

SB883_FAV_Dr Jeffrey Holmes.pdf

Uploaded by: Jeffrey Holmes

Position: FAV

March 5, 2024

Honorable Ronald L. Watson Ph.D
James Senate Office Building Rm 121
11 Bladen Street
Annapolis, MD 21401

Dear Senator Watson

Subject: Urgent Support Needed for SB883 - Addressing Pandemic Learning Loss and Supporting Teachers

As a retired-rehire educator, principal and executive school leader in Maryland, I implore you to support SB883, a pivotal bill aimed at addressing the severe learning loss and challenges faced by the Maryland educational system due to loss of learning during COVID-19.

After retiring in August, 2019, I have returned to fill in the gap as interim principal at Tulip Grove Elementary School. I witness daily the real-world implications of teachers working tirelessly to close academic gaps that has been exacerbated since that pandemic, while managing the attrition of seasoned teachers. **SB883** is not just legislation; it is a lifeline for our educational system, offering hope and practical solutions to combat the learning loss and support our teachers.

SB883 confronts critical issues including the drastic decline in math proficiency among Maryland 8th graders, which has fallen by 40% between 2019 and 2023. This decline is not just a statistic; it represents a generation of students **at risk of falling irreparably behind**. The bill recognizes the importance of innovative approaches like intensive tutoring, as recommended by Dr. Miguel Cardona, Secretary of the U.S. Department of Education and the Annenberg Foundation, and seeks to remove barriers to implementing such approaches at scale in communities across Maryland.

Your support for SB883 is imperative not only in addressing the learning loss but also in supporting our teachers, who are the bedrock of our education system. As the pandemic has exacerbated teacher burnout and attrition, it's imperative to provide resources and support that uphold the dignity and effectiveness of our educators. SB883 addresses these needs by supporting students and educators, while updating background check procedures to fit 21st-century learning tools.

I urge you to consider the profound impact your support for SB883 will have on the future of education in Maryland. SB883 offers a viable solution by adopting best practices in 21st-century learning, helping schools meet this pivotal moment effectively.

Thank you for your time and attention to this critical matter. I look forward to your positive response and support for Maryland students and educators.

Sincerely,

Jeffrey O. Holmes Ed.D

14500 Dali Court

Bowie, MD 20721

drjeducatesall@gmail.com

301-643-9173

Tutoring Background Checks:Fingerprinting.pdf

Uploaded by: Jeffrey Holmes

Position: FAV

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Bowie, MD 20721

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SB 883. Employer Backgrounds by Virtual Tutoring Se

Uploaded by: John Woolums

Position: FAV

BILL: Senate Bill 883
TITLE: Education – Virtual Tutoring Services – Applicant Review
DATE: March 6, 2024
POSITION: SUPPORT
COMMITTEE: Education, Energy, and the Environment
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) supports Senate Bill 883 to improve the operation of the important legislation enacted in 2019 to require employer history reviews of all school employees to protect our students from potential abuse to a greater extent than provided by traditional criminal background checks. Senate Bill 883 would do so by requiring that tutors who work with students through virtual services must also be scrutinized through the same employer history review process.

MABE and all local boards place a very high priority on providing a well-rounded public education to students in a healthy learning environment with well-trained, professional educators, administrators, and staff dedicated to ensuring the highest degree of student safety. Based in part on several high profile and heinous child sexual abuse cases perpetrated by school employees, there arose a heightened awareness regarding the need to revisit longstanding practices and procedures in the hiring and, supervision, discipline and discharge of school employees based on a broad range of misconduct.

In 2019, MABE supported passage of legislation (House Bill 486) in order to establish and define the process of determining whether an applicant for employment with a local school system has ever been disciplined for allegations of “child sexual abuse” or “sexual misconduct.” The law was updated again in 2021 and MABE assures the legislature that the employer history review process is in place in all 24 local school systems. The law enacted in 2019 set forth a process, including requirements for specific documentation regarding whether an individual has ever been disciplined for allegations of “child sexual abuse” or “sexual misconduct,” for the hiring of public school and nonpublic school employees who have direct contact with minors. Importantly, the procedures and protections required by this law also applies to outside contractors whose employees also have direct contact with students.

Again, MABE believes Senate Bill 883 is consistent with the significant improvements in recent years to secure the highest possible degree of safety for our nearly 900,000 public school students from the misconduct of school employees and the employees of contractors, including virtual tutoring services.

For these reasons, MABE requests a favorable report on Senate Bill 883.

