

Chapter 804

(Senate Bill 610)

AN ACT concerning

Primary and Secondary Education – Virtual Education

FOR the purpose of requiring a teacher preparation program to include certain training related to teaching in a virtual learning environment as a component of instruction; providing that a county board of education may authorize a county superintendent of schools, under certain circumstances, to provide virtual education days to students instead of closing the public schools in the county because of severe weather conditions; requiring the county board to publish the county board's plan for the use of virtual education days on the school system's website and requiring the plan to include certain items; requiring a county superintendent to take certain actions and make certain accommodations if the county superintendent decides to provide a virtual education day for public school students in the county; altering the requirements for virtual schools established by a county board; requiring county boards to adopt virtual education plans for the operation of public schools during a prolonged state of emergency; providing for the contents of a virtual education plan; requiring public schools to establish certain learning supports and a behavioral health plan under certain circumstances; requiring the State Department of Education to establish certain training standards for teachers on the provision of virtual education under certain circumstances; requiring the Department to expand computer and Internet security infrastructure for virtual education; requiring the State Superintendent of Schools to report to the State Board of Education and the General Assembly on or before a certain date certain findings and recommendations regarding the balance between certain types of learning in virtual schools; providing that certain virtual schools approved by the Department on or before a certain date may continue to operate as a virtual school for a certain period of time under certain circumstances; requiring the Department, ~~in consultation with~~ to convene a study group of certain stakeholders, to study ~~best practices for the provision of virtual education~~ and identify certain information relating to virtual education in the State and submit a certain report on or before a certain date; prohibiting the approval of a new elementary grade band virtual school on or before a certain date; and generally relating to virtual education in the State.

BY repealing and reenacting, with amendments,
Article – Education
Section 6–121(a) and 7–1401 through 7–1408
Annotated Code of Maryland
(2022 Replacement Volume)

BY adding to
Article – Education

Section 7–103.2 and 7–1401.1; and 7–14A–01 through 7–14A–09 to be under the new subtitle “Subtitle 14A. Operation of Public Schools During a Prolonged State of Emergency – Virtual Education Plans”

Annotated Code of Maryland
(2022 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Education

6–121.

(a) A teacher preparation program shall:

(1) Include the following components of instruction:

(i) Basic research skills and methods and training on the routine evaluation and use of research and data to improve student performance;

(ii) Differentiation of instruction and demonstration of cultural competence for students of diverse racial, ethnic, linguistic, and economic backgrounds with different learning abilities;

(iii) Implementation of restorative approaches for student behaviors;

(iv) Identifying and assessing, in the context of the classroom, typical student learning deficits and techniques to remedy learning deficits;

(v) Recognizing and effectively using high quality instructional materials, including digital resources and computer technology;

(vi) Core academic subjects that teachers will be teaching;

(vii) Methods and techniques for identifying and addressing the social and emotional needs of students, including trauma-informed approaches to pedagogy; [and]

(viii) Skills and techniques for effective classroom management; AND

(IX) TRAINING IN THE SKILLS AND TECHNIQUES FOR TEACHING EFFECTIVELY IN A VIRTUAL LEARNING ENVIRONMENT, INCLUDING THE USE OF ONLINE CURRICULUM;

(2) Require program participants to demonstrate competency in each of the components required under paragraph (1) of this subsection;

(3) Provide training in the knowledge and skills required to understand and teach the Maryland curriculum frameworks; and

(4) On or after July 1, 2025, require passing a nationally recognized, portfolio-based assessment of teaching ability as a requirement for graduation.

7-103.2.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A COUNTY BOARD MAY AUTHORIZE THE COUNTY SUPERINTENDENT, IN CASES OF SEVERE WEATHER CONDITIONS, TO PROVIDE VIRTUAL EDUCATION DAYS TO STUDENTS INSTEAD OF CLOSING THE PUBLIC SCHOOLS IN THE COUNTY DURING A SEVERE WEATHER EVENT.

(B) BEFORE A COUNTY BOARD MAY AUTHORIZE THE COUNTY SUPERINTENDENT TO PROVIDE VIRTUAL EDUCATION DAYS TO STUDENTS IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION, THE COUNTY BOARD SHALL:

(1) DISCUSS THIS TOPIC AT AN OPEN MEETING; AND

(2) VOTE AFFIRMATIVELY TO AUTHORIZE THE COUNTY SUPERINTENDENT TO PROVIDE VIRTUAL EDUCATION DAYS TO STUDENTS DURING A SEVERE WEATHER EVENT.

(C) (1) A COUNTY BOARD SHALL PUBLISH THE COUNTY BOARD'S PLAN FOR THE USE OF VIRTUAL EDUCATION DAYS ON THE SCHOOL SYSTEM'S WEBSITE.

(2) THE COUNTY BOARD'S PLAN PUBLISHED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) A PLAN TO ENSURE THAT ATTENDANCE WILL BE TAKEN FOR ALL STUDENTS AND TEACHERS DURING EACH VIRTUAL EDUCATION DAY;

(II) A PLAN TO PROVIDE OPPORTUNITIES FOR STUDENTS TO MAKE UP WORK MISSED DURING VIRTUAL EDUCATION DAYS WHEN THEY RETURN TO IN-PERSON SCHOOL;

(III) A PLAN TO ENSURE THAT ALL STAFF AND STUDENTS, INCLUDING STUDENTS WITH DISABILITIES, HOMELESS STUDENTS, AND ENGLISH LANGUAGE LEARNERS, HAVE THE NECESSARY DEVICES AT HOME FOR VIRTUAL EDUCATION DAYS, INCLUDING ACCESS TO WI-FI; AND

(IV) SPECIFIC STRATEGIES FOR THE CONTINUED IMPLEMENTATION OF INDIVIDUALIZED EDUCATION PROGRAMS DURING THE

VIRTUAL EDUCATION DAY, INCLUDING SPECIALLY DESIGNED INSTRUCTION, RELATED SERVICES, SUPPLEMENTARY AIDS AND SERVICES, AND ACCOMMODATIONS.

(D) A COUNTY SUPERINTENDENT MAY DECIDE TO PROVIDE A DAY OF VIRTUAL EDUCATION FOR PUBLIC SCHOOL STUDENTS IN THE COUNTY ONLY IF:

(1) THE LOCAL SCHOOL SYSTEM HAS USED ALL THE DAYS INCORPORATED INTO ITS CALENDAR FOR SCHOOL CLOSURES FOR SEVERE WEATHER CONDITIONS;

(2) THE COUNTY BOARD HAS AUTHORIZED THE COUNTY SUPERINTENDENT TO PROVIDE VIRTUAL EDUCATION DAYS TO STUDENTS IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION; AND

(3) THE COUNTY SUPERINTENDENT DETERMINES THAT SEVERE WEATHER CONDITIONS ARE LIKELY TO PREVENT NORMAL ATTENDANCE AT THE PUBLIC SCHOOL.

