

HOUSE BILL 1163

F1

(2lr1699)

ENROLLED BILL

— Ways and Means/Education, Health, and Environmental Affairs —

Introduced by **Delegate Washington**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Primary and Secondary Education – Virtual Education – Requirements**

3 FOR the purpose of ~~requiring the Professional Standards and Teacher Education Board to~~
4 ~~design a certain course of training in the pedagogy of virtual education; requiring~~
5 ~~the State Department of Education to provide local school systems with guidance~~
6 ~~related to the periodic professional development and support for teachers to achieve~~
7 ~~virtual education best practice principles; requiring a teacher preparation program~~
8 ~~to include certain training related to teaching in a virtual learning environment as a~~
9 ~~component of instruction; providing that a county board of education may authorize~~
10 ~~a county superintendent of schools, under certain circumstances, to provide virtual~~
11 ~~education days to students instead of closing the public schools in the county because~~
12 ~~of severe weather conditions; requiring the county board to publish the county board's~~
13 ~~plan for the use of virtual education days on the school system's website and requiring~~
14 ~~the plan to include certain items; requiring a county superintendent to take certain~~
15 ~~actions and make certain accommodations if the county superintendent decides to~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



provide a virtual education day for public school students in the county; establishing the Flip the Classroom Pilot Program; requiring the Department State Department of Education, on or before a certain date, to establish a statewide universal learning management system for public schools and hire a dedicated employee to implement and manage the system; requiring authorizing a county board of education to adopt the universal learning management system under certain circumstances; requiring the Department, beginning in a certain school year, to make certain curriculum standards available through the universal management learning system; repealing certain provisions of law related to online courses and services; authorizing a county board to request the Department's development or approval of a new virtual education course; repealing certain provisions of law regarding the establishment of virtual schools; requiring the Department to develop guidelines for the appropriate development, review, and assessment of digital services; prohibiting the approval of a virtual school in the State on or before a certain date; requiring the Department to develop criteria for the establishment of virtual schools on or before a certain date; providing for the administration and operation of temporary virtual schools under certain circumstances; requiring a county board to establish learning centers under certain circumstances; requiring the Department to administer grants to provide virtual education high school courses; requiring the Governor to appropriate certain funds for certain virtual education grant programs in certain fiscal years; requiring the Department to provide certain mental health supports for school personnel under certain circumstances; 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 Department 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 a community school to address and mitigate the effects of learning loss and chronic absenteeism caused by school closures; repealing the Maryland Virtual Learning Opportunities Fund; providing for the use of funds from the Maryland Virtual Learning Opportunities Fund; 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 certain stakeholders, to study best practices for the provision of virtual education and submit a certain report on or before a certain date; prohibiting the approval of new elementary grade band virtual school on or before a certain date; and generally relating to virtual education in the State.

~~BY repealing~~

~~Article — Education~~

~~Section 7-1402 through 7-1407~~

~~Annotated Code of Maryland~~

~~(2018 Replacement Volume and 2021 Supplement)~~

BY repealing and reenacting, with amendments,

Article – Education

Section 6–121(a), 7–202.1, 7–1401 through 7–1408, and 9.9–103

Annotated Code of Maryland

(2018 Replacement Volume and 2021 Supplement)

BY adding to

Article – Education

Section ~~6–127~~ *7–103.2 and 7–1401.1 and 7–129*; and ~~7–1402 through 7–1408~~
7–14A–01 through 7–14A–09 to be under the ~~amended subtitle “Subtitle 14.~~

~~Virtual Education”~~ *new subtitle “Subtitle 14A. Operation of Public Schools*
During a Prolonged State of Emergency – Virtual Education Plans”

Annotated Code of Maryland

(2018 Replacement Volume and 2021 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article – Education~~

~~Section 7–202.1, 7–1002, 7–1401, 7–1408, and 9.9–103~~

~~Annotated Code of Maryland~~

~~(2018 Replacement Volume and 2021 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That ~~Section(s) 7–1402 through 7–1407 of Article – Education of the Annotated Code of~~
~~Maryland be repealed.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, 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;

(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.

~~6-127.~~

~~(A) THE PROFESSIONAL STANDARDS AND TEACHER EDUCATION BOARD SHALL DESIGN A COURSE OF TRAINING IN THE PEDAGOGY OF VIRTUAL EDUCATION TO BE OFFERED IN TEACHER PREPARATION PROGRAMS AND TO NEWLY HIRED TEACHERS DURING THE INDUCTION PROCESS.~~

~~(B) THE TRAINING DESIGNED UNDER THIS SECTION SHALL INCLUDE THE FOLLOWING BEST PRACTICE PRINCIPLES:~~

~~(1) METHODS FOR ACHIEVING THE ITEMS LISTED UNDER § 6-121(A) OF THIS SUBTITLE THROUGH VIRTUAL EDUCATION;~~

~~(2) IDENTIFYING THE OPTIMAL COMBINATION OF SYNCHRONOUS AND ASYNCHRONOUS INSTRUCTION;~~

~~(3) PROVIDING OPPORTUNITIES FOR INTERACTIVE INSTRUCTION;~~

~~(4) DELIVERING TARGETED AND RIGOROUS RACIALLY AWARE AND CULTURALLY RESPONSIVE INSTRUCTION;~~

~~(5) PROVIDING OPPORTUNITIES FOR STUDENT REGULATED PERSONALIZED LEARNING;~~

~~(6) ALTERNATING HIGH AND LOW INTENSITY ACTIVITIES;~~

~~(7) USING DIGITAL TOOLS TO CREATE OPPORTUNITIES FOR STUDENT COLLABORATION; AND~~

~~(8) INCORPORATING OPPORTUNITIES TO PROMOTE STUDENT REFLECTION.~~

~~(C) THE DEPARTMENT SHALL PROVIDE GUIDANCE TO LOCAL SCHOOL SYSTEMS FOR THE PERIODIC PROFESSIONAL DEVELOPMENT AND SUPPORT FOR TEACHERS AND EDUCATION SUPPORT PROFESSIONALS TO ACHIEVE THE VIRTUAL EDUCATION BEST PRACTICE PRINCIPLES LISTED UNDER SUBSECTION (B) OF THIS SECTION.~~

~~7-129.~~

~~(A) IN THIS SECTION, "PILOT PROGRAM" MEANS THE FLIP THE CLASSROOM PILOT PROGRAM.~~

~~(B) (1) THERE IS A FLIP THE CLASSROOM PILOT PROGRAM IN THE STATE.~~

~~(2) THE PURPOSE OF THE PILOT PROGRAM IS TO ENABLE STUDENTS TO:~~

~~(I) LEARN OUTSIDE IN PERSON INSTRUCTION USING RECORDED LECTURES; AND~~

~~(II) SPEND CLASSROOM TIME ON INDIVIDUAL AND GROUP EXERCISES THAT APPLY THE LESSONS FROM THE RECORDED LECTURES.~~

~~(C) THE PILOT PROGRAM SHALL PROVIDE TEACHERS WITH THE TOOLS NECESSARY TO:~~

~~(1) RECORD A CLASSROOM LECTURE TO BE VIEWED ASYNCHRONOUSLY BY STUDENTS AS HOMEWORK; AND~~

~~(2) SPEND CLASSROOM TIME FOSTERING COLLABORATIVE, PEER-TO-PEER WORK BETWEEN STUDENTS BASED ON THE RECORDED LECTURE.~~

~~(D) (1) THE DEPARTMENT, IN CONSULTATION WITH SUBJECT MATTER EXPERTS, SPECIALISTS IN COURSE DESIGN, CURRENT CERTIFICATED TEACHERS, AND CURRENT SCHOOL ADMINISTRATORS, SHALL DESIGN AND ADMINISTER THE PILOT PROGRAM BASED ON CURRENT RESEARCH AND BEST PRACTICES INTO INVERTED CLASSROOM AND BLENDED INSTRUCTIONAL MODELS.~~

~~(2) THE DEPARTMENT SHALL AWARD A GRANT TO A COUNTY BOARD THAT HAS AT LEAST ONE PUBLIC SCHOOL IN ITS JURISDICTION IN WHICH ADMINISTRATORS AND TEACHERS AFFIRMATIVELY VOLUNTEER TO PARTICIPATE IN THE PILOT PROGRAM.~~

~~(3) IN AWARDING GRANTS UNDER THE PILOT PROGRAM, TO THE EXTENT PRACTICABLE, THE DEPARTMENT SHALL GIVE PREFERENCE TO SCHOOLS THAT:~~