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Uploaded by: Omofehintola Akinrinade

Position: FAV

VT4S- DRAFT WRITTEN TESTIMONY SB0883

March 5, 2024

Maryland Senate Education, Energy and the Environment Committee

2 West

Miller Senate Office Building

Annapolis, Maryland 21401

via electronic submission

Varsity Tutors For Schools Testimony on SB0883 - Education – Virtual Tutoring Services – Applicant Review

Position: Favorable

Dear Chair Feldman and Members of the Committee:

On behalf of Varsity Tutors for Schools, I am pleased to submit the following testimony in favor of SB0883, a bill that proposes common-sense procedural changes to increase the availability of virtual tutoring for Maryland youth while clarifying and increasing safety protections afforded to youth in a virtual tutoring environment. If enacted, SB0883 would greatly increase the availability of tutoring for youth and will facilitate the mission of the Blueprint for Maryland's Future.

Varsity Tutors For Schools currently works with hundreds of school districts across the country to provide live, video-based high-dosage tutoring solutions to thousands of youth. As the United States Department of Education has identified, high-dosage tutoring plays a critical role in addressing learning loss associated with the COVID pandemic, and allows schools to level the playing field for all youth by providing focused supports to the students who need it most in ways that work best for them. Harvard's Center for Education Policy Research has found that learning loss will become permanent if schools do not expand learning in 2024. Varsity Tutors For Schools offers a solution to this near term problem by offering access to a network of more than 40,000 tutors who speak multiple languages. All tutors on the Varsity Tutors platform undergo extensive background checks to protect students.

Maryland school districts have shown considerable interest in using virtual high-dosage tutoring as a key tool to achieve the performance goals identified in the Blueprint. However, ambiguity around the statutory and regulatory requirements regarding fingerprinting of virtual tutors has led to interpretations of existing law that significantly limit or eliminate the ability for virtual tutors to provide tutoring to the students in need. Currently, it is not clear whether state law makes counties or tutoring services responsible for conducting background checks on virtual tutors. Some counties believe that current statutes require a time-consuming, in-person process, which is onerous for all tutors, especially those who may not live in the vicinity of the schools they will

be serving (which is, of course, the advantage of virtual tutoring in the first place - to provide students with high-quality tutoring without geography presenting any barriers). Under current law, it is not clear whether virtual tutors must be fingerprinted, who is responsible for conducting fingerprinting, and what other requirements must be met for schools to offer virtual tutoring to their students.

SB0883 addresses these issues by proposing a limited number of clarifications that will improve the ability to offer tutoring without in any way posing an additional risk to student safety.

SB0883 provides that:

- a virtual tutor must be background checked as thoroughly as any other individual who works with children, whether in a school or a day care setting; and
- background checks for virtual tutoring service providers required under the Family Law meet similar requirements set forth in the Education Law; and
- The virtual tutoring service shall conduct the background checks required under Section 5-555 of the Family Law on behalf of all individuals providing services to minors.

Collectively, these provisions ensure that Maryland students receiving virtual tutoring services are given all the same protections as if tutoring were conducted in person. However, by making these clarifications, virtual tutoring services like Varsity Tutors for Schools have the authority to perform background checks in advance to ensure that there are enough tutors to meet the needs of Maryland schools.

Varsity Tutors for Schools believes that Senator King's bill will provide great benefits to Maryland's youth and we are proud to offer our support to SB0883.

Thank you,



Jason Botel
Head of Government Relations

SB883 King Amendment.pdf

Uploaded by: Senator Nancy King

Position: FWA



SB0883/683227/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

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BY: Senator King

(To be offered in the Education, Energy, and the Environment
Committee)

AMENDMENTS TO SENATE BILL 883

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Applicant Review**” and substitute “**Background Checks and Fingerprinting**”; strike beginning with “virtual” in line 3 down through “service” in line 11 and substitute “a county board of education, a nonpublic school, or a contracting agency that has contracted with a virtual tutoring service to require the virtual tutoring service to conduct a criminal history check for any individual at the virtual tutoring service who engages with a minor; authorizing certain criminal history records checks conducted by a virtual tutoring service to satisfy certain fingerprinting and background requirements”; strike beginning with “applicants” in line 11 down through “with” in line 12 and substitute “criminal history records checks and”; and after line 17, insert:

“BY repealing and reenacting, with amendments,

Article – Family Law

Section 5–550 and 5–551(a) and (g)

Annotated Code of Maryland

(2019 Replacement Volume and 2023 Supplement)”.

