

HOUSE BILL 1163

F1
HB 1376/21 – W&M

2lr1699

By: **Delegate Washington**

Introduced and read first time: February 11, 2022

Assigned to: Ways and Means

A BILL ENTITLED

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; establishing the Flip the Classroom Pilot
8 Program; requiring the Department, on or before a certain date, to establish a
9 statewide universal learning management system for public schools and hire a
10 dedicated employee to implement and manage the system; requiring a county board
11 of education to adopt the universal learning management system under certain
12 circumstances; requiring the Department, beginning in a certain school year, to
13 make certain curriculum standards available through the universal management
14 learning system; repealing certain provisions of law related to online courses and
15 services; authorizing a county board to request the Department's development or
16 approval of a new virtual education course; repealing certain provisions of law
17 regarding the establishment of virtual schools; requiring the Department to develop
18 guidelines for the appropriate development, review, and assessment of digital
19 services; prohibiting the approval of a virtual school in the State on or before a
20 certain date; requiring the Department to develop criteria for the establishment of
21 virtual schools on or before a certain date; providing for the administration and
22 operation of temporary virtual schools under certain circumstances; requiring a
23 county board to establish learning centers under certain circumstances; requiring
24 the Department to administer grants to provide virtual education high school
25 courses; requiring the Governor to appropriate certain funds for certain virtual
26 education grant programs in certain fiscal years; requiring the Department to
27 provide certain mental health supports for school personnel under certain
28 circumstances; requiring the Department to expand computer and Internet security
29 infrastructure for virtual education; requiring a community school to address and
30 mitigate the effects of learning loss and chronic absenteeism caused by school
31 closures; repealing the Maryland Virtual Learning Opportunities Fund; providing

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



for the use of funds from the Maryland Virtual Learning Opportunities Fund; 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 adding to

Article – Education

Section 6–127 and 7–129; and 7–1402 through 7–1408 to be under the amended subtitle “Subtitle 14. Virtual Education”

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

6–127.

(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;

1 **(3) PROVIDING OPPORTUNITIES FOR INTERACTIVE INSTRUCTION;**

2 **(4) DELIVERING TARGETED AND RIGOROUS RACIALLY AWARE AND**
3 **CULTURALLY RESPONSIVE INSTRUCTION;**

4 **(5) PROVIDING OPPORTUNITIES FOR STUDENT-REGULATED**
5 **PERSONALIZED LEARNING;**

6 **(6) ALTERNATING HIGH- AND LOW-INTENSITY ACTIVITIES;**

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

9 **(8) INCORPORATING OPPORTUNITIES TO PROMOTE STUDENT**
10 **REFLECTION.**

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

16 **7-129.**

17 **(A) IN THIS SECTION, “PILOT PROGRAM” MEANS THE FLIP THE**
18 **CLASSROOM PILOT PROGRAM.**

19 **(B) (1) THERE IS A FLIP THE CLASSROOM PILOT PROGRAM IN THE**
20 **STATE.**

21 **(2) THE PURPOSE OF THE PILOT PROGRAM IS TO ENABLE STUDENTS**
22 **TO:**

23 **(I) LEARN OUTSIDE IN-PERSON INSTRUCTION USING**
24 **RECORDED LECTURES; AND**

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

27 **(C) THE PILOT PROGRAM SHALL PROVIDE TEACHERS WITH THE TOOLS**
28 **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;

(II) REPRESENT THE GEOGRAPHIC DIVERSITY OF THE STATE; AND

(III) 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

(II) 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.

7-202.1.

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

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

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

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

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

(2) BEGINNING IN THE 2023–2024 SCHOOL YEAR, THE DEPARTMENT SHALL MAKE THE CURRICULUM STANDARDS DEVELOPED UNDER THIS SECTION AVAILABLE THROUGH THE UNIVERSAL LEARNING MANAGEMENT SYSTEM.

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

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

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

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

[(ii)] (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

1 reasonable fees to be paid by the vendor to cover the cost of reviewing and approving online
2 courses and services.

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

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

10 [2.] (II) Within 45 days after [a request] **RECEIVING A**
11 **PROPOSED NEW COURSE** under [subsubparagraph 1 of this subparagraph]
12 **SUBPARAGRAPH (I) OF THIS PARAGRAPH**, the Department shall approve or disapprove
13 the [online] **NEW VIRTUAL EDUCATION** course based on **THE COURSE'S ADHERENCE TO**
14 **SUBSECTION (C) OF THIS SECTION AND ANY ADDITIONAL** criteria and guidelines
15 developed by the Department.