~~(I) ARE ELIGIBLE FOR FUNDING UNDER § 5-223 OF THIS ARTICLE IN THE FISCAL YEAR IN WHICH THE GRANT IS AWARDED;~~

~~(H) REPRESENT THE GEOGRAPHIC DIVERSITY OF THE STATE;~~
~~AND~~

~~(HH) CONTAIN TEACHER VOLUNTEERS FROM GROUPS HISTORICALLY UNDERREPRESENTED IN THE TEACHING PROFESSION.~~

~~(4) A TEACHER SELECTED TO PARTICIPATE IN THE PILOT PROGRAM SHALL RECEIVE PROFESSIONAL DEVELOPMENT IN VIRTUAL EDUCATION IN ACCORDANCE WITH § 7-1406 OF THIS TITLE.~~

~~(E) IN EACH OF FISCAL YEARS 2024 THROUGH 2026, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$250,000 FOR THE PILOT PROGRAM.~~

~~(F) (1) USING DATA THAT MEET THE EXPECTATIONS OF STRONG OR MODERATE EVIDENCE AS DEFINED IN THE FEDERAL EVERY STUDENT SUCCEEDS ACT, THE DEPARTMENT SHALL EVALUATE THE PILOT PROGRAM FOR:~~

~~(I) EFFICACY IN IMPROVING STUDENT OUTCOMES, WITH RESULTS DISAGGREGATED BY RACE, ETHNICITY, GENDER, DISABILITY STATUS, ENGLISH LANGUAGE LEARNER STATUS, AND INCOME; AND~~

~~(H) REPLICABILITY IN PUBLIC SCHOOLS THROUGHOUT THE STATE.~~

~~(2) ON OR BEFORE DECEMBER 1, 2026, 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 EVALUATION.~~

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) A COUNTY SUPERINTENDENT SHALL ADEQUATELY DESIGN THE VIRTUAL EDUCATION DAY MODEL BEFORE IMPLEMENTATION OF THE FIRST VIRTUAL EDUCATION DAY.

7-202.1.

(a) The Department shall, in consultation with experienced and highly effective teachers, including teachers on the career ladder under Title 6, Subtitle 10 of this article, develop curriculum standards and curriculum resources for each subject at each grade level, that build on one another in logical sequence, in core subjects that may be used by local school systems and public school teachers.

(b) (1) The purpose of the curriculum standards and curriculum resources developed under this section is to provide county boards with technical assistance to inform high-quality instruction that will ultimately result in students meeting the college and career readiness standards in the manner described under § 7–205.1 of this subtitle.

(2) The curriculum resources developed under this section shall include, for each core subject at each grade level:

(i) Course syllabi;

(ii) Sample lessons for teachers to use as models;

(iii) Examples of student work that meet standards for proficiency;

(iv) Explanations of why student work examples meet proficiency standards so that teachers know what student knowledge is required; and

(v) Curriculum units aligned with the course syllabi.

(3) In developing the curriculum resources under this subsection, the Department:

(i) May use as a model a course or unit developed by a teacher in or out of the State; but

(ii) Shall review each model course and unit for quality, using accepted benchmarks such as approval by EdReports or Tier 1 and Tier 2 evidence-based standards established by the federal Every Student Succeeds Act.

(4) The Department shall compile curriculum units in such a manner that:

(i) Complete courses are formed; and

(ii) When taken by a student in sequence, the student can achieve the college and career readiness standard adopted under § 7–205.1 of this subtitle by the end of grade 10.

(c) The Department shall submit curriculum resources and curriculum standards developed under this section to the State Board for adoption.

(d) (1) (I) ON OR BEFORE SEPTEMBER 1, 2022, THE DEPARTMENT SHALL:

1 1. ESTABLISH A STATEWIDE UNIVERSAL LEARNING
2 MANAGEMENT SYSTEM FOR EVENTUAL USE IN ALL PUBLIC SCHOOLS IN THE STATE;
3 AND

4 2. HIRE A DEDICATED EMPLOYEE TO IMPLEMENT AND
5 MANAGE THE UNIVERSAL LEARNING MANAGEMENT SYSTEM.

6 (ii) IF A COUNTY BOARD HAS NOT, ON OR BEFORE AUGUST 31,
7 2022, CONTRACTED TO LICENSE A LEARNING MANAGEMENT SYSTEM OTHER THAN
8 THE UNIVERSAL LEARNING MANAGEMENT SYSTEM ESTABLISHED BY THE
9 DEPARTMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, ~~ON OR BEFORE~~
10 ~~JULY 1, 2023~~, THE COUNTY BOARD ~~SHALL~~ MAY ADOPT THE UNIVERSAL LEARNING
11 MANAGEMENT SYSTEM ESTABLISHED BY THE DEPARTMENT.

12 (iii) THE DEPARTMENT SHALL PROVIDE TECHNICAL SUPPORT,
13 AID WITH PROFESSIONAL DEVELOPMENT, AND FINANCIAL SUPPORT TO A COUNTY
14 BOARD THAT ADOPTS THE UNIVERSAL LEARNING MANAGEMENT SYSTEM
15 ESTABLISHED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

16 (iv) THE DEPARTMENT MAY NOT PROVIDE LEARNING
17 MANAGEMENT BASED SUPPORT TO A COUNTY BOARD THAT DOES NOT ADOPT THE
18 UNIVERSAL LEARNING MANAGEMENT SYSTEM ESTABLISHED UNDER
19 SUBPARAGRAPH (I) OF THIS PARAGRAPH.

20 (2) BEGINNING IN THE ~~2023-2024~~ 2024-2025 SCHOOL YEAR, THE
21 DEPARTMENT SHALL MAKE THE CURRICULUM STANDARDS DEVELOPED UNDER
22 THIS SECTION AVAILABLE THROUGH THE UNIVERSAL LEARNING MANAGEMENT
23 SYSTEM.

24 (E) The State Board shall establish a system of assessments to ensure that
25 students are acquiring the knowledge contained in the curriculum standards in English,
26 Mathematics, Science, and History or Social Studies.

27 [(e)] (F) (1) Using the assessments established under subsection [(d)] (E) of
28 this section, the Department shall identify low-performing schools.

29 (2) An Expert Review Team established under § 5-411 of this article, under
30 the supervision of the Department, shall visit schools identified under paragraph (1) of this
31 subsection according to the criteria established under § 5-411 of this article.

32 (3) If the Department, based on a recommendation of an Expert Review
33 Team, determines that a school's low performance on assessments is, largely, due to
34 curricular problems, the school shall adopt the curriculum resources developed under this
35 section.

(4) Except as provided in paragraph (3) of this subsection, this section does not require a public school or county board to adopt the Department's curriculum standards and curriculum resources and may not be construed to restrict a county board's authority to adopt curricula under § 4-111 of this article.

~~7-1002.~~

~~(a) The Department shall provide Maryland virtual learning opportunities that include:~~

~~(1) Offering a distance learning program to provide Maryland public school students with equal opportunities to develop a strong academic foundation;~~

~~(2) Offering expanded educational choices not otherwise available to students through [online] VIRTUAL EDUCATION courses and services; and~~

~~(3) Expanding the professional development opportunities available to educational staff in Maryland public schools through [online] VIRTUAL EDUCATION courses and services.~~

~~(b) (1) [(i) A] SUBJECT TO SUBSECTION (C) OF THIS SECTION, A county board may DEVELOP OR SEEK THE DEVELOPMENT OF A NEW VIRTUAL EDUCATION COURSE TO BE OFFERED IN THE LOCAL SCHOOL SYSTEM.~~

~~(2) (i) A COUNTY BOARD MAY request that the Department develop [or review and approve online courses and services] A SPECIFIC NEW VIRTUAL EDUCATION COURSE.~~

~~(ii) A COUNTY BOARD MAY DEVELOP A NEW VIRTUAL EDUCATION COURSE, SUBJECT TO THE DEPARTMENT'S REVIEW, under paragraph [(2)] (3) of this subsection IF:~~

~~1. THE DEPARTMENT DENIES THE COUNTY BOARD'S REQUEST FOR THE DEPARTMENT TO DEVELOP A SPECIFIC NEW VIRTUAL EDUCATION COURSE UNDER SUBPARAGRAPH (iii) OF THIS PARAGRAPH; OR~~

~~2. THE COUNTY BOARD ELECTS TO DEVELOP A NEW VIRTUAL EDUCATION COURSE ITSELF.~~

~~[(i)] (iii) Within 15 days after the receipt of a request under subparagraph (i) of this paragraph, the Department shall determine whether [the development or review and approval of the online courses and services shall be delegated to a county board under paragraph (2)(ii) of this subsection] IT SHALL ACCEPT OR DENY THE REQUEST TO DEVELOP A NEW VIRTUAL EDUCATION COURSE.~~