(E) (1) IF A COUNTY SUPERINTENDENT DECIDES TO PROVIDE A VIRTUAL EDUCATION DAY FOR PUBLIC SCHOOL STUDENTS IN THE COUNTY, THE COUNTY SUPERINTENDENT SHALL NOTIFY THE SCHOOL PRINCIPALS AS SOON AS POSSIBLE AFTER THE DECISION IS MADE.

(2) A SCHOOL PRINCIPAL WHO RECEIVES NOTICE OF A VIRTUAL EDUCATION DAY IMMEDIATELY SHALL NOTIFY THE STUDENTS, PARENTS, AND SCHOOL STAFF OF THE IMPLEMENTATION OF THE VIRTUAL EDUCATION DAY.

(F) (1) A VIRTUAL EDUCATION DAY SHALL CONSIST OF NOT LESS THAN 4 HOURS OF SYNCHRONOUS INSTRUCTION, AND ASYNCHRONOUS INSTRUCTION DESIGNED TO MAXIMIZE THE ADVANTAGES OF ONLINE ACCESS.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN EMPLOYEE ORGANIZATION DESIGNATED AS AN EXCLUSIVE REPRESENTATIVE MAY NEGOTIATE WITH A LOCAL SCHOOL SYSTEM ABOUT:

(I) THE PERIOD OF TIME THAT PUBLIC SCHOOL EMPLOYEES REQUIRE FOR PREPARATION ON A VIRTUAL EDUCATION DAY; AND

(II) THE TIME AT WHICH SYNCHRONOUS INSTRUCTION SHALL BEGIN ON A VIRTUAL EDUCATION DAY.

(3) A COUNTY SUPERINTENDENT SHALL ADEQUATELY DESIGN THE VIRTUAL EDUCATION DAY MODEL, INCLUDING ANY TIME REQUIREMENTS NEGOTIATED UNDER PARAGRAPH (2) OF THIS SUBSECTION, BEFORE IMPLEMENTATION OF THE FIRST VIRTUAL EDUCATION DAY.

(G) IF A COUNTY BOARD OF EDUCATION PROVIDES A DAY OF VIRTUAL EDUCATION FOR PUBLIC SCHOOL STUDENTS IN THE COUNTY, THE LOCAL SCHOOL SYSTEM SHALL OFFER PUBLIC SCHOOL EMPLOYEES WHO ARE NOT ASSIGNED TO WORK DURING THE VIRTUAL EDUCATION DAY AN OPPORTUNITY TO MAKE UP THE LOST WORK THROUGH OTHER DUTIES BEFORE THE BEGINNING OF THE NEXT SCHOOL YEAR.

Subtitle 14. Virtual Schools.

7-1401.

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

(b) “Quality online education standards” means the National Standards for Quality Online Programs: Second Edition (2019).

(c) “Sponsor” means [the Department or] a county [school] board, having a fiduciary responsibility for the operation of the virtual school.

(d) “Virtual school” means a public school [established]:

(1) ESTABLISHED by [the Department or by] a county board **OR MULTIPLE COUNTY BOARDS UNDER A WRITTEN AGREEMENT** under § 4-109 of this article [in which the school];

(2) THAT uses [technology] **ONE OR MORE TECHNOLOGIES** to deliver [a significant portion of] instruction to its students [via the Internet in a virtual or remote setting] **ENTIRELY OR PRIMARILY ONLINE; AND**

(3) IN WHICH THE STUDENTS AND INSTRUCTORS PARTICIPATE REMOTELY FROM SEPARATE LOCATIONS.

7-1401.1.

(A) THIS SUBTITLE DOES NOT APPLY TO:

(1) A VIRTUAL LEARNING OPPORTUNITY OFFERED BY THE DEPARTMENT OR A COUNTY BOARD UNDER § 7-1002 OF THIS TITLE;

(2) AN UPPER-LEVEL HIGH SCHOOL PROGRAM THAT:

(I) HAS ONLINE COMPONENTS; AND

(II) DESIGNS A STUDENT'S ACADEMIC PROGRAM TO MAXIMIZE THE FLEXIBILITY OF THE STUDENT'S SCHEDULE TO ACCOMMODATE THE STUDENT'S WORK SCHEDULE; OR

(3) A PUBLIC SCHOOL OPERATING UNDER A VIRTUAL EDUCATION PLAN DURING A PROLONGED STATE OF EMERGENCY UNDER SUBTITLE 14A OF THIS TITLE.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN THIS SUBTITLE ANY REFERENCES TO A COUNTY BOARD INCLUDE MULTIPLE COUNTY BOARDS OPERATING A VIRTUAL SCHOOL UNDER A WRITTEN AGREEMENT.

(2) (I) IF MULTIPLE COUNTY BOARDS ESTABLISH A VIRTUAL SCHOOL UNDER A WRITTEN AGREEMENT, THE COUNTY BOARDS SHALL DESIGNATE A LEAD COUNTY FROM AMONG THE PARTICIPATING COUNTIES.

(II) UNLESS INCONSISTENT WITH THE PROVISIONS OF THIS SUBTITLE OR THE WRITTEN AGREEMENT SPECIFIES OTHERWISE, THE POLICIES ON PERSONNEL, INSTRUCTION, SCHEDULING, AND STUDENT SUPPORT IN THE LEAD COUNTY SHALL GOVERN THE VIRTUAL SCHOOL.

7-1402.

(a) (1) [Subject] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBJECT to the approval of the Department, a county board may establish [a] ONE virtual school FOR THE ELEMENTARY, MIDDLE, AND HIGH SCHOOL GRADE BANDS.

(2) THE DEPARTMENT MAY PROVIDE PRELIMINARY AUTHORIZATION TO A COUNTY BOARD TO ESTABLISH ONE ADDITIONAL VIRTUAL SCHOOL ON A SHOWING OF JUST CAUSE, AS DETERMINED BY THE DEPARTMENT.

(3) THE DEPARTMENT MAY REVOKE APPROVAL OF A VIRTUAL SCHOOL IF DURING THE PREVIOUS SCHOOL YEAR THE VIRTUAL SCHOOL FAILS TO MEET THE STANDARDS ESTABLISHED BY THE DEPARTMENT IN REGULATION.