AMENDMENT NO. 2

On page 2, strike beginning with “HIRES” in line 14 down through “VIRTUALLY” in line 15 and substitute “**ENTERS INTO A CONTRACT WITH A COUNTY BOARD OF EDUCATION OR NONPUBLIC SCHOOL TO PROVIDE LIVE, VIRTUAL, VIDEO–BASED TUTORING TO STUDENTS**”.

On page 2 in line 16, on page 3 in line 25, on page 4 in lines 7, 11, 13, and 20 and 21, on page 7 in lines 30 and 32, on page 8 in lines 6, 14, and 16 and 17, on page 9 in line 29, and on page 10 in lines 8 and 9, in each instance, strike “**VIRTUAL TUTORING SERVICE,**”.

On page 5, strike in their entirety lines 23 through 25, inclusive.

On page 6, strike in their entirety lines 8 through 17, inclusive.

On page 9, in line 7, strike “**VIRTUAL TUTORING SERVICES,**”; and in line 12, strike “**A VIRTUAL TUTORING SERVICE,**”.

On page 10, in lines 16 and 17, strike “**A VIRTUAL TUTORING SERVICE,**”; and after line 22, insert:

“(P) (1) A COUNTY BOARD, NONPUBLIC SCHOOL, OR CONTRACTING AGENCY THAT HAS CONTRACTED WITH A VIRTUAL TUTORING SERVICE TO PROVIDE SERVICES SHALL REQUIRE THE VIRTUAL TUTORING SERVICE TO CONDUCT A CRIMINAL HISTORY RECORDS CHECK UNDER § 5-555 OF THE FAMILY LAW ARTICLE FOR ANY INDIVIDUAL WORKING FOR OR CONTRACTING WITH A VIRTUAL TUTORING SERVICE WHO INTERACTS WITH MINORS.

(2) FACILITIES SUBJECT TO § 5-551(A) OF THE FAMILY LAW ARTICLE MAY USE A CRIMINAL HISTORY RECORDS CHECK COMPLETED BY A VIRTUAL TUTORING SERVICE TO SATISFY THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.

Article – Family Law

5-550.

(a) In this Part V of this subtitle the following words have the meanings indicated.

(b) “Authorized agency” means a State, county, or municipal government agency.

(c) “Central Repository” means the Criminal Justice Information System Central Repository of the Department.

(d) “Conviction” means a plea or verdict of guilty or a plea of nolo contendere.

(e) “Criminal history records check” means a records check of the criminal history record information maintained by the Central Repository or the Federal Bureau of Investigation.

(f) “Department” means the Department of Public Safety and Correctional Services.

(g) (1) “Employee” means a person that for compensation is employed to work in a facility identified in § 5–551 of this subtitle and who:

(i) cares for or supervises children in the facility; or

(ii) has access to children who are cared for or supervised in the facility.

(2) “Employee” includes:

(i) a person who:

1. participates in a pool described in subsection (h)(2) of this section;

2. for compensation will be employed on a substitute or temporary basis to work in a facility identified in § 5-551(a)(1) or (2) of this subtitle; and

3. will care for or supervise children in the facility or will have access to children who are cared for or supervised in the facility; and

(ii) a contractor or subcontractor who:

1. will have direct, unsupervised, and uncontrolled access to children in a facility identified in § 5-551(a) of this subtitle; OR

2. WILL HAVE VIRTUAL ACCESS TO CHILDREN AS PART OF A VIRTUAL TUTORING SERVICE IDENTIFIED IN § 5-551(A) OF THIS SUBTITLE.

(3) “Employee” does not include any person employed to work for compensation by the Department of Juvenile Services.

(h) (1) “Employer” means an owner, operator, proprietor, or manager of a facility identified in § 5-551 of this subtitle who has frequent contact with children who are cared for or supervised in the facility.

(2) For purposes of §§ 5-551(f), 5-554(1), 5-555(b) and (e), and 5-557 of this subtitle, “employer” includes a child care resource and referral center, an association of registered family child care providers, and an association of licensed child care centers to the extent that the center or association establishes and maintains a pool of individuals who are qualified to work as substitute or temporary employees in a facility identified in § 5-551(a)(1) or (2) of this subtitle.

(3) “Employer” does not include a State or local agency responsible for the temporary or permanent placement of children in a facility identified in § 5–551 of this subtitle.

(i) “Local department” has the meaning stated in § 1–101(h) of this article.

(j) “Private entity” means a nongovernmental agency, organization, or employer.