16 [(3)] (4) (i) The development, review, and approval of [an online
17 course or service] **A NEW VIRTUAL EDUCATION COURSE** conducted under this subsection
18 shall include an assessment regarding the accessibility of the [online] **VIRTUAL**
19 **EDUCATION** course [or service] to individuals with disabilities, including the blind.

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

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

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

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

28 (c) [(1) There is a Maryland Virtual Learning Opportunities Fund.

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

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

31 (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.**

1 7-1401.

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

3 (b) **“LEARNING LOSS” MEANS A GENERAL OR SPECIFIC LOSS OF**
4 **KNOWLEDGE OR SKILLS DUE TO AN EXTENDED GAP OR DISCONTINUITY IN A**
5 **STUDENT’S EDUCATION.**

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

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

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

12 (1) **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM;**

13 (2) **TEMPORARY ASSISTANCE FOR NEEDY FAMILIES;**

14 (3) **FOSTER CARE;**

15 (4) **HEAD START;**

16 (5) **EVEN START;**

17 (6) **MIGRANT STUDENTS;**

18 (7) **HOMELESS STUDENTS;**

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

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

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

26 (e) **“TEMPORARY VIRTUAL SCHOOL” MEANS A PUBLIC SCHOOL THAT IS**
27 **CLOSED TO IN-PERSON ATTENDANCE DURING EMERGENCY CONDITIONS AND THAT**

1 A COUNTY BOARD HAS ELECTED TO TRANSITION TO VIRTUAL EDUCATION UNDER §
2 7–1404 OF THIS SUBTITLE.

3 (F) “VIRTUAL EDUCATION” MEANS THE USE OF TECHNOLOGY TO DELIVER
4 A SIGNIFICANT PORTION OF INSTRUCTION TO STUDENTS VIA THE INTERNET IN A
5 VIRTUAL OR REMOTE SETTING.

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

11 7–1402.

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

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

17 (1) USING DATA THAT MEET THE EXPECTATIONS OF STRONG OR
18 MODERATE EVIDENCE AS DEFINED IN THE FEDERAL EVERY STUDENT SUCCEEDS
19 ACT, STUDY BEST PRACTICES FOR THE PROVISION OF VIRTUAL EDUCATION,
20 INCLUDING:

21 (i) THE SUCCESSES AND FAILURES OF VIRTUAL EDUCATION
22 DURING THE COVID–19 PANDEMIC AND HOW LESSONS LEARNED CAN BE
23 INCORPORATED INTO VIRTUAL EDUCATION GOING FORWARD;

24 (ii) HOW TO ENSURE EQUITABLE EDUCATION TO ALL STUDENTS
25 IN A VIRTUAL EDUCATION SETTING;

26 (iii) WHETHER PARTICULAR STUDENTS EXCEL OR ARE HARMED
27 UNDER VIRTUAL EDUCATION, THE CAUSES OF THOSE OUTCOMES, AND WHETHER
28 STUDENT ENROLLMENT IN A VIRTUAL SCHOOL SHOULD BE LIMITED BASED ON
29 THOSE OUTCOMES;

30 (iv) ACCOMMODATIONS THAT MAY NEED TO BE MADE IN ORDER
31 TO PROVIDE SOME STUDENTS WITH A FAIR AND APPROPRIATE PUBLIC EDUCATION;

32 (v) THE BEST METHODS TO SELECT STUDENTS FOR
33 ENROLLMENT IN A VIRTUAL SCHOOL;

1 (VI) CRITERIA FOR SELECTING STAFF TO WORK IN AND
2 ADMINISTRATORS TO LEAD VIRTUAL SCHOOLS;

3 (VII) METHODS TO ACCURATELY ASSESS STUDENT PROGRESS
4 DURING VIRTUAL EDUCATION;

5 (VIII) THE TYPES OF TOOLS AND RESOURCES THAT ARE
6 NECESSARY FOR A STUDENT TO FULLY LEARN WHEN ENGAGED IN VIRTUAL
7 EDUCATION AND HOW A COUNTY BOARD CAN PROVIDE THE TOOLS AND RESOURCES;