(4) (I) A COUNTY BOARD MAY APPEAL A DENIAL OR REVOCATION OF APPROVAL FOR THE ESTABLISHMENT OF A VIRTUAL SCHOOL TO THE STATE BOARD FOR ADJUDICATION DURING A PUBLIC HEARING.

(II) THE STATE BOARD SHALL DEVELOP AN APPEALS PROCESS TO CARRY OUT THE PROVISIONS OF THIS PARAGRAPH.

(B) A VIRTUAL SCHOOL MAY NOT INCLUDE CLASSES FOR PREKINDERGARTEN OR KINDERGARTEN STUDENTS.

[(b)] (C) A virtual school is subject to all applicable federal and State laws and regulations governing the operation of a public school.

(D) EACH APPROVED VIRTUAL SCHOOL SHALL HAVE A UNIQUE SCHOOL CODE ASSIGNED BY THE DEPARTMENT.

(E) (1) A COUNTY BOARD MAY NOT CONTRACT WITH A FOR-PROFIT ENTITY, BUT MAY CONTRACT WITH A NONPROFIT ENTITY, TO OPERATE OR ADMINISTER A VIRTUAL SCHOOL FOR THE COUNTY BOARD.

(2) THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT A COUNTY BOARD FROM CONTRACTING WITH A FOR-PROFIT ENTITY FOR GOODS AND SERVICES FOR A VIRTUAL SCHOOL.

7-1403.

[(c)] (A) A student who is eligible for enrollment in a public school in the State [may] IS ELIGIBLE TO enroll in a virtual school.

(B) IN ADDITION TO THE CRITERIA ESTABLISHED BY THE DEPARTMENT OR A COUNTY BOARD, AN APPLICATION FOR ENROLLMENT IN A VIRTUAL SCHOOL SHALL REQUIRE AN APPLICANT TO DESCRIBE WHY INSTRUCTION IN A VIRTUAL LEARNING ENVIRONMENT WILL LEAD TO SUCCESSFUL ACADEMIC OUTCOMES FOR THE APPLICANT.

(C) (1) (I) ~~NOT~~ SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, NOT MORE THAN 10% OF THE STUDENTS WHO WOULD OTHERWISE ATTEND A SINGLE PUBLIC SCHOOL IN THE COUNTY IN ANY SCHOOL YEAR MAY ENROLL IN A VIRTUAL SCHOOL ESTABLISHED BY A COUNTY BOARD.

(II) A SUDDEN DECREASE IN ENROLLMENT IN A SINGLE PUBLIC SCHOOL THAT RESULTS IN 10% OR MORE OF THE STUDENTS WHO WOULD OTHERWISE ATTEND THAT PUBLIC SCHOOL ATTENDING A VIRTUAL SCHOOL ESTABLISHED BY A COUNTY BOARD IS NOT A VIOLATION OF THIS PARAGRAPH.

(2) THE DEPARTMENT MAY AUTHORIZE A COUNTY BOARD TO EXCEED THE CAP UNDER PARAGRAPH (1) OF THIS SUBSECTION ON A SHOWING OF JUST CAUSE.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF A COUNTY BOARD RECEIVES MORE APPLICATIONS THAN THERE ARE AVAILABLE SPACES IN A VIRTUAL SCHOOL, THE COUNTY BOARD SHALL ADMIT ALL STUDENTS ON A LOTTERY BASIS.

(2) A COUNTY BOARD SHALL GIVE GREATER WEIGHT TO A STUDENT'S LOTTERY STATUS AS A PART OF A LOTTERY HELD UNDER PARAGRAPH (1) OF THIS SUBSECTION BASED ON DEMOGRAPHIC DIVERSITY UNDER SUBSECTION (E) OF THIS SECTION AND ANY OTHER CRITERIA ESTABLISHED BY THE COUNTY BOARD.

(E) TO THE EXTENT PRACTICABLE, THE STUDENT BODY OF A VIRTUAL SCHOOL SHALL REFLECT THE SOCIOECONOMIC, RACIAL, ETHNIC, CULTURAL, AND GENDER DIVERSITY OF THE STUDENTS ENROLLED IN THE PUBLIC SCHOOL SYSTEM IN THE COUNTY.

(F) (1) THE COUNTY BOARD SHALL DEVELOP AN OUTREACH CAMPAIGN TO PROVIDE INFORMATION TO THE PUBLIC ON THE AVAILABILITY OF THE VIRTUAL SCHOOL OPTION.

(2) THE OUTREACH CAMPAIGN SHALL BE DESIGNED TO ENCOURAGE APPLICATIONS FROM STUDENTS WHO MEET THE INTENT OF SUBSECTION (E) OF THIS SECTION, INCLUDING THE PRODUCTION OF MATERIALS AND COMMUNICATIONS IN LANGUAGES SPOKEN BY MORE THAN THE PERCENTAGE OF THE STUDENT POPULATION IN THE LOCAL SCHOOL SYSTEM DETERMINED APPROPRIATE BY THE COUNTY BOARD.

[7-1403.] 7-1404.

(a) A virtual school shall provide each enrolled student:

(1) Access to a sequential curriculum approved by the State Board that meets or exceeds the standards adopted by the county board in the county of the virtual school's principal place of business OR THE COUNTY DESIGNATED UNDER A WRITTEN AGREEMENT BETWEEN MULTIPLE COUNTY BOARDS;

(2) The same length of time for learning opportunities per academic year that is required for public school students, unless the virtual school can show that a student has demonstrated mastery or completion of the subject area; [and]

(3) Regular assessment in the core areas of instruction as required by regulations adopted by the State Board under [§ 7-1408] **§ 7-1409** of this subtitle; AND

(4) ACCESS TO THE FOLLOWING SERVICES:

(I) TO THE EXTENT PRACTICABLE, EXTRACURRICULAR ACTIVITIES ~~INCLUDING SPORTS~~ AT THE PUBLIC SCHOOL THE STUDENT WOULD OTHERWISE BE REQUIRED TO ATTEND IN PERSON;

(II) NOTWITHSTANDING ANY OTHER LAW OR REGULATION AND SUBJECT TO A PARTICIPATION AGREEMENT BETWEEN THE PUBLIC SCHOOL AND THE PARENT OR GUARDIAN OF THE STUDENT, TO THE EXTENT PRACTICABLE, PARTICIPATION IN ORGANIZED ATHLETICS AND ON ATHLETIC TEAMS AT THE PUBLIC SCHOOL THE STUDENT WOULD OTHERWISE BE REQUIRED TO ATTEND IN PERSON;

(III) WRAPAROUND SERVICES;

(IV) FOOD AND NUTRITION SERVICES; AND

(V) HEALTH CARE SERVICES EQUIVALENT TO SERVICES AVAILABLE TO STUDENTS WHO RECEIVE IN-PERSON INSTRUCTION IN THE PUBLIC SCHOOLS IN THE COUNTY.

