



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



Board of Education  
of Howard County

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**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.