~~[(iii)] (iv) If the Department [does not delegate the development or review and approval of the online courses and services to] ACCEPTS THE REQUEST OF a county board TO DEVELOP A SPECIFIC NEW VIRTUAL EDUCATION COURSE, the Department shall, SUBJECT TO SUBSECTION (C) OF THIS SECTION, develop [or review and approve online courses and services under paragraph (2) of this subsection] A VIRTUAL EDUCATION COURSE within 120 days after the receipt of a request made by a county board under subparagraph (i) of this paragraph.~~

~~[(2)] (3) (i) [Subject to subparagraph (ii) of this paragraph, the Department shall:~~

~~1. A. Develop online courses and services; or~~

~~B. Review and approve online courses and services;~~

~~2. Develop standards for teachers and other school system employees for the offering of courses or services on the Internet or through other developing technologies; and~~

~~3. Review courses and courseware to assure quality and alignment with the Maryland content standards and other appropriate standards.~~

~~(ii) Subject to subparagraph (v) of this paragraph, the Department may delegate the authority to develop or review and approve online courses and services to a county board.~~

~~(iii) If the Department delegates the authority to develop or review and approve online courses and services to a county board, the county board may impose reasonable fees to be paid by the vendor to cover the cost of reviewing and approving online courses and services.~~

~~(iv) A county board shall remit 15% of the fees collected under subparagraph (iii) of this paragraph to the Department.~~

~~(v) 1. A] AFTER A county board HAS FINISHED DEVELOPING A NEW VIRTUAL EDUCATION COURSE, THE COUNTY BOARD shall [request approval of the online course from] SUBMIT THE PROPOSED NEW COURSE TO the Department [when the county board has completed the development or] FOR review and approval [of online courses and services].~~

~~[2.] (H) Within 45 days after [a request] RECEIVING A PROPOSED NEW COURSE under [subsubparagraph 1 of this subparagraph] SUBPARAGRAPH (I) OF THIS PARAGRAPH, the Department shall approve or disapprove the [online] NEW VIRTUAL EDUCATION course based on THE COURSE'S ADHERENCE TO~~

~~SUBSECTION (C) OF THIS SECTION AND ANY ADDITIONAL criteria and guidelines developed by the Department.~~

~~[(3)] (4) (i) The development, review, and approval of [an online course or service] A NEW VIRTUAL EDUCATION COURSE conducted under this subsection shall include an assessment regarding the accessibility of the [online] VIRTUAL EDUCATION course [or service] to individuals with disabilities, including the blind.~~

~~(ii) The Department may contract with a third party to:~~

~~1. Develop an assessment regarding accessibility required under subparagraph (i) of this paragraph; or~~

~~2. Conduct an assessment of course accessibility required under subparagraph (i) of this paragraph that will determine the approval or denial status of the course and provide feedback to the [course provider] COUNTY BOARD.~~

~~(5) THE DEPARTMENT SHALL DEVELOP GUIDELINES FOR THE APPROPRIATE DEVELOPMENT, REVIEW, AND ASSESSMENT OF DIGITAL SERVICES.~~

~~(e) [(1) There is a Maryland Virtual Learning Opportunities Fund.~~

~~(2) The State Board may set reasonable fees for:~~

~~(i) Developing or reviewing online courses and services;~~

~~(ii) Processing approvals for online courses and services;~~

~~(iii) Developing an assessment regarding the accessibility of an online course or service to individuals with disabilities, including the blind; and~~

~~(iv) Assessing an online course for its accessibility to individuals with disabilities, including the blind.~~

~~(3) The fees charged shall be set so as to produce funds to support maintenance of Maryland virtual learning opportunities.~~

~~(4) The State Board shall pay all funds collected under this subtitle to the Comptroller of the State.~~

~~(5) The Comptroller shall distribute the fees to the Maryland Virtual Learning Opportunities Fund.~~

~~(6) The Fund is a continuing, nonlapsing fund not subject to § 7-302 of the State Finance and Procurement Article.~~

~~(7) Any unspent portions of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund to be used for the purposes specified in this subtitle.~~

~~(8) The Legislative Auditor shall audit the accounts and transactions of the Fund as provided in § 2-1220 of the State Government Article.]~~

~~(1) (i) ANY VIRTUAL EDUCATION COURSES OFFERED BY A COUNTY BOARD SHALL BE OFFERED THROUGH SYNCHRONOUS LEARNING.~~

~~(ii) A COUNTY BOARD MAY NOT ENROLL MORE STUDENTS IN A VIRTUAL EDUCATION COURSE THAN A TEACHER MAY REASONABLY BE EXPECTED TO MEANINGFULLY ENGAGE WITH DURING VIRTUAL EDUCATION.~~

~~(2) A TEACHER OF A VIRTUAL EDUCATION COURSE:~~

~~(i) MAY NOT BE REQUIRED TO SIMULTANEOUSLY INSTRUCT STUDENTS ATTENDING THE TEACHER'S CLASSROOM IN PERSON; AND~~

~~(ii) SHALL HAVE OTHER DUTIES, INCLUDING TEACHING, MENTORING, AND LEADING DUTIES REQUIRED UNDER TITLE 6, SUBTITLE 10 OF THIS ARTICLE, REDUCED BY A REASONABLE AMOUNT TO COMPENSATE FOR THE TIME SPENT TEACHING THE VIRTUAL EDUCATION COURSE.~~

~~(d) The State Board may adopt regulations to implement the provisions of this section.~~

~~Subtitle 14. Virtual [Schools] EDUCATION.~~

~~7-1401.~~

~~(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 EDUCATION.~~

~~(c) "Quality online education standards" means the National Standards for Quality Online Programs: Second Edition (2019).~~

~~[(e) "Sponsor" means the Department or a county school board, having a fiduciary responsibility for the operation of the virtual school.]~~

~~(d) "STUDENT ELIGIBLE FOR AID" MEANS A CHILD WHO MEETS THE CERTIFICATION OF INCOME ELIGIBILITY UNDER ANY OF THE FOLLOWING:~~

~~(1) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM;~~

~~(2) TEMPORARY ASSISTANCE FOR NEEDY FAMILIES;~~

~~(3) FOSTER CARE;~~

~~(4) HEAD START;~~

~~(5) EVEN START;~~

~~(6) MIGRANT STUDENTS;~~

~~(7) HOMELESS STUDENTS;~~

~~(8) MEDICAID AND THE MARYLAND CHILDREN'S HEALTH PROGRAM,
UP TO 189% OF THE FEDERAL POVERTY LEVEL;~~

~~(9) FREE OR REDUCED PRICE MEALS FOR SCHOOLS NOT
PARTICIPATING IN THE U.S. DEPARTMENT OF AGRICULTURE COMMUNITY
ELIGIBILITY PROVISION; AND~~

~~(10) AN ALTERNATIVE FORM DEVELOPED BY THE DEPARTMENT FOR
THE COMPENSATORY EDUCATION FORMULA UNDER § 5-222 OF THIS ARTICLE.~~

~~(E) "TEMPORARY VIRTUAL SCHOOL" MEANS A PUBLIC SCHOOL THAT IS
CLOSED TO IN-PERSON ATTENDANCE DURING EMERGENCY CONDITIONS AND THAT
A COUNTY BOARD HAS ELECTED TO TRANSITION TO VIRTUAL EDUCATION UNDER §
7-1404 OF THIS SUBTITLE.~~

~~(F) "VIRTUAL EDUCATION" MEANS THE USE OF TECHNOLOGY TO DELIVER
A SIGNIFICANT PORTION OF INSTRUCTION TO STUDENTS VIA THE INTERNET IN A
VIRTUAL OR REMOTE SETTING.~~

~~[(d)] (G) "Virtual school" means a public school established by [the Department
or by] a county board [under § 4-109 of this article] in which the school [uses technology
to deliver a significant portion of instruction to its students via the Internet in a virtual or
remote setting] CONSISTENTLY AND PERMANENTLY IS ENGAGED IN VIRTUAL
EDUCATION.~~

~~7-1402.~~

~~(A) NO VIRTUAL SCHOOLS MAY BE APPROVED FOR OPERATION IN THE
STATE ON OR BEFORE JULY 1, 2024.~~

~~(B) ON OR BEFORE JULY 1, 2024, THE DEPARTMENT, IN CONSULTATION WITH CURRENT PUBLIC SCHOOL TEACHERS, CURRENT PUBLIC SCHOOL ADMINISTRATORS, AND ACADEMIC EXPERTS, SHALL:~~