(b) A curriculum adopted under subsection (a) of this section shall have [an]:

(1) AN interactive program with significant online components; AND

(2) AN INTERACTIVE SOCIAL AND EMOTIONAL WELLNESS COMPONENT DESIGNED FOR A VIRTUAL SCHOOL ENVIRONMENT.

(c) Beginning in the 2022-2023 school year, a virtual school shall follow the quality online education standards.

(D) ~~THE~~ AFTER COLLABORATION WITH LOCAL SCHOOL SYSTEMS, THE DEPARTMENT SHALL ESTABLISH IN REGULATION THE FOLLOWING STANDARDS FOR ALL VIRTUAL SCHOOLS:

(1) ~~AFTER COLLABORATION WITH LOCAL SCHOOL SYSTEMS, STUDENT~~ STUDENT ATTENDANCE REQUIREMENTS AND REPORTING;

(2) STUDENT ENGAGEMENT AND CONDUCT;

(3) PROGRAM QUALITY METRICS;

(4) TRACKING AND USE OF STUDENT DATA; AND

(5) DATA REPORTING REQUIREMENTS.

(E) A COUNTY BOARD SHALL ADOPT POLICIES FOR THE MANDATORY RETURN TO IN-PERSON INSTRUCTION FOR STUDENTS ENROLLED IN A VIRTUAL SCHOOL, INCLUDING STUDENTS WHO ARE FAILING ACADEMICALLY AFTER RECEIVING THE APPROPRIATE SUPPORTS.

[7-1404.] 7-1405.

(a) A virtual school shall provide to the parent or guardian of each enrolled student:

(1) Instructional materials, including software; [and]

(2) Information on the closest public facility that offers access to a computer[, printer,] and Internet connection; AND

(3) INFORMATIONAL MATERIALS ON:

(I) SCHOOL POLICIES;

(II) STUDENT ATTENDANCE, CONDUCT, AND ENGAGEMENT REQUIREMENTS;

(III) ACCESS TO EXTRACURRICULAR ACTIVITIES AND WRAPAROUND SERVICES;

(IV) ACCESS TO FOOD AND NUTRITION SERVICES AND HEALTH CARE SERVICES;

(V) TECHNOLOGY REQUIREMENTS AND SUPPORT SERVICES;

(VI) CYBERSECURITY POLICY AND BEST PRACTICES;

**(VII) TEACHER CONTACT INFORMATION AND OFFICE HOURS;
AND**

(VIII) ANY OTHER RELEVANT INFORMATION AS DETERMINED BY THE VIRTUAL SCHOOL.

(B) (1) A VIRTUAL SCHOOL IS STRONGLY ENCOURAGED TO HOLD IN-PERSON ORIENTATION SESSIONS WITH THE STUDENTS, PARENTS OR GUARDIANS,

AND SCHOOL PERSONNEL TO PROVIDE THE INFORMATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.

(2) A VIRTUAL SCHOOL SHALL HOLD AN ONLINE ORIENTATION TO PROVIDE THE INFORMATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION IF THE VIRTUAL SCHOOL IS UNABLE TO HOLD IN-PERSON ORIENTATION SESSIONS.

[(b)] (C) A virtual school [may]:

(1) MAY not provide funds for the purchase of instructional programs or materials to a student or to a student's parent or guardian; AND

(2) SHALL PROVIDE THE APPROPRIATE DIGITAL DEVICE TO A STUDENT TO PARTICIPATE IN THE VIRTUAL SCHOOL, IF REQUIRED.

[7-1405.] 7-1406.

(A) (1) A teacher [employed by] ASSIGNED TO a virtual school shall have a teacher's certificate issued by the State Superintendent under Title 6 of this article OR ANY OTHER RELEVANT PROFESSIONAL CERTIFICATION AUTHORIZED UNDER COMAR 13A.12.01.

(2) TEACHERS OR EDUCATION SUPPORT PERSONNEL ASSIGNED TO WORK IN A VIRTUAL SCHOOL SHALL:

(I) BE AN EMPLOYEE OF THE COUNTY, OR A COLLABORATING COUNTY, THAT ESTABLISHED THE VIRTUAL SCHOOL;

(II) SUBJECT TO SUBSECTION (B) OF THIS SECTION, BE SUBJECT TO THE COLLECTIVE BARGAINING AGREEMENT OF THAT JURISDICTION; AND

(III) HAVE ACCESS TO PROFESSIONAL DEVELOPMENT.

(B) A COLLECTIVE BARGAINING AGREEMENT MAY INCLUDE PROVISIONS SPECIFIC TO EMPLOYEES WHO WORK IN A VIRTUAL SCHOOL IN CONSIDERATION OF THE CONDITIONS AND REQUIREMENTS RELEVANT TO THAT WORK ENVIRONMENT.

(C) AN EMPLOYEE ASSIGNED TO A VIRTUAL SCHOOL MAY NOT BE REQUIRED TO PROVIDE VIRTUAL AND IN-PERSON INSTRUCTION OR SUPPORT TO STUDENTS SIMULTANEOUSLY.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COUNTY BOARD SHALL DETERMINE THE APPROPRIATE STUDENT-TEACHER RATIO FOR THE

SIZE OF A CLASS IN A VIRTUAL SCHOOL BASED ON MULTIPLE FACTORS, INCLUDING GRADE LEVEL, SUBJECT MATTER, AND TEACHER WORKLOAD.

~~(2) THE SIZE OF A CLASS IN A VIRTUAL SCHOOL SHALL BE CONSISTENT WITH THE COUNTYWIDE AVERAGE CLASS SIZE FOR IN-PERSON CLASSES~~ STUDENT-TEACHER RATIO OF A CLASS IN A VIRTUAL SCHOOL SHALL BE CONSISTENT WITH THE MEDIAN IN-PERSON CLASS SIZE BY COURSE AND GRADE LEVEL.

(E) A VIRTUAL SCHOOL SHALL PROVIDE TO A TEACHER AND ANY OTHER EMPLOYEE ASSIGNED TO TEACH OR PROVIDE DIRECT INSTRUCTION IN A VIRTUAL SCHOOL:

(1) THE TECHNOLOGY AND EQUIPMENT REQUIRED TO PERFORM THE FUNCTIONS OF THE JOB; AND

(2) IF NECESSARY, A PHYSICAL SPACE TO CONDUCT TEACHING OR PROVIDE DIRECT INSTRUCTION IN THE VIRTUAL SCHOOL.

