

BILL: Senate Bill 362
TITLE: Primary and Secondary Education - Virtual Schools - Revisions
POSITION: SUPPORT WITH AMENDMENTS
DATE: February 16, 2022
COMMITTEE: Education, Health, and Environmental Affairs
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The Maryland Association of Boards of Education (MABE) supports Senate Bill 362 with amendments to address several definitions and standards intended to ensure the delivery of high-quality virtual learning experiences for students enrolled in virtual schools established by local boards of education or the Maryland State Department of Education (MSDE).

The COVID-19 pandemic resulted in statewide school facility closures and necessitated the immediate transition to distance learning through access to online platforms and other instructional materials from mid-March through the end of the school year. The demands on local school systems to provide almost exclusively online instruction to Maryland's nearly 1 million students, including the provision of tens of thousands of digital devices, highlighted the significant and inequitable gaps in student, family, and community access to the broadband services needed to access online instruction. Thankfully, enormous investments of federal funding are already being made and the availability of high-speed access is expanding dramatically.

Long before the pandemic, MABE advocated for funding and policies at the State and federal levels to enhance the ability of local school systems to utilize and make available educational technology that is essential to our students' college and career readiness and success. Again, before school closures mandated the shift to digital and distance learning, local boards recognized that virtual and distance learning programs and strategies are effective adjuncts to traditional classroom instruction.

MABE continues to support state and local efforts to pursue the effective use of virtual learning initiatives and will continue to support programs to optimize the use of technology in improving student instruction. MABE recognizes the value and need to continuously improve student access to high quality virtual learning programs, including through stand-alone virtual schools, and therefore supports Senate Bill 362 with amendments to address the following specific provisions of the bill.

- Remove the standard of "just cause" for MSDE approval of a local virtual school. The autonomous, local discretionary decision to establish a virtual school should remain vested in the local board of education, in accordance with other provisions of state law.
- Remove the prohibition on contracting with a for profit entity to provide any services for a virtual school. MABE appreciates the legislative intent to mirror the charter school statute which prohibits for profit operators, a distinction MABE believes should be made in this bill.
- Remove any prescriptive eligibility standards for families interested in enrolling their child in a virtual school. Specifically, the bill would require an applicant to explain why instruction in the virtual school will lead to successful academic outcomes. Of course, MABE firmly believes this must be the reasonable expectation of all families for all public schools, and therefore inappropriate as requirement for parents seeking virtual school enrollment for their child.
- Remove specific numeric thresholds for enrollment (10% of students in any one school) and in the definition of a charter school (at least 60% of the curricular components must be online).

- Remove the requirement for transfer from a virtual school to in-person instruction based solely on academic failure. MABE recognizes the need for appropriate state regulations governing virtual school operations, but opposes the limitation this provision would place on student assignments and reassignments between schools, including virtual schools.
- Remove, or modify, the absolute prohibition on non-school employees working as teachers in virtual schools.
- Add a “hold-harmless” provision clearly preserving the local board authority and continuing operations of any virtual school or virtual programs which may be interpreted to be governed by provisions of this bill at least through the 2023-2024 school year.

To be clear, MABE believes local school systems are already fully authorized to provide appropriate virtual learning opportunities through programs and courses under existing law. Therefore, MABE supports passage of Senate Bill 362 in so far as it relates to governing the establishment of virtual schools as separate and distinct entities for purposes of student enrollment, school leadership and administration, and performance accountability.

For these reasons, MABE requests a favorable report on Senate Bill 362, with the amendments described above.