8 (IX) THE BEHAVIORAL HEALTH COSTS TO VIRTUAL EDUCATION
9 AND HOW THOSE COSTS MIGHT BE MITIGATED;

10 (X) HOW BEST TO ACTIVELY INVOLVE PARENTS AND FAMILIES
11 IN THE VIRTUAL EDUCATION PROCESS; AND

12 (XI) HOW NEEDED SERVICES, INCLUDING NUTRITIONAL
13 SERVICES, MAY BE BEST PROVIDED TO A STUDENT ENROLLED IN A VIRTUAL SCHOOL;
14 AND

15 (2) DEVELOP CRITERIA FOR THE ESTABLISHMENT OF VIRTUAL
16 SCHOOLS THAT:

17 (I) INCORPORATE THE DATA GATHERED UNDER ITEM (1) OF
18 THIS SUBSECTION; AND

19 (II) ARE AT LEAST AS RIGOROUS AS THE CRITERIA LISTED
20 UNDER § 7-1403 OF THIS SUBTITLE.

21 (C) ON OR BEFORE SEPTEMBER 1, 2024, THE DEPARTMENT SHALL REPORT
22 TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE
23 GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE RESULTS OF THE STUDY
24 AND THE CRITERIA DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION.

25 7-1403.

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

29 (2) THE DEPARTMENT'S CRITERIA MUST BE AT LEAST AS RIGOROUS
30 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

(II) 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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 **(I) A VIRTUAL SCHOOL SHALL BE EVALUATED EACH YEAR BY THE COUNTY**
11 **BOARD BASED ON THE FOLLOWING CRITERIA:**

12 **(1) THE EXTENT TO WHICH THE SCHOOL DEMONSTRATES INCREASES**
13 **IN STUDENT ACHIEVEMENT ACCORDING TO COUNTY AND STATE ACADEMIC**
14 **STANDARDS; AND**

15 **(2) THE ACCOUNTABILITY AND VIABILITY OF THE VIRTUAL SCHOOL,**
16 **AS DEMONSTRATED BY ITS ACADEMIC, FISCAL, AND OPERATIONAL PERFORMANCE.**

17 **7-1404.**

18 **(A) IF THERE IS A SUSTAINED EMERGENCY, AS DECLARED BY THE**
19 **GOVERNOR OR THE GOVERNING BODY OF A COUNTY, THAT PREVENTS REGULAR,**
20 **IN-PERSON ATTENDANCE AT A PUBLIC SCHOOL OVER SEVERAL SCHOOL DAYS, A**
21 **COUNTY BOARD MAY ELECT TO TRANSITION THE SCHOOL TO VIRTUAL EDUCATION,**
22 **SUBJECT TO THE LIMITATIONS OF THIS SECTION.**

23 **(B) (1) ON OR BEFORE JUNE 1, 2023, A COUNTY BOARD SHALL, IN**
24 **CONSULTATION WITH COUNTY ADMINISTRATORS AND SCHOOL STAFF, UPDATE THE**
25 **COUNTY BOARD'S CONTINUITY OF LEARNING PLAN, IN EFFECT DURING THE**
26 **COVID-19 PANDEMIC, TO FORM A TEMPORARY VIRTUAL EDUCATION PLAN THAT**
27 **INCLUDES:**

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

31 **(II) A METHOD TO ACCURATELY MEASURE ATTENDANCE;**

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

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

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

9 2. DOES NOT SIGNIFICANTLY INTERRUPT INSTRUCTION;

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

12 1. ACTIVE PARTICIPATION;

13 2. VERIFIED PRESENCE DURING THE ENTIRETY OF
14 CLASS TIME; AND

15 3. WHEN APPROPRIATE, ACTIVATED STUDENT
16 CAMERAS;

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

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

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

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

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

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

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

1 **(3) IF AN EMERGENCY REQUIRES THE CESSATION OF IN-SCHOOL**
2 **ATTENDANCE AT A PUBLIC SCHOOL, A COUNTY BOARD IMMEDIATELY SHALL PUT**
3 **THE TEMPORARY VIRTUAL EDUCATION PLAN INTO PLACE AND TRANSITION THE**
4 **PUBLIC SCHOOL TO A TEMPORARY VIRTUAL SCHOOL.**