(F) A VIRTUAL SCHOOL SHALL HAVE A PLANNED STAFFING MODEL, INCLUDING PROVISIONS FOR STAFF RECRUITMENT, TRAINING, EVALUATION, AND PROFESSIONAL DEVELOPMENT.

[7-1406.] 7-1407.

A virtual school shall maintain an administrative office in the State that shall be considered its principal place of business.

[7-1407.] 7-1408.

A virtual school shall be evaluated each year by [its sponsor] **THE COUNTY BOARD** based on the following criteria:

(1) The extent to which the school demonstrates increases in student achievement according to county and State academic standards; and

(2) The accountability and viability of the virtual school, as demonstrated by its academic, fiscal, and operational performance.

[7-1408.] 7-1409.

(A) (1) (i) THE STATE SUPERINTENDENT MAY ASSIGN THE DUTIES RELATED TO THE OVERSIGHT OF VIRTUAL SCHOOLS TO THE APPROPRIATE OFFICE OR DIVISION WITHIN THE DEPARTMENT.

(II) THESE DUTIES SHALL INCLUDE:

1. THE DEVELOPMENT, COMPILATION, AND UPDATING OF BEST PRACTICES FOR TEACHING AND LEARNING IN A VIRTUAL ENVIRONMENT, PROVISION OF SERVICES, AND THE OPERATION AND ADMINISTRATION OF A VIRTUAL SCHOOL; AND

2. LIAISING WITH COUNTY BOARDS THAT OPERATE VIRTUAL SCHOOLS OR OTHER STAKEHOLDERS.

(2) THE OFFICE OR DIVISION ASSIGNED THE DUTIES UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY CREATE AN ADVISORY COMMITTEE TO PROVIDE ADVICE ON TOPICS REGARDING VIRTUAL SCHOOLS AND VIRTUAL LEARNING.

(B) The State Board shall adopt regulations to carry out the provisions of this subtitle, including establishing minimum criteria for the establishment and approval of a virtual school.

SUBTITLE 14A. OPERATION OF PUBLIC SCHOOLS DURING A PROLONGED STATE OF EMERGENCY – VIRTUAL EDUCATION PLANS.

7-14A-01.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “LEARNING LOSS” MEANS A GENERAL OR SPECIFIC LOSS OF KNOWLEDGE OR SKILLS DUE TO AN EXTENDED GAP OR DISCONTINUITY IN A STUDENT’S REGULAR EDUCATION PROGRAM.

(C) “PROLONGED STATE OF EMERGENCY” MEANS A STATE OF EMERGENCY DECLARED BY THE GOVERNOR UNDER TITLE 14 OF THE PUBLIC SAFETY ARTICLE THAT PREVENTS REGULAR, IN-PERSON ATTENDANCE AT A PUBLIC SCHOOL FOR AT LEAST 14 CONSECUTIVE SCHOOL DAYS.

(D) “STUDENT ELIGIBLE FOR AID” MEANS A CHILD WHO:

(1) MEETS THE CERTIFICATION OF INCOME ELIGIBILITY UNDER ANY OF THE FOLLOWING:

(I) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM;

(II) TEMPORARY ASSISTANCE FOR NEEDY FAMILIES;

(III) HEAD START;

(IV) EVEN START;

(V) MEDICAID AND THE MARYLAND CHILDREN'S HEALTH PROGRAM, UP TO 189% OF THE FEDERAL POVERTY LEVEL; OR

(VI) FREE OR REDUCED PRICE MEALS FOR SCHOOLS NOT PARTICIPATING IN THE U.S. DEPARTMENT OF AGRICULTURE COMMUNITY ELIGIBILITY PROVISION;

(2) IS IN FOSTER CARE;

(3) IS A MIGRANT STUDENT;

(4) IS A HOMELESS STUDENT; OR

(5) QUALIFIES UNDER AN ALTERNATIVE FORM DEVELOPED BY THE DEPARTMENT FOR THE COMPENSATORY EDUCATION FORMULA UNDER § 5-222 OF THIS ARTICLE.

(E) "VIRTUAL EDUCATION" MEANS ACADEMIC INSTRUCTION:

(1) IN WHICH ONE OR MORE TECHNOLOGIES ARE USED TO DELIVER A SIGNIFICANT PORTION OF THE TEACHING TO STUDENTS ENTIRELY OR PRIMARILY ONLINE; AND

(2) IN WHICH STUDENTS AND INSTRUCTORS PARTICIPATE REMOTELY FROM SEPARATE LOCATIONS.

7-14A-02.

(A) IF THERE IS A PROLONGED STATE OF EMERGENCY, A COUNTY BOARD MAY TRANSITION THE PUBLIC SCHOOLS IN THE COUNTY TO VIRTUAL EDUCATION UNDER AN APPROVED VIRTUAL EDUCATION PLAN, SUBJECT TO THE LIMITATIONS OF THIS SECTION.

(B) (1) (I) ON OR BEFORE JUNE 1, 2024, A COUNTY BOARD SHALL, IN CONSULTATION WITH COUNTY ADMINISTRATORS AND SCHOOL STAFF, ADOPT A VIRTUAL EDUCATION PLAN FOR USE DURING A PROLONGED STATE OF EMERGENCY.

(II) A COUNTY BOARD SHALL USE THE COUNTY BOARD'S CONTINUITY OF LEARNING PLAN IN EFFECT DURING THE 2020–2021 SCHOOL YEAR TO FORM A VIRTUAL EDUCATION PLAN.

(2) A VIRTUAL EDUCATION PLAN SHALL INCLUDE THE FOLLOWING COMPONENTS:

- (I) A STAFFING AND PERSONNEL ASSIGNMENT PLAN;**
- (II) A STUDENT INSTRUCTION PLAN;**
- (III) A STUDENT ASSESSMENT AND LEARNING SUPPORT PLAN;**
- (IV) A SOCIAL AND EMOTIONAL LEARNING PLAN;**
- (V) A COMMUNITY COMMUNICATIONS PLAN;**
- (VI) A TECHNOLOGY PLAN;**
- (VII) A NUTRITIONAL AND HEALTH SERVICES PLAN; AND**
- (VIII) A PLAN FOR RETURN TO IN-PERSON INSTRUCTION.**

(C) A COUNTY BOARD SHALL UPDATE THE VIRTUAL EDUCATION PLAN EVERY 2 YEARS.