(k) “Secretary” means the Secretary of Public Safety and Correctional Services.

(L) “VIRTUAL TUTORING SERVICE” HAS THE MEANING STATED IN § 6–113.2 OF THE EDUCATION ARTICLE.

5–551.

(a) The following facilities shall require employees and employers to obtain a criminal history records check under this Part V of this subtitle:

(1) a child care center required to be licensed under Title 9.5, Subtitle 4 of the Education Article;

(2) a family child care home or large family child care home required to be registered under Title 9.5, Subtitle 3 of the Education Article;

(3) a child care home required to be licensed under this subtitle or under Title 9 of the Human Services Article;

(4) a child care institution required to be licensed under this subtitle or under Title 9 of the Human Services Article;

(5) a juvenile detention, correction, or treatment facility provided for in Title 9 of the Human Services Article;

(6) a public school as defined in Title 1 of the Education Article;

(7) a private or nonpublic school required to report annually to the State Board of Education under Title 2 of the Education Article;

(8) a foster care family home or group facility as defined under this subtitle;

(9) a recreation center or recreation program operated by the State, a local government, or a private entity primarily serving minors;

(10) a day or residential camp, as defined in Title 10, Subtitle 16 of the Code of Maryland Regulations, primarily serving minors; [or]

(11) a home health agency or residential service agency licensed by the Maryland Department of Health and authorized under Title 19 of the Health – General Article to provide home– or community–based health services for minors; OR

(12) A VIRTUAL TUTORING SERVICE.

(g) (1) Except as provided in paragraph (2) of this subsection, a person who is required to have a criminal history records check under this Part V of this subtitle shall pay for:

(i) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check;

(ii) reasonable administrative costs to the Department, not to exceed 10% of the processing fee; and

(iii) the fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records.

(2) A volunteer under subsection (c), (d), or (e) of this section who volunteers for a program that is registered with the Maryland Mentoring Partnership OR A VIRTUAL TUTORING SERVICE is required to pay only the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.”.

SB883 King Sponsor Testimony.pdf

Uploaded by: Senator Nancy King

Position: FWA

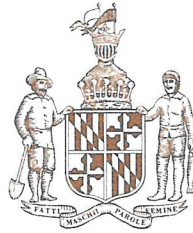
NANCY J. KING
Legislative District 39
Montgomery County

MAJORITY LEADER

Budget and Taxation Committee

Chair

Education, Business and
Administration Subcommittee



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Senate Bill 883 – Education – Virtual Tutoring Services – Applicant Review

March 6, 2024

Mister Chairman and Members of the Education, Energy and the Environment Committee:

One of the lingering effects of the COVID-19 pandemic and shut down has been widespread learning loss. Reports show that math and reading proficiencies have had significant declines during COVID and exacerbated pre-existing educational inequities, leading to diverse learning gaps across counties.

To address this learning loss, many local school districts have recognized the value of incorporating virtual tutoring services. They have released RFPs and contracted with companies to provide tutoring for targeted student populations, including those experiencing homelessness and those attending Community Schools, who could benefit most from such help.

Unfortunately, the current process to onboard tutors can take months due to regulations around fingerprinting requirements, (which vary for each local school district). The tutors are required to be fingerprinted in person in the district, which is often restricted to one location, or to go through a lengthy process of requesting a fingerprint form, getting the form in the mail, submitting the form via mail, and then waiting for the Central Repository to conduct the background check. This has in many cases made it too difficult for the virtual tutoring services, who have tutors across the country, from being able to implement at scale, keeping the state from meeting its goal of providing access to high-quality, high-impact tutoring.

Senate Bill 883, as amended, is being introduced to ensure Maryland has access to enough tutors, while continuing to ensure the safety of our children. The bill meets this challenge by clarifying that virtual tutoring services must provide screening for contractors who do not provide services on school grounds.

In addition:

- Providers of virtual tutoring services must be background checked in exactly the same way as any other individual who works with children, whether in a school or a day care setting;
- Background checks for virtual tutoring service providers required under the Family Law meet similar requirements set forth in the Education Law; and
- The virtual tutoring service shall conduct the background checks required under Section 5-555 of the Family Law on behalf of all individuals providing services to minors.

These changes ensure that Maryland's students who receive virtual tutoring services receive the same level of protection as they do for in-classroom learning, while allowing virtual tutoring services who are contracted with the counties to deploy their services at scale to help more students across the state.

I respectfully request a favorable report on Senate Bill 883 with amendments.