

# SENATE BILL 941

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CF HB 1170

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By: **Senator Reilly**

Introduced and read first time: February 12, 2021

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Primary and Secondary Education – Virtual Schools – Alterations**

3 FOR the purpose of stating that certain provisions of law relating to establishing a public  
4 school in the State do not apply to certain virtual schools; authorizing the State  
5 Department of Education, a county board of education, or a public institution of  
6 higher education to establish a statewide virtual school in the State subject to a  
7 certain condition; repealing a provision of law requiring the Department to approve  
8 the establishment of a virtual school; establishing certain exemptions from State  
9 policies and regulations for virtual schools; authorizing students to enroll in a virtual  
10 school in the State regardless of where the virtual school's principal place of business  
11 is located; limiting the number of students a virtual school may enroll; prohibiting a  
12 virtual school from charging fees or tuition; requiring the Department, a county  
13 board, or a public institution of higher education to establish a certain policy and  
14 procedure under a certain circumstance; providing that a virtual school is part of the  
15 State program of public education; repealing a provision of law requiring a virtual  
16 school's curriculum to be approved by the State Board of Education; repealing a  
17 provision of law requiring a virtual school to meet certain standards relating to  
18 offering a certain duration of learning opportunities; repealing a provision of law  
19 requiring a virtual school to provide certain information relating to printers to the  
20 parent or guardian of an enrolled student; repealing a provision of law requiring a  
21 virtual school to be evaluated on certain criteria; repealing a requirement that  
22 virtual schools provide a certain assessment in a certain way; repealing a provision  
23 of law authorizing the State Board to adopt certain regulations; requiring the State  
24 to distribute certain funds to virtual schools in a certain manner; authorizing a  
25 public institution of higher education to contract with other entities to perform the  
26 duties of a virtual school; authorizing a public institution of higher education to  
27 retain a certain amount of funding for administrative costs; defining a certain term;  
28 altering a certain definition; making conforming changes; and generally relating to  
29 virtual schools of primary and secondary education in the State.

30 BY repealing and reenacting, with amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Education  
2 Section 4–109, 7–1401 through 7–1404, 7–1407, and 7–1408  
3 Annotated Code of Maryland  
4 (2018 Replacement Volume and 2020 Supplement)

5 BY repealing and reenacting, without amendments,  
6 Article – Education  
7 Section 7–1405 and 7–1406  
8 Annotated Code of Maryland  
9 (2018 Replacement Volume and 2020 Supplement)

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

12 **Article – Education**

13 4–109.

14 (a) **THIS SECTION DOES NOT APPLY TO A VIRTUAL SCHOOL ESTABLISHED**  
15 **UNDER TITLE 7, SUBTITLE 14 OF THIS ARTICLE.**

16 (b) Subject to approval by the State Superintendent and in accordance with the  
17 applicable bylaws, rules, and regulations of the State Board, a county board may establish  
18 a public school if, in its judgment, it is advisable.

19 [(b)] (c) On approval by the State Superintendent, any school established under  
20 this section becomes a part of the State program of public education.

21 [(c)] (d) With the advice of the county superintendent, the county board shall  
22 determine the geographical attendance area for each school established under this section.

23 7–1401.

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

25 (b) **“INSTITUTION OF HIGHER EDUCATION” MEANS A PUBLIC INSTITUTION**  
26 **OF POSTSECONDARY EDUCATION THAT GENERALLY LIMITS ENROLLMENT TO**  
27 **GRADUATES OF SECONDARY SCHOOLS AND AWARDS DEGREES AT EITHER THE**  
28 **ASSOCIATE, BACCALAUREATE, OR GRADUATE LEVEL.**

29 (c) “Sponsor” means the Department [or], a county school board, **OR AN**  
30 **INSTITUTION OF HIGHER EDUCATION**, having a fiduciary responsibility for the  
31 operation of the virtual school.

32 [(c)] (d) “Virtual school” means a **STATEWIDE** public school established by the  
33 Department [or by], a county board [under § 4–109 of this article], **OR AN INSTITUTION**

1 **OF HIGHER EDUCATION** in which the school uses technology to deliver [a significant  
2 portion of] **ALL** instruction to its students via the Internet in a virtual or remote setting.

3 7-1402.

4 (a) (1) Subject to [the approval of] **PARAGRAPH (2) OF THIS SUBSECTION**,  
5 the Department, a county board, **OR AN INSTITUTION OF HIGHER EDUCATION** may  
6 establish a virtual school.

7 (2) **AN INSTITUTION OF HIGHER EDUCATION MAY ESTABLISH A**  
8 **VIRTUAL SCHOOL ONLY IF THE INSTITUTION OFFERS A TEACHER EDUCATION**  
9 **PROGRAM.**

10 (b) (1) **[A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
11 **SUBSECTION**, A virtual school is subject to all applicable federal and State laws and  
12 regulations governing the operation of a public school.