(D) (1) IF A PROLONGED STATE OF EMERGENCY REQUIRES THE CESSATION OF IN-SCHOOL ATTENDANCE AT A PUBLIC SCHOOL AND THE COUNTY BOARD DETERMINES VIRTUAL EDUCATION IS REQUIRED, A COUNTY BOARD IMMEDIATELY SHALL IMPLEMENT THE VIRTUAL EDUCATION PLAN AND TRANSITION THE PUBLIC SCHOOL TO VIRTUAL EDUCATION.

(2) (I) A COUNTY BOARD MAY ADJUST THE VIRTUAL EDUCATION PLAN TO FIT THE SPECIFIC NEEDS OF THE SCHOOLS AFFECTED AND THE SPECIFIC CIRCUMSTANCES OF THE EMERGENCY.

(II) A COUNTY BOARD SHALL SUBMIT AN ADJUSTED PLAN TO THE STATE BOARD AS SOON AS PRACTICABLE.

(E) (1) WITHIN 10 CALENDAR DAYS OF RECEIPT OF A VIRTUAL EDUCATION PLAN, THE STATE BOARD SHALL:

- (I) ACCEPT THE PLAN; OR**

(II) RETURN THE PLAN TO THE COUNTY BOARD FOR SPECIFIC MODIFICATION.

(2) IF AN ADJUSTED VIRTUAL EDUCATION PLAN IS RETURNED, THE COUNTY BOARD SHALL MODIFY AND RESUBMIT THE PLAN WITHIN 5 CALENDAR DAYS AFTER THE DATE THE PLAN IS RETURNED.

(F) THE COUNTY BOARD SHALL PUBLISH THE MOST RECENT VERSION OF THE VIRTUAL EDUCATION PLAN ON THE COUNTY BOARD'S WEBSITE.

7-14A-03.

(A) THE COMPONENTS OF A VIRTUAL EDUCATION PLAN ADOPTED UNDER § 7-14A-02 OF THIS SUBTITLE SHALL INCLUDE THE INFORMATION INDICATED IN THIS SECTION.

(B) THE STAFFING AND PERSONNEL ASSIGNMENT PLAN SHALL PROVIDE AN APPROPRIATE ASSIGNMENT FOR ALL SCHOOL PERSONNEL AND, TO THE EXTENT PRACTICABLE, REASONABLY BALANCED WORKLOADS.

(C) (1) THE STUDENT INSTRUCTION PLAN SHALL INCLUDE:

(I) PROVISION OF INSTRUCTION THROUGH THE APPROPRIATE BALANCE OF SYNCHRONOUS AND ASYNCHRONOUS LEARNING;

(II) ACCESS TO THE SAME CURRICULUM, SUBJECT TO THE EQUIVALENT STANDARDS, AS PROVIDED THROUGH IN-PERSON INSTRUCTION;

(III) STUDENT ENGAGEMENT PROCEDURES, INCLUDING METHODS TO ENCOURAGE ACTIVE PARTICIPATION, VERIFIED STUDENT PRESENCE DURING AN ENTIRE CLASS PERIOD, AND ACTIVATED CAMERAS WHEN APPROPRIATE;

(IV) A METHOD FOR PROVIDING INSTRUCTIONAL MATERIALS TO STUDENTS; AND

(V) ATTENTION TO STUDENT EQUITY TO ENSURE ALL STUDENTS ARE RECEIVING A THOROUGH AND APPROPRIATE EDUCATION DURING THE PERIOD OF VIRTUAL EDUCATION.

(2) A COUNTY BOARD SHALL ENSURE THAT STUDENTS WITH A DISABILITY ARE RECEIVING THEIR REQUIRED SERVICES AND A FREE AND APPROPRIATE PUBLIC EDUCATION THROUGH VIRTUAL EDUCATION.

(D) THE STUDENT ASSESSMENT AND LEARNING SUPPORT PLAN SHALL INCLUDE:

(1) THE ADMINISTRATION OF REGULAR ASSESSMENTS, PROVIDED THAT THE ADMINISTRATION DOES NOT SIGNIFICANTLY DISRUPT REGULAR INSTRUCTION;

(2) A PROCESS FOR ESTABLISHING BENCHMARKS AT THE START AND END OF VIRTUAL EDUCATION, AND PERIODICALLY DURING THE COURSE OF VIRTUAL EDUCATION IF REQUIRED; AND

(3) PROVISION OF ADDITIONAL LEARNING SUPPORTS FOR STUDENTS IDENTIFIED AS HAVING LEARNING LOSS.

(E) THE SOCIAL AND EMOTIONAL LEARNING PLAN SHALL INCLUDE:

(1) AN INTERACTIVE SOCIAL AND EMOTIONAL WELLNESS COMPONENT DESIGNED FOR THE VIRTUAL EDUCATION ENVIRONMENT;

(2) REGULAR STUDENT WELLNESS CHECK-INS IN ACCORDANCE WITH § 7-14A-04 OF THIS SUBTITLE; AND

(3) THE DEVELOPMENT OF A SCHOOL BEHAVIORAL HEALTH PLAN IN ACCORDANCE WITH § 7-14A-04 OF THIS SUBTITLE.

(F) THE COMMUNITY COMMUNICATIONS PLAN SHALL INCLUDE:

(1) A CULTURALLY APPROPRIATE FAMILY ENGAGEMENT PLAN THAT HAS METHODS OF ENGAGING WITH:

(I) PARENTS AND GUARDIANS AND STUDENTS FROM VARIOUS ETHNIC, RACIAL, AND CULTURAL BACKGROUNDS;

(II) STUDENTS ELIGIBLE FOR AID; AND

(III) PARENTS AND GUARDIANS AND STUDENTS WHOSE PRIMARY LANGUAGE IS NOT ENGLISH;

(2) MULTIPLE METHODS FOR COMMUNICATING WITH STUDENTS, PARENTS AND GUARDIANS, AND OTHER COMMUNITY STAKEHOLDERS DURING THE PERIOD OF VIRTUAL EDUCATION; AND

(3) A METHOD FOR PRIORITIZING IMPORTANT INFORMATION THAT MUST BE PROVIDED.

(G) THE TECHNOLOGY PLAN SHALL INCLUDE:

(1) THE PROVISION OF TECHNOLOGY, INCLUDING HARDWARE AND SOFTWARE, TO STUDENTS AND SCHOOL PERSONNEL TO RECEIVE AND PROVIDE INSTRUCTION AND SUPPORT SERVICES; AND

(2) ACCESS TO BROADBAND AND INTERNET SERVICES TO ALL STUDENTS AND SCHOOL PERSONNEL.

