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February 19, 2024

Maryland House Ways and Means Committee
Room 131
House Office Building
Annapolis, MD 21401
via electronic submission

Varsity Tutors For Schools Testimony on HB1140 - Education – Virtual Tutoring Services

Position: Favorable

Dear Chair Atterbeary and Members of the Committee:

On behalf of Varsity Tutors for Schools, I am pleased to submit the following testimony in favor of HB1140, a bill that proposes common-sense procedural changes to increase the availability of virtual tutoring for Maryland youth while clarifying and increasing safety protections afforded to youth in a virtual tutoring environment. If enacted, HB1140 would greatly increase the availability of tutoring for youth and will further the mission of the Blueprint for Maryland's Future.

Varsity Tutors for Schools currently works with over 500 school districts across the country to provide live, video-based high-dosage tutoring to thousands of youth. As the United States Department of Education has identified, high-dosage tutoring plays a critical role in addressing learning loss associated with the COVID pandemic, and allows schools to level the playing field for all youth by providing focused supports to the students who need it most in ways that work best for them. Harvard's Center for Education Policy Research has found that learning loss will become permanent if schools do not expand learning in the summer of 2023 or in 2024. Varsity Tutors for Schools offers a solution to this near-term problem by offering access to a network of more than 40,000 tutors who can deliver tutoring in multiple languages. All tutors on our platform undergo extensive background checks to protect students.

Maryland school districts have shown considerable interest in using virtual high-dosage tutoring as a key tool to help achieve the performance goals identified in the Blueprint. However, ambiguity around the statutory and regulatory requirements regarding fingerprinting of virtual tutors has led to interpretations of existing law that significantly limit or eliminate the ability for virtual tutors provide tutoring to students in need. Currently, it is not clear whether state law currently requires counties or vendors to conduct background checks. Some counties have interpreted statutory requirements to demand a time-consuming, in-person process, which is particularly onerous for all tutors, especially those who may not live in the vicinity of the schools they will be serving (which is of course the advantage of virtual tutoring in the first place - to



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provide students with high-quality tutoring without geography presenting any barriers). Under current law, it is not clear whether virtual tutors must be fingerprinted, who is responsible for conducting fingerprinting, and what other requirements must be met for schools to offer virtual tutoring to their students.

HB1140 addresses these issues by proposing a limited number of clarifications that will improve the ability to offer tutors without in any way posing an additional risk to student safety. HB1140 provides that:

- providers of virtual tutoring services must be background checked in exactly the same way as any other individual who works with children, whether in a school or a day care setting;
- background checks for virtual tutoring service providers required under the Family Law meet similar requirements set forth in the Education Law; and
- The virtual tutoring service shall conduct the background checks required under Section 5-555 of the Family Law on behalf of all individuals providing services to minors.

Collectively, these provisions ensure that Maryland students receiving virtual tutoring services receive all the same protections as if tutoring were conducted in person. However, by making these clarifications, virtual tutoring platforms like Varsity Tutors for Schools have the authority to perform background checks in advance to ensure that there are enough tutors to meet the needs of Maryland schools and students.

Varsity Tutors for Schools believes that Delegate Smith's bill will provide great benefits to Maryland's youth and we are proud to offer our support of HB1140.

Thank you,

A handwritten signature in blue ink, appearing to read "Jason Botel".

Jason Botel
Head of Government Relations