that time. After that time, should

a virtual program be classified as a virtual school, some of the potentially limiting factors of the bill include the prohibition on both prekindergarten and kindergarten classes. No county boards nor MSDE may establish a new elementary grade band before December 2024. The bill also limits virtual schools per county to one school per grade band unless MSDE approves a second, and enrollment to 10% of the population from any one school unless this cap is lifted by MSDE. MSDE and the Maryland State Board of Education also have final authority to approve virtual schools, as well as revoke that approval if the school fails to meet standards as established by MSDE in regulation. For current schools that operate for the next two years, MSDE can revoke operations if the school performs in the bottom 10% as measured by the state's accountability system.

Should SB0610 pass, restrictions as outlined above for virtual schools have the potential to limit HCPSS' ability to create robust virtual school offerings that meet the needs of the local community. Although budgetary constraints required discontinued use of the DEC in Howard County for SY2022-2023, the flexibility of current state education law enables school systems to offer a virtual school or virtual program should the need and resources be present in future years. A study to be completed under the bill by July 2024 includes review of virtual schools and programs across the state and nationally, and calls for recommendations for best practices. Such an effort would be beneficial prior to legislating potentially restrictive provisions.

Specific to the provisions on virtual education plans, HCPSS staff and the Board supports the intent to prepare for future emergencies and agrees with the need to maintain plans as created in SY2020-2021. The many specifics regarding what the plan must include, as well as services required during the implementation of a virtual education plan and dedicated staff to support technology infrastructure laid out in the bill, become an unfunded mandate especially given much of that work done during the COVID-19 pandemic was funded through incident-specific federal relief.

Lastly, the portion of the bill allowing virtual education days for weather-related closures is a small step forward in what HCPSS and the Board have been asking for each legislative session over the past five years related to reimagining education beyond the brick-and-mortar buildings. Since the veto of SB0362 in 2022, however, MSDE has allowed school systems this flexibility with HCPSS adopting an Inclement Weather Asynchronous Instruction Plan this past October.

The unplanned transition to virtual learning during the COVID-19 pandemic required school systems to develop new resources of knowledge and technological capabilities, including increased student-device ratios in Howard County. The lessons learned during transitions among instructional delivery models enables us to reimagine multiple aspects of digital learning, including the benefits of a virtual option for students who were more engaged and successful and may be best served through an online experience, the value of flexibility to transition between in-person and virtual instruction to provide continuity of learning during emergencies and adverse weather conditions, 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.

For these reasons, we urge an UNFAVORABLE report of SB0610 from this Committee.

EACtestimonySB610--House.pdf

Uploaded by: Leslie Margolis

Position: INFO

Education Advocacy Coalition

for Students with Disabilities

HOUSE WAYS AND MEANS COMMITTEE

SENATE BILL 610: PRIMARY AND SECONDARY EDUCATION—VIRTUAL EDUCATION

DATE: APRIL 29, 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 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
Rich Ceruolo, Parent Advocacy Consortium
Michelle Davis, ABCs for Life Success
Alyssa Fieo, Office of the Public Defender
Jennifer Engel Fisher, Weinfeld Education Group

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Lisa Frank, Andrea Bennett, Jen Ritchotte and Amy Tonti, Special Kids Company
Ann Geddes, Maryland Coalition of Families
Kimberly Glassman, Law Office of Brian K. Gruber, P.A.
Kalman Hettleman, Independent Advocate
Morgan Durand Horvath, M.Ed., Abilities Network
Nicole Joseph, Esq., Law Office of Nicole Joseph
Rosemary Kitzinger and Marjorie Guldan, Bright Futures, LLC
Ande Kolp, The Arc Maryland
Rachel London, Maryland Developmental Disabilities Council
Leslie Seid Margolis, Disability Rights Maryland
James Garrett Mooney, Maryland Organization of Parents of Blind Children
Ellen O'Neill, Atlantic Seaboard Dyslexia Education Center
Ronza Othman, National Federation of the Blind of Maryland
Rebecca Rienzi, Pathfinders for Autism
Jaime Seaton, BGL Law
Kelly Spanoghe, Education Advocate
Karleen Spitulnik, Decoding Dyslexia Maryland
Ronnetta Stanley, Loud Voices Together
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