~~(1) USING DATA THAT MEET THE EXPECTATIONS OF STRONG OR MODERATE EVIDENCE AS DEFINED IN THE FEDERAL EVERY STUDENT SUCCEEDS ACT, STUDY BEST PRACTICES FOR THE PROVISION OF VIRTUAL EDUCATION, 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 BASED ON THOSE OUTCOMES;~~

~~(iv) ACCOMMODATIONS THAT MAY NEED TO BE MADE IN ORDER TO PROVIDE SOME 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 TO 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) 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 § 7-1403 OF THIS SUBTITLE.~~

~~(C) 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 (B) OF THIS SECTION.~~

~~7-1403.~~

~~(A) (1) THE CRITERIA LISTED UNDER THIS SECTION SHALL FORM A BASELINE FOR THE CRITERIA ADOPTED BY THE DEPARTMENT UNDER § 7-1402 OF THIS SUBTITLE.~~

~~(2) THE DEPARTMENT'S CRITERIA MUST BE AT LEAST AS RIGOROUS AS THE CRITERIA LISTED UNDER THIS SECTION.~~

~~(B) (1) A COUNTY BOARD MAY APPLY TO THE STATE BOARD TO ESTABLISH A VIRTUAL SCHOOL IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBSECTION.~~

~~(2) A COUNTY BOARD'S APPLICATION MUST INCLUDE A RIGOROUS PROGRAM OF INSTRUCTION THAT INCLUDES AN EQUIVALENT METHOD FOR SATISFYING ANY REQUIREMENT FOR PUBLIC SCHOOLS IN THE STATE IN A VIRTUAL EDUCATION SETTING.~~

~~(3) A COUNTY BOARD'S APPLICATION SHALL INCLUDE ANY ATTENDANCE CRITERIA THAT ARE MORE SPECIFIC THAN THOSE LISTED UNDER SUBSECTION (F) OF THIS SECTION.~~

~~(4) A COUNTY BOARD'S APPLICATION SHALL INCLUDE THE PLANNED STAFFING MODEL FOR THE VIRTUAL SCHOOL, INCLUDING PROVISIONS FOR STAFF RECRUITMENT, TRAINING, EVALUATION, AND PROFESSIONAL DEVELOPMENT THAT ARE IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION.~~

~~(C) (1) THE STATE BOARD SHALL REVIEW A COUNTY BOARD'S APPLICATION FOR A VIRTUAL SCHOOL WITHIN 120 CALENDAR DAYS AFTER RECEIPT.~~

~~(2) THE STATE BOARD MAY APPROVE AN APPLICATION FOR A VIRTUAL SCHOOL CONTINGENT ON:~~

~~(I) THE COUNTY BOARD'S ABILITY TO MEET TIMELINES ESTABLISHED IN THE APPLICATION; AND~~

~~(H) THE COUNTY BOARD'S ABILITY TO PROCURE SUITABLE EQUIPMENT AND SOFTWARE NECESSARY TO FORM A PLAN OF SUITABLY RIGOROUS INSTRUCTION.~~

~~(3) THE STATE BOARD'S DECISION TO APPROVE OR DENY AN APPLICATION TO FORM A VIRTUAL SCHOOL IS FINAL.~~

~~(D) A VIRTUAL SCHOOL MAY NOT BE ESTABLISHED THROUGH A CONTRACT WITH A FOR-PROFIT PRIVATE ENTITY THAT IS RESPONSIBLE FOR THE DAY-TO-DAY EDUCATION OF STUDENTS IN A VIRTUAL SCHOOL.~~

~~(E) (1) EMPLOYEES OF A VIRTUAL SCHOOL:~~

~~(I) ARE PUBLIC SCHOOL EMPLOYEES, AS DEFINED IN §§ 6-401(E) AND 6-501(G) OF THIS ARTICLE;~~

~~(II) ARE EMPLOYEES OF A PUBLIC SCHOOL EMPLOYER, AS DEFINED IN §§ 6-401(F) AND 6-501(H) OF THIS ARTICLE, IN THE COUNTY IN WHICH THE VIRTUAL SCHOOL IS FORMED; AND~~

~~(III) SHALL HAVE THE RIGHTS GRANTED UNDER TITLE 6, SUBTITLES 4 AND 5 OF THIS ARTICLE.~~

~~(2) IF A COLLECTIVE BARGAINING AGREEMENT UNDER TITLE 6, SUBTITLE 4 OR SUBTITLE 5 OF THIS ARTICLE IS ALREADY IN EXISTENCE IN THE COUNTY SEEKING TO FORM A VIRTUAL SCHOOL, THE EMPLOYEE ORGANIZATION AND THE PUBLIC SCHOOL EMPLOYER MAY MUTUALLY AGREE TO NEGOTIATE AMENDMENTS TO THE EXISTING AGREEMENT TO ADDRESS THE NEEDS OF THE PARTICULAR VIRTUAL SCHOOL, INCLUDING AMENDMENTS TO WORK DAYS, WORK HOURS, SCHOOL YEAR, EXTRA DUTY ASSIGNMENTS, AND PROCEDURES FOR TRANSFER THAT ARE CONSISTENT WITH PARAGRAPH (3) OF THIS SUBSECTION.~~

~~(3) A COUNTY BOARD THAT ESTABLISHES A VIRTUAL SCHOOL SHALL MAKE EVERY ATTEMPT TO CONFIRM THAT A STAFF MEMBER DESIRES TO WORK IN THE VIRTUAL SCHOOL BEFORE ASSIGNING THE STAFF MEMBER TO THE VIRTUAL SCHOOL.~~

~~(F) (1) ONLY A STUDENT WHO IS ELIGIBLE TO ATTEND A PUBLIC SCHOOL IN THE COUNTY UNDER § 7-301 OF THIS TITLE MAY ATTEND A VIRTUAL SCHOOL ESTABLISHED BY A COUNTY BOARD.~~

~~(2) ADMISSION TO A VIRTUAL SCHOOL IS ENTIRELY VOLUNTARY.~~

~~(G) A VIRTUAL SCHOOL SHALL PROVIDE THE FOLLOWING TO EACH ENROLLED STUDENT:~~

~~(1) ACCESS TO A SEQUENTIAL CURRICULUM APPROVED BY THE STATE BOARD THAT:~~

~~(I) MEETS OR EXCEEDS THE STANDARDS ADOPTED BY THE COUNTY BOARD IN THE COUNTY IN WHICH THE VIRTUAL SCHOOL'S PRINCIPAL PLACE OF BUSINESS IS LOCATED; AND~~

~~(II) CONSISTS, AS MUCH AS IS PRACTICABLE, OF SYNCHRONOUS VIRTUAL EDUCATION;~~

~~(2) LEARNING OPPORTUNITIES PER ACADEMIC YEAR FOR AT LEAST THE SAME AMOUNT OF TIME REQUIRED FOR PUBLIC SCHOOL STUDENTS;~~

~~(3) REGULAR ASSESSMENT IN THE CORE AREAS OF INSTRUCTION AS REQUIRED BY REGULATIONS ADOPTED BY THE STATE BOARD UNDER § 7-1409 OF THIS SUBTITLE;~~

~~(4) QUALITY ONLINE EDUCATION STANDARDS; AND~~

~~(5) ALL NECESSARY INSTRUCTIONAL MATERIALS, INCLUDING ANY NECESSARY HARDWARE AND SOFTWARE.~~

~~(H) A VIRTUAL SCHOOL SHALL MAINTAIN AN ADMINISTRATIVE OFFICE IN THE COUNTY IN WHICH THE SCHOOL IS ESTABLISHED AND THE OFFICE SHALL BE CONSIDERED ITS PRINCIPAL PLACE OF BUSINESS.~~

~~(I) A VIRTUAL SCHOOL SHALL BE EVALUATED EACH YEAR BY 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.~~

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.

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

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

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

7 7-1402.

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

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

15 (3) EACH VIRTUAL SCHOOL SHALL RECEIVE FINAL APPROVAL FROM
16 THE STATE BOARD.

17 (4) THE DEPARTMENT MAY REVOKE APPROVAL OF A VIRTUAL
18 SCHOOL, SUBJECT TO FINAL APPROVAL OF THE STATE BOARD, IF DURING THE
19 PREVIOUS SCHOOL YEAR THE VIRTUAL SCHOOL FAILS TO MEET THE STANDARDS
20 ESTABLISHED BY THE DEPARTMENT IN REGULATION.

