



**Board of Education of Howard County  
Testimony Submitted to the Maryland House of Delegates,  
Ways and Means Committee  
March 31, 2022**

**Board of Education  
of Howard County**

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**SB0362: UNFAVORABLE  
Primary and Secondary Education - Virtual Schools – Revisions**

The Board of Education of Howard County (the Board) opposes **SB0362 Primary and Secondary Education - Virtual Schools – Revisions** due to the potential limitations on current and future virtual education options for students in Howard County.

The unplanned transition to virtual learning during the COVID-19 pandemic required school systems to develop new resources of knowledge and technological capabilities. Using lessons learned, the Howard County Public School System (HCPSS) is able to reimagine multiple aspects of digital learning, including the benefits of a virtual option for students who were more engaged and successful, as well as those who may be best served through an online experience because of medical, social-emotional or other reasons, the potential for expanded course offerings in both subject matter and availability that can reach broader student populations, and the opportunity for enhanced professional learning for staff.

As the Howard County Public School System planned for in-person learning for the 2021-2022 school year, a fully virtual option became a necessity to meet the needs of our student and families. Under the flexibility of current state education law, HCPSS has been us to offer a digital education program for students in Grades K-6 through the implementation of a new Digital Education Center (DEC). As we look to the future, the Board is also exploring the expansion of the DEC as interest and our budget allows.

While we appreciate the collaboration that went into the development of SB0362, as written, this bill could create roadblocks to current and future innovative digital offerings that are transformative for all students and help to close achievement and opportunity gaps. Amendments made prior to passage in the Senate do address some of the Board’s initial concerns with the bill, but not all. These include:

- The exclusion of Kindergarten from virtual school offerings.
- The arbitrary nature of the 10% limit per school, which does not take into account the varied needs of local schools or student populations. *An amendment to allow MSDE to lift this cap is beneficial, but would still be out of the hands of local authority to determine what best meets local needs.*
- The need for clarity around “services” which can only be provided by non-profit entities – understanding the intent is to not replace teachers for the delivery of education, but services could include the virtual platform, development of

materials by outside companies, contracting of outside personnel where shortages in expertise exist, etc. *An amendment to clarify this limitation is only for the operation/administration of a virtual school removes this concern.*

- The need for flexibility in the application process where criteria can be determined by the local board.
- The need for the provision of extracurriculars, wrap-around services, food and nutrition services, and health care services to be provided by the school system, as opposed to the virtual school itself, in accordance with local board policies and procedures. *An amendment indicating extracurriculars would be provided at the school which the student would normally attend does not go far enough to clarify local school systems can determine the polices and procedures for all services to virtual school students.*
- The need for school systems to work collaboratively with MSDE to determine the appropriate balance of synchronous vs. asynchronous learning. *An amendment to add in “collaboration with local school systems” addresses this concern.*
- The recognition that students may need to be moved to their regular school for more reasons than failing grades, which should be in accordance with local board policy. Under current HCPSS Policy 9000 a student “who does not meet expectations described in the HCPSS Student Code of Conduct (including, but not limited to attending regularly and on time, showing academic commitment, and following behavioral expectations) may be returned to the student’s designated school.” *An amendment to add “after collaboration with local school systems” does not go far enough to allow local school systems to develop policies and procedures that meet local needs.*
- The need for flexibility in class sizes to meet local personnel and budgetary restraints that account for fluctuations in class size averages as well as vacancies. While staff agrees with the intent to not over-burden teachers similar to a brick and mortar classroom, currently, HCPSS utilizes target student to teacher ratios and monitors these annually. *An amendment to indicate class sizes shall be consistent with county-wide averages addresses this concern.*

Should SB0362 pass, two key amendments to the bill include clarification that these provisions do not apply to virtual courses, as well as a further enacted section that would allow school systems to continue to operate existing virtual schools through the 2023-2024 school year to have time to come into compliance without disruption of services. One amendment, however, gives MSDE the authority to revoke approval of a virtual school, again removing operational ability from locals based on yet-to-be determined regulations of the Department.

For these reasons, although the Board acknowledges and appreciates the movement made in the Senate, we continue to urge an UNFAVORABLE report of SB0362 from this Committee. The Board is seeking the local authority and flexibility to work collaboratively with the State Board and our local partners to give teachers, students, and parents a meaningful role in the continuation and future development of virtual educational options in Howard County.