SB610 ESMEC testimony 3.2023 Respectfully sugbmitte

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Position: INFO



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

The Eastern Shore of Maryland Education Consortium (ESMEC) Blended Virtual Program (BVP) is not a school but a program. In Senate Bill 610 in paragraph on page 21 line 28-34 where it states that the BVP is allowed to continue to operate "as a virtual school" is concerning. This indicates that we are allowed to continue but must conform to the "virtual school" parameters. Last year we were told that we have to meet the parameters by the end of the 2024-2025 school year, but if we have to meet them immediately next year, it would be impossible to continue offering this option on the eastern shore.

The **main roadblocks** for the current BVP to continue with Senate Bill 610 as written are:

1. Requiring a "unique school code" (p. 6, In 22-23)
2. No contracting with for-profit entities to "operate or administer" a virtual school (p. 6, In 24-29) - Each district provides a representative to administer and operate the program for the district and that the vendor provides services (LMS, Curriculum, Teachers, Tutoring).
3. MSEA and the requirement for teachers to be employed by the county and part of the collective bargaining agreement (p. 10, In 25-28) - as it is now, all of Edmentum's teachers with the BVP have a MD teaching certificate (p. 10, In 23-24)

Important to highlight:

1. **SERVICES:**
 - a. Local schools provide all wraparound services and for small districts with 6-20 BVP students, they cannot support the additional expenses for that. Local schools are receiving the per-pupil funding for all virtual students and are using that money to support students with these extra services.
 - b. Local schools provide all special education teachers and support. (BVP teachers will attend IEP meetings and make accommodations to meet SPED plans, but it is up to the district to make sure these students receive the appropriate coaching and support to meet the accommodations.
 - c. Edmentum provides us with 3 student success coordinators (SSCs) who meet 1-on-1 weekly with students to check in and offer SEL and academic support. We get phenomenal feedback on this piece of the program because it is something even in-person students do not get (1-1 time with an adult).

- d. Local school counselors complete BVP student scheduling to ensure that students are on track for graduation.

2. TEACHERS & STAFFING:

- a. The BVP teachers provide synchronous instruction, as well as offer 1 office hour and 1 study hall hour weekly. They are accessible to parents and students by email daily and can meet/zoom with students or families outside of this time as allowed by their schedule.
- b. Within our current agreement with Edmentum, we have the ability to shift to using local teachers at any time. The issue is a lack of teachers and not being able to pull an existing teacher without disturbing already increasing in-person class sizes. We currently have 15 teachers teaching for the BVP.

3. LOCAL ACCOUNTABILITY:

- a. Local schools are accountable for the BVP student results because they complete all state testing at their school of record and include all attendance and academic data in their reporting to MSDE.
- b. Local schools are the final decision makers. They select the courses offered as well as the levels (regular/honors/AP) within their district. Our 6 districts do not all have the same prescribed courses. They are tailored to meet the system's needs.
- c. If MSDE wants to see the ESMEC BVP data as an entire program (not just by school), we can provide the aggregated data at any time.
 - i. 2021- 2022 school year had a 83% pass rate of courses.
 - ii. 2022-2023 school year has a pass rate for the first semester of 86%.

4. ADDITIONAL BENEFITS:

- a. Allowing students to be part of the local school means they will build relationships with counselors and other school based staff so that if they return to in-person learning in the future, they will already have connections within the school. They can also participate in existing extracurriculars with friends.
- b. Dual Enrollment students can enroll in the BVP if their college / work study times conflict with in-person course times or if transportation is an issue.

- c. As a "program" instead of a "school," districts will not have to come up with additional funding to supply an administrator and counselor(s). The students are added to existing counselor/administrator caseloads.

Respectfully submitted,

Kelly L. Griffith, Ed.D.

Kelly L. Griffith, Executive Director, Eastern Shore of Maryland Educational Consortium

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