5 **(4) (I) AS SOON AS IS PRACTICABLE, THE COUNTY BOARD SHALL:**

6 **1. ADJUST THE TEMPORARY VIRTUAL EDUCATION PLAN**
7 **TO FIT THE SPECIFIC NEEDS OF THE SCHOOLS AFFECTED AND THE**
8 **PARTICULARITIES OF THE EMERGENCY; AND**

9 **2. SUBMIT THE ADJUSTED PLAN TO THE STATE BOARD.**

10 **(II) IN ADJUSTING THE PLAN UNDER THIS PARAGRAPH, THE**
11 **COUNTY BOARD SHALL DESIGNATE A LEAD VIRTUAL STAFF MEMBER WHO SHALL**
12 **ASSIST STUDENTS AND STAFF WITH ENGAGEMENT IN VIRTUAL EDUCATION.**

13 **(5) WITHIN 10 CALENDAR DAYS OF RECEIPT OF A TEMPORARY**
14 **VIRTUAL EDUCATION PLAN, THE STATE BOARD SHALL:**

15 **(I) ACCEPT THE PLAN; OR**

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

18 **(6) IF AN ADJUSTED TEMPORARY VIRTUAL EDUCATION PLAN IS**
19 **RETURNED, THE COUNTY BOARD SHALL MODIFY AND RESUBMIT THE PLAN WITHIN**
20 **5 CALENDAR DAYS AFTER THE DATE THE PLAN IS RETURNED.**

21 **(7) THE COUNTY BOARD SHALL PUBLISH THE MOST RECENT**
22 **TEMPORARY VIRTUAL EDUCATION PLAN AVAILABLE ON THE COUNTY BOARD'S**
23 **WEBSITE.**

24 **(C) A TEMPORARY VIRTUAL SCHOOL SHALL:**

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

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

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

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

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

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

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

21 **(II) IF A STUDENT IS IDENTIFIED AS STRUGGLING WITH**
22 **EMOTIONAL, BEHAVIORAL, OR PSYCHOLOGICAL STRESSORS IN ACCORDANCE WITH**
23 **PARAGRAPH (2) OF THIS SUBSECTION, AN ADMINISTRATOR SHALL ARRANGE FOR A**
24 **SCHOOL PSYCHOLOGIST, A PUPIL PERSONNEL WORKER, A SCHOOL SOCIAL WORKER,**
25 **A SCHOOL COUNSELOR, OR A BEHAVIORAL HEALTH SPECIALIST TO PERFORM**
26 **ADDITIONAL CHECK-INS WITH THE STUDENT.**

27 **(F) (1) THE ADMINISTRATOR OF A TEMPORARY VIRTUAL SCHOOL SHALL**
28 **DEVELOP A BEHAVIORAL HEALTH PLAN THAT INCLUDES:**

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

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

33 **(III) PROCEDURES FOR REFERRAL TO PROPER BEHAVIORAL**
34 **AND MENTAL HEALTH SUPPORTS FOR STUDENTS WHO ARE STRUGGLING; 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 TEMPORARY VIRTUAL SCHOOL ADMINISTRATOR MAY USE A MULTITIER SYSTEM OF SUPPORTS MODEL.

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

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

(II) STUDENTS ELIGIBLE FOR AID; AND

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

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

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

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

(III) 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.

(H) (1) A TEMPORARY VIRTUAL SCHOOL SHALL STRIVE TO PREVENT LEARNING LOSS BY:

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

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

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

7 **1. STUDENTS WITH DISABILITIES; AND**

8 **2. STUDENTS IN HISTORICALLY UNDERSERVED**
9 **GROUPS, INCLUDING:**

10 **A. ENGLISH LANGUAGE LEARNERS; AND**

11 **B. STUDENTS ELIGIBLE FOR AID.**

12 **(2) IN COMPLETING ITS DUTIES UNDER THIS SUBSECTION, A**
13 **TEMPORARY VIRTUAL SCHOOL MAY NOT REQUIRE STAFF MEMBERS WHOSE TERMS**
14 **OF EMPLOYMENT ARE SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT TO**
15 **WORK IN EXCESS OF NEGOTIATED TERMS ON WORK HOURS.**

16 **(I) IF IT IS IN ACCORDANCE WITH PUBLIC HEALTH GUIDANCE, A COUNTY**
17 **BOARD THAT HAS TRANSITIONED A PUBLIC SCHOOL TO A TEMPORARY VIRTUAL**
18 **SCHOOL SHALL:**