(H) THE NUTRITIONAL AND HEALTH SERVICES PLAN SHALL INCLUDE:

(1) THE PLACES AND TIMES THAT STUDENTS AND OTHER ELIGIBLE INDIVIDUALS MAY RECEIVE FREE MEALS; AND

(2) THE AVAILABILITY OF HEALTH SERVICES TO ELIGIBLE INDIVIDUALS.

(I) THE PLAN FOR RETURN TO IN-PERSON INSTRUCTION SHALL INCLUDE:

(1) PLANS TO RETURN RAPIDLY TO IN-PERSON LEARNING AS SOON AS IT IS SAFE TO DO SO;

(2) A CLEAR PROCESS FOR STUDENT ENGAGEMENT ON RETURN TO IN-PERSON LEARNING; AND

(3) IDENTIFIED STRATEGIES FOR A RETURN TO IN-PERSON LEARNING FOLLOWING A PROLONGED STATE OF EMERGENCY.

7-14A-04.

(A) (1) THE SCHOOL PERSONNEL AT EACH SCHOOL SHALL DEVELOP A SCHOOL BEHAVIORAL HEALTH PLAN TO ASSIST STUDENTS WHO ARE STRUGGLING WHEN THE SCHOOL IS OPERATING UNDER A VIRTUAL EDUCATION PLAN THAT INCLUDES:

(I) PROPER ASSIGNMENTS FOR ALL BEHAVIORAL AND MENTAL HEALTH STAFF;

(II) METHODS FOR ALL STUDENTS TO ACCESS BEHAVIORAL AND MENTAL HEALTH SUPPORTS, INCLUDING THROUGH TELEHEALTH IF NECESSARY;

(III) PROCEDURES FOR REFERRAL OF STUDENTS WHO ARE STRUGGLING TO ACCESS PROPER BEHAVIORAL AND MENTAL HEALTH SUPPORTS; AND

(IV) INCREASED ATTENTION AND CARE FOR STUDENTS STRUGGLING WITH THE EMOTIONAL, BEHAVIORAL, OR PSYCHOLOGICAL STRESSORS OF VIRTUAL EDUCATION.

(2) IN ESTABLISHING A BEHAVIORAL HEALTH PLAN UNDER THIS SUBSECTION, A SCHOOL MAY USE A MULTITIERED SYSTEM OF SUPPORTS MODEL.

(B) (1) (I) WHILE A SCHOOL IS OPERATING UNDER A VIRTUAL EDUCATION PLAN, THE PRINCIPAL SHALL REQUIRE A STAFF MEMBER TO CONDUCT REGULAR WELLNESS CHECK-INS WITH STUDENTS AT LEAST ONCE PER WEEK.

(II) THE PRINCIPAL MAY ASSIGN A COMMUNITY SCHOOL COORDINATOR, STAFF MEMBER, OR TEAM OF STAFF TO CONDUCT THE WELLNESS CHECK-INS REQUIRED UNDER THIS SUBSECTION.

(2) (I) IF A REGULAR WELLNESS CHECK-IN REVEALS THAT A STUDENT IS STRUGGLING WITH THE EDUCATIONAL, EMOTIONAL, BEHAVIORAL, OR PSYCHOLOGICAL STRESSORS OF VIRTUAL EDUCATION, THE PRINCIPAL SHALL REQUIRE A STAFF MEMBER, IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH, TO:

1. CHECK IN WITH THE STUDENT MULTIPLE TIMES PER WEEK; AND

2. DEVELOP AN INDIVIDUAL BEHAVIORAL HEALTH PLAN CONSISTENT WITH THE SCHOOL BEHAVIORAL HEALTH PLAN ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION.

(II) THE PRINCIPAL SHALL ARRANGE FOR A SCHOOL PSYCHOLOGIST, PUPIL PERSONNEL WORKER, SCHOOL SOCIAL WORKER, SCHOOL COUNSELOR, OR BEHAVIORAL HEALTH SPECIALIST TO PERFORM THE TASKS REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

7-14A-05.

(A) (1) A PUBLIC SCHOOL SHALL ESTABLISH A SYSTEM OF LEARNING SUPPORTS WHILE OPERATING UNDER A VIRTUAL EDUCATION PLAN BY:

(I) 1. ESTABLISHING A VIRTUAL TUTORING SYSTEM; OR

2. PROVIDING INSTRUCTIONAL TIME FOR VIRTUAL LEARNING THAT IS IN ADDITION TO THE DAILY AND HOURLY ATTENDANCE REQUIREMENTS UNDER § 7–103 OF THIS TITLE; AND

(II) DEVELOPING A PLAN TO FOCUS ON STUDENTS WITH THE GREATEST NEED AND THE MOST LEARNING LOSS, INCLUDING:

- 1. STUDENTS WITH DISABILITIES; AND**
- 2. STUDENTS IN HISTORICALLY UNDERSERVED GROUPS, INCLUDING:**
 - A. ENGLISH LANGUAGE LEARNERS; AND**
 - B. STUDENTS ELIGIBLE FOR AID.**

(2) IN SATISFYING ITS DUTIES UNDER THIS SUBSECTION, A PUBLIC SCHOOL MAY NOT REQUIRE STAFF MEMBERS WHOSE TERMS OF EMPLOYMENT ARE SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT TO WORK IN EXCESS OF NEGOTIATED TERMS ON WORK HOURS.

(B) (1) IN COMPLIANCE WITH PUBLIC HEALTH GUIDANCE, A COUNTY BOARD THAT HAS PUBLIC SCHOOLS OPERATING UNDER A VIRTUAL EDUCATION PLAN SHALL ESTABLISH LEARNING CENTERS IN SUITABLE UNOCCUPIED BUILDINGS, INCLUDING STATE BUILDINGS THAT ARE NOT IN USE.

(2) IF FUNDING IS AVAILABLE DURING THE PROLONGED SCHOOL CLOSURE, A COUNTY BOARD SHALL ESTABLISH ADDITIONAL LEARNING CENTERS PRIORITIZING:

(I) COMMUNITY SCHOOLS ELIGIBLE FOR CONCENTRATION OF POVERTY GRANTS UNDER § 5–223 OF THIS ARTICLE; AND

(II) 1. AREAS WITH HIGH LEVELS OF ABSENTEEISM DURING THE PROLONGED SCHOOL CLOSURE; OR

2. IF THE DATA UNDER ITEM 1 OF THIS ITEM IS UNAVAILABLE, AREAS WITH HIGH LEVELS OF ABSENTEEISM DURING THE PREVIOUS SCHOOL YEAR.

7–14A–06.