13 (2) **NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A VIRTUAL**  
14 **SCHOOL IS EXEMPT FROM STATE POLICIES OR REGULATIONS RELATING TO:**

15 (I) **THE LENGTH OF TIME REQUIRED FOR LEARNING**  
16 **OPPORTUNITIES PER ACADEMIC YEAR;**

17 (II) **ATTENDANCE;**

18 (III) **CURRICULUM;**

19 (IV) **CLASS SIZE;**

20 (V) **INSTRUCTION;**

21 (VI) **STAFFING RATIOS;**

22 (VII) **PROFESSIONAL DEVELOPMENT; AND**

23 (VIII) **TEXTBOOKS.**

24 (c) (1) **[A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION**, A student  
25 who is eligible for enrollment in a public school in the State may enroll in [a] **ANY** virtual  
26 school **ESTABLISHED THROUGHOUT THE STATE REGARDLESS OF WHETHER THE**  
27 **STUDENT IS LOCATED IN THE DISTRICT OF THE VIRTUAL SCHOOL'S PRINCIPAL**  
28 **PLACE OF BUSINESS.**

29 (2) **A VIRTUAL SCHOOL MAY NOT:**

1                   **(I) ENROLL MORE THAN 1% OF SCHOOL-AGED CHILDREN IN**  
2 **EACH COUNTY; AND**

3                   **(II) CHARGE ANY FEES OR TUITION TO ENROLL IN OR ATTEND**  
4 **THE VIRTUAL SCHOOL.**

5                   **(3) IF THE DEPARTMENT, A COUNTY BOARD, OR AN INSTITUTION OF**  
6 **HIGHER EDUCATION ESTABLISHES A VIRTUAL SCHOOL, IT SHALL ESTABLISH A**  
7 **POLICY AND PROCEDURE TO ENSURE A FAIR ENROLLMENT PROCESS.**

8                   **(D) ANY VIRTUAL SCHOOL ESTABLISHED UNDER THIS SECTION BECOMES A**  
9 **PART OF THE STATE PROGRAM OF PUBLIC EDUCATION.**

10 7-1403.

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

12                   (1) Access to a sequential curriculum [approved by the State Board] that  
13 meets or exceeds the standards adopted by the county board in the county of the virtual  
14 school's principal place of business; **AND**

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

18                   (3)] Regular assessment in the core areas of instruction [as required by  
19 regulations adopted by the State Board under § 7-1408 of this subtitle].

20           (b) A curriculum adopted under subsection (a) of this section shall have an  
21 interactive program with [significant] **ONLY** online components.

22 7-1404.

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

25                   (1) Instructional materials, including software; and

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

28           (b) A virtual school may not provide funds for the purchase of instructional  
29 programs or materials to a student or to a student's parent or guardian.

1 7-1405.

2 A teacher employed by a virtual school shall have a teacher's certificate issued by  
3 the State Superintendent under Title 6 of this article.

4 7-1406.

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

7 7-1407.

8 A virtual school shall be evaluated each year by its sponsor based on the [following  
9 criteria:

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

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

14 7-1408.

15 (A) The State [Board shall adopt regulations to carry out the provisions of this  
16 subtitle, including establishing minimum criteria for the establishment and approval of a  
17 virtual school] **SHALL DISTRIBUTE DIRECTLY TO A VIRTUAL SCHOOL ESTABLISHED  
18 UNDER THIS SUBTITLE AN AMOUNT EQUAL TO THE PRODUCT OF:**

19 (1) **THE TOTAL ENROLLMENT OF THE VIRTUAL SCHOOL; AND**

20 (2) **ALL FEDERAL AND STATE OPERATING FUNDS FOR ELEMENTARY,  
21 MIDDLE, AND SECONDARY STUDENTS THAT EACH COUNTY BOARD RECEIVES FROM  
22 ALL SOURCES, DIVIDED BY THE SUM OF EACH COUNTY'S FULL-TIME EQUIVALENT  
23 ENROLLMENT AS DEFINED IN § 5-202(A) OF THIS ARTICLE.**

24 (B) **AN INSTITUTION OF HIGHER EDUCATION THAT ESTABLISHES A VIRTUAL  
25 SCHOOL MAY:**

26 (1) **CONTRACT WITH OTHER ENTITIES TO PERFORM THE DUTIES OF  
27 THE VIRTUAL SCHOOL; AND**

28 (2) **RETAIN UP TO 2% OF FUNDS DISTRIBUTED UNDER THIS SECTION  
29 TO ADMINISTER THE PROGRAM.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July

1 1, 2021.