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

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

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

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

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

1 7-1403.

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

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

9 (C) (1) NOT MORE THAN 10% OF THE STUDENTS WHO WOULD OTHERWISE
10 ATTEND A SINGLE PUBLIC SCHOOL IN THE COUNTY IN ANY SCHOOL YEAR MAY
11 ENROLL IN A VIRTUAL SCHOOL ESTABLISHED BY A COUNTY BOARD.

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

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

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

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

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

30 [7-1403.] 7-1404.

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

32 (1) Access to a sequential curriculum approved by the State Board that
33 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 AT THE PUBLIC SCHOOL THE STUDENT WOULD OTHERWISE BE REQUIRED TO ATTEND;

(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, PARTICIPATION IN ORGANIZED ATHLETICS AND ON ATHLETIC TEAMS AT THE PUBLIC SCHOOL THE STUDENT WOULD OTHERWISE BE REQUIRED TO ATTEND;

(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 DEPARTMENT SHALL ESTABLISH IN REGULATION THE FOLLOWING STANDARDS FOR ALL VIRTUAL SCHOOLS:

(1) AFTER COLLABORATION WITH LOCAL SCHOOL SYSTEMS, 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.

1 (B) (1) A VIRTUAL SCHOOL IS STRONGLY ENCOURAGED TO HOLD
2 IN-PERSON ORIENTATION SESSIONS WITH THE STUDENTS, PARENTS OR GUARDIANS,
3 AND SCHOOL PERSONNEL TO PROVIDE THE INFORMATION REQUIRED UNDER
4 SUBSECTION (A) OF THIS SECTION.

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

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

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

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

13 [7-1405.] 7-1406.

14 (A) (1) A teacher [employed by] ASSIGNED TO a virtual school shall have a
15 teacher's certificate issued by the State Superintendent under Title 6 of this article OR ANY
16 OTHER RELEVANT PROFESSIONAL CERTIFICATION AUTHORIZED UNDER COMAR
17 13A.12.01.

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

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

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

25 (III) HAVE ACCESS TO PROFESSIONAL DEVELOPMENT.

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

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

1 (D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COUNTY
2 BOARD SHALL DETERMINE THE APPROPRIATE STUDENT-TEACHER RATIO FOR THE
3 SIZE OF A CLASS IN A VIRTUAL SCHOOL BASED ON MULTIPLE FACTORS, INCLUDING
4 GRADE LEVEL, SUBJECT MATTER, AND TEACHER WORKLOAD.

5 (2) THE SIZE OF A CLASS IN A VIRTUAL SCHOOL SHALL BE
6 CONSISTENT WITH THE COUNTYWIDE AVERAGE CLASS SIZE FOR IN-PERSON
7 CLASSES.

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

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

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

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

18 [7-1406.] 7-1407.

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

21 [7-1407.] 7-1408.

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

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

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

28 [7-1408.] 7-1409.

29 (A) (1) (I) THE STATE SUPERINTENDENT MAY ASSIGN THE DUTIES
30 RELATED TO THE OVERSIGHT OF VIRTUAL SCHOOLS TO THE APPROPRIATE OFFICE
31 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 SCHOOL DAYS.

(D) “STUDENT ELIGIBLE FOR AID” MEANS A CHILD WHO MEETS THE CERTIFICATION OF INCOME ELIGIBILITY UNDER ANY OF THE FOLLOWING:

(1) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM;

(2) TEMPORARY ASSISTANCE FOR NEEDY FAMILIES;

(3) FOSTER CARE;

(4) HEAD START;

(5) EVEN START;

(6) MIGRANT STUDENTS;

(7) HOMELESS STUDENTS;

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

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

(10) 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) BY 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.

~~7-1404.~~ 7-14A-02.

(A) ~~IF THERE IS A SUSTAINED EMERGENCY, AS DECLARED BY THE
GOVERNOR OR THE GOVERNING BODY OF A COUNTY, THAT PREVENTS REGULAR,
IN PERSON ATTENDANCE AT A PUBLIC SCHOOL OVER SEVERAL SCHOOL DAYS
PROLONGED STATE OF EMERGENCY, A COUNTY BOARD MAY ELECT TO TRANSITION
THE SCHOOL 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, 2023, 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 UPDATE USE~~ THE COUNTY BOARD'S CONTINUITY OF LEARNING PLAN, IN EFFECT DURING THE ~~COVID-19 PANDEMIC 2020-2021 SCHOOL YEAR~~, TO FORM A ~~TEMPORARY~~ VIRTUAL EDUCATION PLAN. ~~THAT INCLUDES:~~

(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.

~~(I) ATTENTION TO STUDENT EQUITY THROUGHOUT ALL ASPECTS OF THE PLAN IN ORDER TO ENSURE THAT ALL STUDENTS ENGAGED IN VIRTUAL EDUCATION CONTINUE TO RECEIVE A THOROUGH AND FREE EDUCATION;~~

~~(II) A METHOD TO ACCURATELY MEASURE ATTENDANCE;~~

~~(III) A PROCESS TO PROVIDE A FREE AND APPROPRIATE PUBLIC EDUCATION TO A STUDENT WITH A DISABILITY ENROLLED IN TEMPORARY VIRTUAL EDUCATION;~~

~~(IV) A METHOD TO MEASURE LEARNING LOSS DURING THE COURSE OF VIRTUAL EDUCATION THAT:~~

~~1. INCLUDES BENCHMARKS AT THE INITIATION AND COMPLETION OF VIRTUAL EDUCATION AND PERIODICALLY WHILE IT IS IN EFFECT; AND~~

~~2. DOES NOT SIGNIFICANTLY INTERRUPT INSTRUCTION;~~

~~(V) INSTRUCTIONAL PROCEDURES DESIGNED TO GUARANTEE STUDENT ENGAGEMENT DURING SYNCHRONOUS VIRTUAL EDUCATION, INCLUDING:~~

- ~~1. ACTIVE PARTICIPATION;~~
- ~~2. VERIFIED PRESENCE DURING THE ENTIRETY OF CLASS TIME; AND~~
- ~~3. WHEN APPROPRIATE, ACTIVATED STUDENT CAMERAS;~~

~~(VI) PROPER ASSIGNMENTS FOR ALL SCHOOL PERSONNEL THAT, TO THE EXTENT PRACTICABLE, REASONABLY BALANCE WORKLOADS;~~

~~(VII) A PLAN TO PROVIDE NECESSARY INSTRUCTIONAL MATERIAL TO STUDENTS IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION;~~

~~(VIII) A PLAN FOR REGULAR STUDENT CHECK-INS IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION;~~

~~(IX) A BEHAVIORAL HEALTH PLAN IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION;~~

~~(X) A PLAN FOR REGULAR COMMUNICATION WITH PARENTS IN ACCORDANCE WITH SUBSECTION (G) OF THIS SECTION; AND~~

~~(XI) A PROCESS TO TRANSITION FROM A TEMPORARY VIRTUAL SCHOOL BACK TO ORDINARY SCHOOL ATTENDANCE.~~

~~(2) (C) A COUNTY BOARD SHALL UPDATE THE TEMPORARY VIRTUAL EDUCATION PLAN REQUIRED UNDER THIS SUBSECTION EVERY 2 YEARS.~~

~~(3) (D) (1) IF AN 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 ~~PUT~~ IMPLEMENT THE ~~TEMPORARY~~ VIRTUAL EDUCATION PLAN ~~INTO PLACE~~ AND TRANSITION THE PUBLIC SCHOOL TO ~~A TEMPORARY VIRTUAL SCHOOL~~ VIRTUAL EDUCATION.~~

~~(4) (2) (I) AS SOON AS IS PRACTICABLE, THE A COUNTY BOARD SHALL:~~

1 ~~1. ADJUST~~ MAY ADJUST THE ~~TEMPORARY~~ VIRTUAL
2 EDUCATION PLAN TO FIT THE SPECIFIC NEEDS OF THE SCHOOLS AFFECTED AND THE
3 PARTICULARITIES OF THE EMERGENCY;~~AND~~

4 ~~2. SUBMIT THE.~~

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

7 ~~(H) IN ADJUSTING THE PLAN UNDER THIS PARAGRAPH, THE~~
8 ~~COUNTY BOARD SHALL DESIGNATE A LEAD VIRTUAL STAFF MEMBER WHO SHALL~~
9 ~~ASSIST STUDENTS AND STAFF WITH ENGAGEMENT IN VIRTUAL EDUCATION.~~

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

12 (I) ACCEPT THE PLAN; OR

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

15 ~~(6) (2)~~ IF AN ADJUSTED ~~TEMPORARY~~ VIRTUAL EDUCATION PLAN IS
16 RETURNED, THE COUNTY BOARD SHALL MODIFY AND RESUBMIT THE PLAN WITHIN
17 5 CALENDAR DAYS AFTER THE DATE THE PLAN IS RETURNED.