(A) ON OR BEFORE AUGUST 15, 2023, AND EACH AUGUST 15 THEREAFTER, ONLY WHEN APPLICABLE, EACH COUNTY BOARD SHALL COLLECT THE FOLLOWING DATA FROM EACH SCHOOL THAT ENGAGED IN VIRTUAL EDUCATION IN ACCORDANCE WITH THE COUNTY BOARD'S VIRTUAL EDUCATION PLAN DURING THE PREVIOUS SCHOOL YEAR:

- (1) THE LEARNING MODELS EMPLOYED, INCLUDING:**
 - (I) VIRTUAL EDUCATION;**
 - (II) IN-PERSON INSTRUCTION; AND**
 - (III) HYBRID INSTRUCTION;**
- (2) THE PROPORTION OF SCHOOL HOURS SPENT IN EACH LEARNING MODEL;**
- (3) STUDENT ATTENDANCE;**
- (4) STUDENT ENGAGEMENT; AND**
- (5) TEACHER ATTENDANCE.**

(B) EACH APPLICABLE YEAR, EACH COUNTY BOARD SHALL PUBLISH ON ITS WEBSITE THE DATA REQUIRED UNDER SUBSECTION (A) OF THIS SECTION DISAGGREGATED BY RACE, ETHNICITY, GENDER, DISABILITY STATUS, ENGLISH PROFICIENCY STATUS, AND INCOME.

7-14A-07.

(A) THE DEPARTMENT SHALL ESTABLISH STANDARDS FOR TRAINING TEACHERS ON THE PREPARATION OF PLANS FOR THE PROVISION OF VIRTUAL EDUCATION WHEN A PUBLIC SCHOOL IS OPERATING UNDER A VIRTUAL EDUCATION PLAN.

(B) A COUNTY BOARD SHALL PROVIDE PERIODIC PROFESSIONAL DEVELOPMENT AND SUPPORTS FOR TEACHERS.

(C) THE DEPARTMENT SHALL PROVIDE FUNDING FOR THE PROFESSIONAL DEVELOPMENT AND SUPPORTS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.

(D) DURING PERIODS OF A PROLONGED STATE OF EMERGENCY DURING WHICH A SCHOOL HAS ELECTED TO TRANSITION TO VIRTUAL EDUCATION, THE

DEPARTMENT SHALL PROVIDE MENTAL HEALTH SUPPORTS FOR SCHOOL PERSONNEL.

7-14A-08.

(A) THE DEPARTMENT SHALL EXPAND COMPUTER AND INTERNET SECURITY INFRASTRUCTURE FOR VIRTUAL EDUCATION, INCLUDING STAFF TO MAINTAIN SECURITY.

(B) EACH LOCAL SCHOOL SYSTEM SHALL DEDICATE AT LEAST ONE STAFF MEMBER TO OVERSEE COMPUTER AND INTERNET SECURITY INFRASTRUCTURE FOR VIRTUAL EDUCATION.

7-14A-09.

THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE, INCLUDING ESTABLISHING MINIMUM CRITERIA FOR THE ADOPTION AND IMPLEMENTATION OF VIRTUAL EDUCATION PLANS BY A COUNTY BOARD DURING A PROLONGED STATE OF EMERGENCY.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2023, the State Superintendent of Schools shall submit a report to the State Board of Education and, in accordance with § 2-1257 of the State Government Article, the General Assembly on findings and recommendations regarding the appropriate balance of the number of hours of synchronous learning and asynchronous learning for instructional effectiveness for students in virtual schools based on research that has systematically examined this issue and collaboration with local school systems.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) (1) Subject to paragraph (2) of this subsection, a virtual school established and operated by a county board of education under § 4-109 of the Education Article and approved by the State Department of Education under § 7-1402 of the Education Article before the effective date of this Act, including a virtual education program established through the Eastern Shore of Maryland Educational Consortium for students enrolled in public schools in counties that are members of the Consortium, may continue to operate as a virtual school through the 2024–2025 school year.

(2) The State Department of Education may revoke approval of a virtual school authorized to continue operations under paragraph (1) of this subsection if during the previous school year the virtual school performed in the bottom 10% of schools as determined by metrics of the State accountability system.

(b) A virtual school that is authorized to continue operations under subsection (a) of this section is encouraged to seek all available opportunities to bring the virtual school

into compliance with the requirements for virtual schools enacted under Section 1 of this Act as soon as practicable if not otherwise inconsistent with the law.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) On or before July 1, ~~2024, the State Department of Education, in consultation with current public school teachers, current public school administrators, academic experts, and state and national experts in online education, shall~~ 2023, the State Department of Education shall convene a study group, including county boards of education, institutions of higher education, public school administrators, parents, teachers, students, and other relevant stakeholders, to:

(1) ~~study best practices for the provision of virtual education, and identify appropriate next steps in virtual education and leveraging technology and digital learning in the classroom, including:~~

(i) the successes and failures of virtual education during the COVID-19 pandemic and how lessons learned can be incorporated into virtual education going forward;

(ii) how to ensure equitable education to all students in a virtual education setting;

(iii) whether particular students excel or are harmed under virtual education, the causes of those outcomes, and whether student enrollment in a virtual school should be limited or expanded based on those outcomes;

(iv) accommodations that may need to be made in order to provide students with a fair and appropriate public education;

(v) the best methods to select students for enrollment in a virtual school;

(vi) criteria for selecting staff to work in and administrators to lead virtual schools;

(vii) methods to accurately assess student progress during virtual education;

(viii) the types of tools and resources that are necessary for a student to fully learn when engaged in virtual education and how a county board can provide the tools and resources;

(ix) the behavioral health costs of virtual education and how those costs might be mitigated;

(x) how best to actively involve parents and families in the virtual education process; ~~and~~

(xi) documenting existing resources for virtual schools and programs;

(xii) reviewing models of virtual schools and programs in other states and nations;

(xiii) exploring alternative models and recommending improvements for Maryland virtual schools and programs; ~~and~~

~~(xi)~~ (xiv) the infrastructure necessary for and effectiveness of collaborations between multiple counties operating a single virtual school; and

(xv) how needed services, including nutritional services, may be best provided to a student enrolled in a virtual school; and

(2) develop criteria for the establishment of virtual schools that:

(i) incorporate the data gathered under item (1) of this subsection; and

(ii) are at least as rigorous as the criteria listed under Title 7, Subtitle 14 of the Education Article as enacted by Section 1 of this Act.

(b) On or before September 1, 2024, the Department shall report to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly on the results of the study and the criteria developed under subsection (a) of this section.

(c) Notwithstanding any other provision of law, a county board of education may not establish, and the State Department of Education and the State Board of Education may not approve, a new elementary grade band virtual school on or before December 1, 2024.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2023.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2023.