

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.