18 ~~(7) (F)~~ THE COUNTY BOARD SHALL PUBLISH THE MOST RECENT
19 ~~TEMPORARY~~ VIRTUAL EDUCATION PLAN AVAILABLE ON THE COUNTY BOARD'S
20 WEBSITE.

21 7-14A-03.

22 (A) THE COMPONENTS OF A VIRTUAL EDUCATION PLAN ADOPTED UNDER §
23 7-14A-02 OF THIS SUBTITLE SHALL INCLUDE THE INFORMATION INDICATED IN THIS
24 SECTION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (2) REGULAR STUDENT CHECK-INS IN ACCORDANCE WITH §
29 7-14A-04 OF THIS SUBTITLE; AND

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

1 (F) A COMMUNITY COMMUNICATIONS PLAN SHALL INCLUDE:

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

4 (I) PARENTS AND GUARDIANS AND STUDENTS FROM VARIOUS
5 ETHNIC AND RACIAL BACKGROUNDS;

6 (II) STUDENTS ELIGIBLE FOR AID; AND

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

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

12 (3) IMPORTANT INFORMATION THAT MUST BE PROVIDED.

13 (G) THE TECHNOLOGY PLAN SHALL INCLUDE:

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

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

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

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

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

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

25 (1) PLANS FOR THE RAPID RETURN TO IN-PERSON LEARNING AS
26 SOON AS IT IS SAFE TO DO SO;

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

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

7-14A-04.

~~(C) A TEMPORARY VIRTUAL SCHOOL SHALL:~~

**~~(1) TO THE EXTENT PRACTICABLE, PROVIDE EACH STUDENT WITH
ACCESS TO THE SAME CURRICULUM, SUBJECT TO THE SAME STANDARDS, THAT THE
STUDENT WOULD HAVE HAD ACCESS TO IF THE SCHOOL HAD NOT TRANSITIONED TO
VIRTUAL EDUCATION;~~**

**~~(2) WHENEVER PRACTICABLE, PROVIDE INSTRUCTION THROUGH
SYNCHRONOUS VIRTUAL EDUCATION; AND~~**

**~~(3) PROVIDE REGULAR ASSESSMENTS TO MEASURE LEARNING LOSS
IN CORE AREAS OF INSTRUCTION.~~**

**~~(D) THE ADMINISTRATOR OF A TEMPORARY VIRTUAL SCHOOL SHALL
PROVIDE APPROPRIATE INSTRUCTIONAL MATERIALS, INCLUDING ANY NECESSARY
HARDWARE OR SOFTWARE, TO THE PARENT OR GUARDIAN OF EACH ENROLLED
STUDENT.~~**

**~~(E) (A)~~ (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ~~AN
ADMINISTRATOR OF A TEMPORARY VIRTUAL SCHOOL~~ THE PRINCIPAL SHALL
REQUIRE A STAFF MEMBER TO CONDUCT REGULAR CHECK-INS WITH STUDENTS AT
LEAST ONCE PER WEEK.**

**(2) IF A REGULAR CHECK-IN REVEALS THAT A STUDENT IS
STRUGGLING WITH THE EDUCATIONAL, EMOTIONAL, BEHAVIORAL, OR
PSYCHOLOGICAL STRESSORS OF VIRTUAL EDUCATION, ~~AN ADMINISTRATOR~~ THE
PRINCIPAL SHALL REQUIRE A STAFF MEMBER TO CHECK IN WITH STRUGGLING
STUDENTS MULTIPLE TIMES PER WEEK.**

**(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, AND
IN ACCORDANCE WITH THE BEHAVIORAL HEALTH PLAN ESTABLISHED UNDER
SUBSECTION ~~(F) (B)~~ OF THIS SECTION, ~~AN ADMINISTRATOR~~ THE PRINCIPAL MAY
ASSIGN A COMMUNITY SCHOOL COORDINATOR, STAFF MEMBER, OR TEAM OF STAFF
TO CONDUCT THE CHECK-INS REQUIRED UNDER THIS SUBSECTION.**

**(II) IF A STUDENT IS IDENTIFIED AS STRUGGLING WITH
EMOTIONAL, BEHAVIORAL, OR PSYCHOLOGICAL STRESSORS IN ACCORDANCE WITH
PARAGRAPH (2) OF THIS SUBSECTION, ~~AN ADMINISTRATOR~~ THE PRINCIPAL SHALL
ARRANGE FOR A SCHOOL PSYCHOLOGIST, A PUPIL PERSONNEL WORKER, A SCHOOL**

1 SOCIAL WORKER, A SCHOOL COUNSELOR, OR A BEHAVIORAL HEALTH SPECIALIST TO
2 PERFORM ADDITIONAL CHECK-INS WITH THE STUDENT.

3 ~~(F)~~ (B) (1) ~~THE ADMINISTRATOR OF A TEMPORARY VIRTUAL SCHOOL~~
4 ~~SCHOOL PERSONNEL ASSIGNED UNDER SUBSECTION (A)(3)(II) OF THIS SECTION~~
5 SHALL DEVELOP A BEHAVIORAL HEALTH PLAN FOR A STRUGGLING STUDENT UNDER
6 SUBSECTION (A) OF THIS SECTION THAT INCLUDES:

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

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

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

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

16 (2) IN ESTABLISHING A BEHAVIORAL HEALTH PLAN UNDER THIS
17 SUBSECTION, A ~~TEMPORARY VIRTUAL SCHOOL ADMINISTRATOR~~ PRINCIPAL MAY
18 USE A MULTITIER SYSTEM OF SUPPORTS MODEL.

19 ~~(G)~~ ~~(1) THE ADMINISTRATOR OF A TEMPORARY VIRTUAL SCHOOL SHALL~~
20 ~~DEVELOP A CULTURALLY APPROPRIATE PARENT AND FAMILY ENGAGEMENT PLAN,~~
21 ~~INCLUDING A SPECIFIC STRATEGY TO ENGAGE WITH:~~

22 ~~(I) PARENTS AND FAMILIES OF STUDENTS FROM DIFFERENT~~
23 ~~ETHNIC AND RACIAL BACKGROUNDS;~~

24 ~~(II) STUDENTS ELIGIBLE FOR AID; AND~~

25 ~~(III) FAMILIES WHO PRIMARILY SPEAK A LANGUAGE OTHER~~
26 ~~THAN ENGLISH.~~

27 ~~(2) AN ADMINISTRATOR OF A TEMPORARY VIRTUAL SCHOOL SHALL~~
28 ~~USE MULTIPLE METHODS OF COMMUNICATION DURING VIRTUAL EDUCATION TO~~
29 ~~ENSURE THAT STUDENTS AND PARENTS RECEIVE THE FOLLOWING INFORMATION:~~

30 ~~(I) A DAILY SCHEDULE OF ACTIVITIES AND INSTRUCTION,~~
31 ~~INCLUDING THE ANTICIPATED SCHEDULE FOR UPCOMING SCHOOL DAYS;~~

~~(H) AN OVERVIEW OF SCHOOL PRIORITIES AND ACTIVITIES FOR THE NEXT 4 WEEKS; AND~~

~~(HH) 1. A LIST OF THE SERVICES THAT ARE AVAILABLE, INCLUDING NUTRITIONAL OR TRANSPORTATION SERVICES AND LEARNING CENTERS ESTABLISHED IN ACCORDANCE WITH SUBSECTION (I) OF THIS SECTION; AND~~

~~2. INSTRUCTIONS ON HOW TO ACCESS THE SERVICES, INCLUDING THE LOCATIONS AND TIMES THE SERVICES WILL BE AVAILABLE.~~

~~(3) IF POSSIBLE, AN ADMINISTRATOR SHALL PROVIDE THE INFORMATION REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION IN THE NATIVE SPOKEN LANGUAGE OF THE PARENTS OF EACH STUDENT.~~

7-14A-05.