19 **(1) WHERE APPROPRIATE AND PRACTICABLE, ESTABLISH LEARNING**
20 **CENTERS FOR USE DURING AN EXTENDED SCHOOL CLOSURE IN SUITABLE**
21 **UNOCCUPIED BUILDINGS, INCLUDING STATE BUILDINGS THAT ARE NOT IN USE; AND**

22 **(2) IF FUNDING IS AVAILABLE DURING THE EXTENDED SCHOOL**
23 **CLOSURE, ESTABLISH ADDITIONAL LEARNING CENTERS PRIORITIZING:**

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

26 **(II) 1. AREAS WITH HIGH LEVELS OF ABSENTEEISM DURING**
27 **THE EXTENDED SCHOOL CLOSURE; OR**

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

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

(I) THE LEARNING MODELS EMPLOYED, INCLUDING:

- 1. VIRTUAL EDUCATION;**
- 2. IN-PERSON INSTRUCTION; AND**
- 3. HYBRID INSTRUCTION;**

(II) THE PROPORTION OF SCHOOL HOURS SPENT IN EACH LEARNING MODEL;

(III) STUDENT ATTENDANCE;

(IV) STUDENT ENGAGEMENT; AND

(V) TEACHER ATTENDANCE.

(2) EACH APPLICABLE YEAR, EACH COUNTY BOARD SHALL PUBLISH ON ITS WEBSITE THE DATA REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION 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.

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

3 **(I) BASED ON COUNTY CURRICULA; OR**

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

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

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

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

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

17 **(II) BE PROPERLY CREDENTIALLED AND PROFESSIONALLY**
18 **QUALIFIED TO TEACH THE COURSE;**

19 **(III) TEACH THE COURSE THROUGH SYNCHRONOUS VIRTUAL**
20 **EDUCATION SOLELY TO STUDENTS ENGAGED IN VIRTUAL EDUCATION AND NOT**
21 **SIMULTANEOUSLY TO STUDENTS ATTENDING IN PERSON AND TO STUDENTS**
22 **ENGAGED IN VIRTUAL EDUCATION;**

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

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

29 **(C) TO BE ELIGIBLE TO APPLY FOR A GRANT UNDER THIS SECTION, A**
30 **COUNTY BOARD THAT OFFERS VIRTUAL EDUCATION COURSES SHALL, IN**
31 **CONSULTATION WITH SCHOOL ADMINISTRATORS AND STAFF, ESTABLISH AN EQUITY**
32 **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.

1 **(A) THE DEPARTMENT SHALL ESTABLISH STANDARDS FOR TRAINING**
2 **TEACHERS ON THE PREPARATION OF VIRTUAL EDUCATION PLANS.**

3 **(B) A COUNTY BOARD SHALL PROVIDE PERIODIC PROFESSIONAL**
4 **DEVELOPMENT AND SUPPORTS FOR TEACHERS FOLLOWING THE DEPARTMENT'S**
5 **GUIDANCE REQUIRED UNDER § 6-127 OF THIS ARTICLE.**

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

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

12 **7-1407.**

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

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

19 **7-1408.**

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

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

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

28 **(2) (I) IS IN EXISTENCE ON JUNE 1, 2022;**

29 **(II) IS APPROVED BY THE COUNTY BOARD;**

30 **(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:

1 **A. IS NOT SIMULTANEOUSLY REQUIRED TO INSTRUCT**
2 **STUDENTS ATTENDING THE TEACHER’S CLASSROOM IN PERSON AND THROUGH**
3 **VIRTUAL EDUCATION; AND**

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

8 **[7–1408.] 7–1409.**

9 The State Board shall adopt regulations to carry out the provisions of this subtitle,
10 including establishing minimum criteria for the establishment [and approval] of a virtual
11 school **OR THE TRANSITION TO A TEMPORARY VIRTUAL SCHOOL.**

12 9.9–103.

13 (a) There are community schools in the State.

14 (b) A community school shall:

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

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

20 (3) Promote expanded and enriched learning time and opportunities
21 provided after school, during weekends, and in the summer that emphasize mastering
22 21st-century skills through practical learning opportunities and community
23 problem-solving;

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

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

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

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

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

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