~~(H) (A) (1) A TEMPORARY VIRTUAL PUBLIC SCHOOL SHALL STRIVE TO PREVENT LEARNING LOSS ESTABLISH A SYSTEM OF LEARNING SUPPORTS DURING A PERIOD OF VIRTUAL EDUCATION 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 COMPLETING SATISFYING ITS DUTIES UNDER THIS SUBSECTION, A TEMPORARY VIRTUAL 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.~~

~~(H) (B)~~ (1) ~~IF IT IS IN ACCORDANCE~~ IN COMPLIANCE WITH PUBLIC HEALTH GUIDANCE, A COUNTY BOARD THAT HAS ~~TRANSITIONED A PUBLIC SCHOOL SCHOOLS TO A TEMPORARY VIRTUAL SCHOOL SHALL;~~

~~(1)~~ ~~WHERE APPROPRIATE AND PRACTICABLE,~~ OPERATING UNDER A VIRTUAL EDUCATION PLAN SHALL ESTABLISH LEARNING CENTERS ~~FOR USE DURING AN EXTENDED SCHOOL CLOSURE~~ IN SUITABLE UNOCCUPIED BUILDINGS, INCLUDING STATE BUILDINGS THAT ARE NOT IN USE; ~~AND.~~

(2) IF FUNDING IS AVAILABLE DURING THE ~~EXTENDED~~ 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 EXTENDED 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.

~~(H)~~ ~~(1)~~ (A) ON OR BEFORE AUGUST 15, 2022, AND EACH AUGUST 15 THEREAFTER, ONLY WHEN APPLICABLE, EACH COUNTY BOARD SHALL COLLECT THE FOLLOWING DATA FROM EACH SCHOOL THAT ENGAGED IN VIRTUAL EDUCATION ~~THROUGH A TEMPORARY VIRTUAL SCHOOL IN ACCORDANCE WITH THE COUNTY BOARD'S VIRTUAL EDUCATION PLAN~~ DURING THE PREVIOUS SCHOOL YEAR:

~~(H)~~ (1) THE LEARNING MODELS EMPLOYED, INCLUDING:

~~1.~~ (I) VIRTUAL EDUCATION;

~~2.~~ (II) IN-PERSON INSTRUCTION; AND

~~3.~~ (III) HYBRID INSTRUCTION;

~~(H)~~ (2) THE PROPORTION OF SCHOOL HOURS SPENT IN EACH LEARNING MODEL;

~~(H)~~ (3) STUDENT ATTENDANCE;

~~(IV)~~ (4) STUDENT ENGAGEMENT; AND

~~(V)~~ (5) TEACHER ATTENDANCE.

~~(2)~~ (B) EACH APPLICABLE YEAR, EACH COUNTY BOARD SHALL PUBLISH ON ITS WEBSITE THE DATA REQUIRED UNDER ~~PARAGRAPH (1) OF THIS SUBSECTION~~ SUBSECTION (A) OF THIS SECTION DISAGGREGATED BY RACE, ETHNICITY, GENDER, DISABILITY STATUS, ENGLISH PROFICIENCY STATUS, AND INCOME.

~~7-1405.~~

~~(A) IN EACH OF FISCAL YEARS 2024 THROUGH 2026, THE DEPARTMENT SHALL ADMINISTER GRANTS IN ACCORDANCE WITH THIS SECTION TO A COUNTY BOARD TO PROVIDE VIRTUAL EDUCATION COURSES IN A PUBLIC HIGH SCHOOL IN THE COUNTY.~~

~~(B) (1) A VIRTUAL EDUCATION COURSE OFFERED UNDER THIS SECTION SHALL BE A COURSE FOR WHICH:~~

~~(I) THERE IS INSUFFICIENT STUDENT DEMAND TO OFFER THE COURSE IN EVERY HIGH SCHOOL IN A COUNTY; AND~~

~~(II) THERE IS SUFFICIENT STUDENT DEMAND THROUGHOUT THE COUNTY TO ENSURE FULL COURSE ENROLLMENT.~~

~~(2) A VIRTUAL EDUCATION COURSE OFFERED UNDER THIS SECTION SHALL BE:~~

~~(I) BASED ON COUNTY CURRICULA; OR~~

~~(II) IF THE COURSE IS NEWLY ESTABLISHED, DEVELOPED BY THE COUNTY BOARD IN CONSULTATION WITH SUBJECT MATTER EXPERTS AND REPRESENTATIVES FROM THE COLLECTIVE BARGAINING UNIT.~~

~~(3) (I) ENROLLMENT FOR A VIRTUAL EDUCATION COURSE OFFERED UNDER THIS SECTION SHALL BE ENTIRELY VOLUNTARY.~~

~~(II) PREFERENCE FOR ENROLLMENT IN A VIRTUAL EDUCATION COURSE OFFERED UNDER THIS SECTION SHALL BE GIVEN TO A STUDENT ELIGIBLE FOR AID.~~

~~(4) A TEACHER WHO TEACHES A VIRTUAL EDUCATION COURSE OFFERED UNDER THIS SECTION SHALL:~~

~~(I) BE AN EMPLOYEE OF THE COUNTY BOARD WITH A
CERTIFICATE ISSUED BY THE STATE SUPERINTENDENT UNDER TITLE 6 OF THIS
ARTICLE;~~

~~(II) BE PROPERLY CREDENTIALLED AND PROFESSIONALLY
QUALIFIED TO TEACH THE COURSE;~~

~~(III) TEACH THE COURSE THROUGH SYNCHRONOUS VIRTUAL
EDUCATION SOLELY TO STUDENTS ENGAGED IN VIRTUAL EDUCATION AND NOT
SIMULTANEOUSLY TO STUDENTS ATTENDING IN PERSON AND TO STUDENTS
ENGAGED IN VIRTUAL EDUCATION;~~

~~(IV) HAVE OTHER DUTIES, INCLUDING TEACHING, MENTORING,
AND LEADING DUTIES REQUIRED UNDER TITLE 6, SUBTITLE 10 OF THIS ARTICLE,
REDUCED BY A REASONABLE AMOUNT TO COMPENSATE FOR THE TIME SPENT
TEACHING A VIRTUAL EDUCATION COURSE; AND~~

~~(V) RECEIVE PROFESSIONAL DEVELOPMENT IN VIRTUAL
EDUCATION IN ACCORDANCE WITH § 7-1406 OF THIS SUBTITLE.~~

~~(C) TO BE ELIGIBLE TO APPLY FOR A GRANT UNDER THIS SECTION, A
COUNTY BOARD THAT OFFERS VIRTUAL EDUCATION COURSES SHALL, IN
CONSULTATION WITH SCHOOL ADMINISTRATORS AND STAFF, ESTABLISH AN EQUITY
PLAN THAT:~~

~~(1) GUARANTEES THAT ALL STUDENTS ENGAGED IN VIRTUAL
LEARNING RECEIVE A THOROUGH AND FREE EDUCATION, REGARDLESS OF THEIR
BACKGROUNDS;~~

~~(2) INCLUDES INSTRUCTIONAL PROCEDURES DESIGNED TO
GUARANTEE STUDENT ENGAGEMENT DURING SYNCHRONOUS VIRTUAL EDUCATION,
INCLUDING:~~

~~(I) ACTIVE PARTICIPATION;~~

~~(II) VERIFIED PRESENCE DURING THE ENTIRETY OF CLASS
TIME; AND~~

~~(III) WHEN APPROPRIATE, ACTIVATED STUDENT CAMERAS; AND~~

~~(3) ASSESSES STUDENT COURSE PERFORMANCE WITHOUT
SIGNIFICANT INTERRUPTION TO INSTRUCTION.~~

~~(D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO ESTABLISH CRITERIA FOR THE AWARD AND ADMINISTRATION OF GRANTS UNDER THIS SECTION.~~

~~(E) IN EACH OF FISCAL YEARS 2024 THROUGH 2026, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$500,000 TO THE DEPARTMENT FOR GRANTS TO ESTABLISH VIRTUAL EDUCATION COURSES IN ACCORDANCE WITH THIS SECTION.~~

~~(F) ON OR BEFORE DECEMBER 1, 2025, A COUNTY BOARD THAT OFFERED VIRTUAL EDUCATION COURSES UNDER THIS SECTION SHALL REPORT TO THE GOVERNOR AND THE STATE BOARD, FOR EACH YEAR A VIRTUAL EDUCATION COURSE WAS PROVIDED:~~

~~(1) THE NUMBER OF VIRTUAL EDUCATION COURSES PROVIDED IN ACCORDANCE WITH THIS SECTION;~~

~~(2) THE TYPES OF COURSES OFFERED;~~

~~(3) THE NUMBER OF STUDENTS WHO ENROLLED IN THE VIRTUAL EDUCATION COURSES AND WHICH HIGH SCHOOLS THEY WERE ENROLLED IN; AND~~

~~(4) DATA ON STUDENT OUTCOMES, INCLUDING COURSE PERFORMANCE, DISAGGREGATED BY RACE, ETHNICITY, GENDER, INCOME, ENGLISH LEARNER STATUS, AND DISABILITY STATUS.~~

~~7-1406. 7-14A-07.~~

(A) THE DEPARTMENT SHALL ESTABLISH STANDARDS FOR TRAINING TEACHERS ON THE PREPARATION OF ~~VIRTUAL EDUCATION~~ 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 ~~FOLLOWING THE DEPARTMENT'S GUIDANCE REQUIRED UNDER § 6-127 OF THIS ARTICLE.~~

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

(D) DURING PROLONGED PERIODS OF SCHOOL CLOSURE DURING WHICH A SCHOOL HAS ELECTED TO TRANSITION TO VIRTUAL EDUCATION, THE DEPARTMENT SHALL PROVIDE MENTAL HEALTH SUPPORTS FOR SCHOOL PERSONNEL.

~~7-1407. 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.

~~7-1408.~~

~~(A) NOTHING IN THIS SUBTITLE MAY BE CONSTRUED TO PROHIBIT THE PROVISION OF VIRTUAL INSTRUCTION THROUGH A SCHOOL THAT IS NEITHER A VIRTUAL SCHOOL NOR A TEMPORARY VIRTUAL SCHOOL.~~

~~(B) A COUNTY BOARD OR PUBLIC SCHOOL MAY PROVIDE VIRTUAL EDUCATION COURSES TO STUDENTS ENROLLED IN PUBLIC SCHOOLS THAT ARE NEITHER VIRTUAL SCHOOLS NOR TEMPORARY VIRTUAL SCHOOLS IF THE VIRTUAL EDUCATION COURSE:~~

~~(1) IS DEVELOPED IN ACCORDANCE WITH § 7-1002 OF THIS TITLE; OR~~

~~(2) (i) IS IN EXISTENCE ON JUNE 1, 2022;~~

~~(ii) IS APPROVED BY THE COUNTY BOARD;~~

~~(iii) ADHERES TO STATE-APPROVED STANDARDS;~~

~~(iv) IS PROVIDED THROUGH EXCLUSIVELY SYNCHRONOUS VIRTUAL EDUCATION; AND~~

~~(v) IS TAUGHT BY A TEACHER WHO:~~

~~1. IS NOT SIMULTANEOUSLY REQUIRED TO INSTRUCT STUDENTS ATTENDING THE TEACHER'S CLASSROOM IN PERSON AND THROUGH VIRTUAL EDUCATION; AND~~

~~2. HAS OTHER DUTIES, INCLUDING TEACHING, MENTORING, AND LEADING DUTIES REQUIRED UNDER TITLE 6, SUBTITLE 10 OF THIS ARTICLE, REDUCED BY A REASONABLE AMOUNT TO COMPENSATE FOR THE TIME SPENT TEACHING THE VIRTUAL EDUCATION COURSE.~~

~~(C) A STUDENT IN A PUBLIC SCHOOL MAY BE ENROLLED IN:~~

~~(1) EXCLUSIVELY VIRTUAL EDUCATION COURSES IF:~~

~~(i) THE COURSES MEET THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION; AND~~

~~(ii) THE STUDENT AND THE STUDENT'S FAMILY RECEIVE SUPPORTS IN THE MANNER PRESCRIBED UNDER § 7-1404(C) THROUGH (G) OF THIS SUBTITLE; OR~~

~~(2) A COURSE OF VIRTUAL EDUCATION INSTRUCTION IN A PUBLIC ELEMENTARY SCHOOL, IF:~~

~~(i) THE STUDENT AND THE STUDENT'S FAMILY RECEIVE SUPPORTS IN THE MANNER PRESCRIBED UNDER § 7-1404(C) THROUGH (G) OF THIS SUBTITLE; AND~~

~~(ii) THE COURSE OF INSTRUCTION:~~

~~1. IS APPROVED BY THE COUNTY BOARD;~~

~~2. ADHERES TO STATE-APPROVED STANDARDS;~~

~~3. IS PROVIDED THROUGH EXCLUSIVELY SYNCHRONOUS VIRTUAL EDUCATION; AND~~

~~4. IS TAUGHT BY A TEACHER WHO:~~

~~A. IS NOT SIMULTANEOUSLY REQUIRED TO INSTRUCT STUDENTS ATTENDING THE TEACHER'S CLASSROOM IN PERSON AND THROUGH VIRTUAL EDUCATION; AND~~

~~B. HAS OTHER DUTIES, INCLUDING TEACHING, MENTORING, AND LEADING DUTIES REQUIRED UNDER TITLE 6, SUBTITLE 10 OF THIS ARTICLE, REDUCED BY A REASONABLE AMOUNT TO COMPENSATE FOR THE TIME SPENT TEACHING THE VIRTUAL EDUCATION COURSE.~~

~~[7-1408.] 7-1409.~~

~~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 OR THE TRANSITION TO A TEMPORARY VIRTUAL SCHOOL.~~

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.

9.9–103.

(a) There are community schools in the State.

(b) A community school shall:

(1) Promote active family and community engagement, including educational opportunities for adults and family members of students at the school who live in the neighborhood of the school;

(2) Have a community school coordinator, as described under § 9.9–104 of this title;

(3) Promote expanded and enriched learning time and opportunities provided after school, during weekends, and in the summer that emphasize mastering 21st-century skills through practical learning opportunities and community problem-solving;

(4) Promote collaborative leadership and practices that empower parents, students, teachers, principals, and community partners to build a culture of professional learning, collective trust, and shared responsibility using strategies such as site-based leadership teams and teacher learning communities;

(5) Have a parent teacher organization or a school family council; [and]

(6) ADDRESS AND MITIGATE THE EFFECTS OF LEARNING LOSS CAUSED BY THE EFFECTS OF THE COVID-19 PANDEMIC AND CHRONIC ABSENTEEISM CAUSED BY SCHOOL CLOSURE AND A LACK OF IN-PERSON INSTRUCTION; AND

(7) Have a community school leadership team.

(c) (1) There shall be a Director of Community Schools in the Department.

(2) The Director of Community Schools in the Department shall coordinate professional development for community school coordinators at each community school.

(3) In addition to the funding provided for the Director of Community Schools position in the Department, the Governor may include in the annual budget bill an

1 appropriation of at least \$100,000 to the Department for the Director of Community Schools
2 to provide training and technical assistance to community schools and for additional staff.

3 ~~SECTION 3. AND BE IT FURTHER ENACTED, That, on or before June 30, 2023,~~
4 ~~the State Department of Education shall use any funds held under the Maryland Virtual~~
5 ~~Learning Opportunities Fund on May 31, 2022, to provide grants under §§ 7-129 and~~
6 ~~7-1405 of the Education Article, as established by Section 2 of this Act.~~

7 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31,
8 2022, the State Superintendent of Schools shall submit a report to the State Board of
9 Education and, in accordance with § 2-1257 of the State Government Article, the General
10 Assembly on findings and recommendations regarding the appropriate balance of the
11 number of hours of synchronous learning and asynchronous learning for instructional
12 effectiveness of students in virtual schools based on research that has systematically
13 examined this issue and collaboration with local school systems.

14 SECTION 3. AND BE IT FURTHER ENACTED, That:

15 (a) (1) Subject to paragraph (2) of this subsection, a virtual school established
16 and operated by a county board of education under § 4-109 of the Education Article and
17 approved by the State Department of Education under § 7-1402 of the Education Article
18 before the effective date of this Act, including a virtual education program established
19 through the Eastern Shore of Maryland Educational Consortium for students enrolled in
20 public schools in counties that are members of the Consortium, may continue to operate as
21 a virtual school through the 2023-2024 school year.

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

26 (b) A virtual school that is authorized to continue operations under subsection (a)
27 of this section is encouraged to seek all available opportunities to bring the virtual school
28 into compliance with the requirements for virtual schools under Title 7, Subtitle 14 of the
29 Education Article as enacted under Section 1 of this Act as soon as practicable if not
30 otherwise inconsistent with the law.

31 SECTION 4. AND BE IT FURTHER ENACTED, That:

32 (a) On or before July 1, 2024, the State Department of Education, in consultation
33 with current public school teachers, current public school administrators, academic experts,
34 and state and national experts in online education, shall:

35 (1) study best practices for the provision of virtual education, including:

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (ii) are at least as rigorous as the criteria listed under Title 7, Subtitle
30 14 of the Education Article as enacted by Section 1 of this Act.

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

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

4 SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 June 1, 2022.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.