

# HOUSE BILL 1362

F1

(0lr2421)

## ENROLLED BILL

— *Ways and Means/Education, Health, and Environmental Affairs* —

Introduced by **Delegates Boteler, Aumann, Bartlett, Barve, Elmore, George, Kach, Murphy, Myers, Schuler, Shank, Shewell, Sossi, Stocksdale, and Stukes**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Education – Public Schools – Virtual Schools**

3 FOR the purpose of authorizing a county board of education, subject to the approval of  
4 the State Department of Education, to establish a certain virtual school in the  
5 State; establishing that a virtual school is a public school subject to certain laws  
6 and regulations; authorizing a certain student to enroll in a virtual school;  
7 requiring a virtual school to provide certain curricular programs to the students  
8 of the virtual school; requiring a virtual school to provide certain materials ~~and~~  
9 ~~access to technology~~ to the parent or guardian of a student enrolled in the  
10 virtual school; prohibiting a virtual school from providing certain funds to the  
11 parent or guardian of a student enrolled in the virtual school; ~~authorizing a~~  
12 ~~virtual school to reimburse the student's parent or guardian for certain costs;~~  
13 requiring each teacher employed by a virtual school to have a certain

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 certification; requiring a virtual school to maintain a certain administrative  
2 office; requiring the sponsor of a virtual school to complete a certain annual  
3 evaluation of the virtual school; requiring the State Board of Education to adopt  
4 certain regulations; defining certain terms; providing for a delayed effective  
5 date; and generally relating to the establishment of virtual schools.

6 BY repealing and reenacting, without amendments,  
7 Article – Education  
8 Section 4–109  
9 Annotated Code of Maryland  
10 (2008 Replacement Volume and 2009 Supplement)

11 BY adding to  
12 Article – Education  
13 Section 7–1401 through 7–1408 to be under the new subtitle “Subtitle 14.  
14 Virtual Schools”  
15 Annotated Code of Maryland  
16 (2008 Replacement Volume and 2009 Supplement)

17 Preamble

18 WHEREAS, Meeting the educational needs of children in Maryland schools is of  
19 the greatest importance to the future welfare of the State; and

20 WHEREAS, Closing the achievement gap between students, including the gap  
21 between minority and nonminority students, and between economically disadvantaged  
22 students and their more advantaged peers, is a significant and present challenge; and

23 WHEREAS, Providing a broader range of educational options to parents and  
24 utilizing existing resources, along with technology, may help students improve their  
25 academic achievement; and

26 WHEREAS, Many county boards currently lack the capacity to provide other  
27 public school choices for students whose schools are high priority schools; now,  
28 therefore,

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

31 **Article – Education**

32 4–109.

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

1 (b) On approval by the State Superintendent, any school established under  
2 this section becomes a part of the State program of public education.

3 (c) With the advice of the county superintendent, the county board shall  
4 determine the geographical attendance area for each school established under this  
5 section.

6 **SUBTITLE 14. VIRTUAL SCHOOLS.**

7 **7-1401.**

8 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
9 INDICATED.

10 (B) "SPONSOR" MEANS THE DEPARTMENT OR A COUNTY SCHOOL  
11 BOARD, HAVING A FIDUCIARY RESPONSIBILITY FOR THE OPERATION OF THE  
12 VIRTUAL SCHOOL.

13 (C) "VIRTUAL SCHOOL" MEANS ~~AN INDEPENDENT~~ A PUBLIC SCHOOL  
14 ESTABLISHED BY THE DEPARTMENT OR BY A COUNTY BOARD UNDER § 4-109 OF  
15 THIS ARTICLE IN WHICH THE SCHOOL USES TECHNOLOGY TO DELIVER A  
16 SIGNIFICANT PORTION OF INSTRUCTION TO ITS STUDENTS VIA THE INTERNET  
17 IN A VIRTUAL OR REMOTE SETTING.

18 **7-1402.**

19 (A) SUBJECT TO THE APPROVAL OF THE DEPARTMENT, A COUNTY  
20 BOARD MAY ESTABLISH A VIRTUAL SCHOOL.

21 (B) A VIRTUAL SCHOOL IS SUBJECT TO ALL APPLICABLE FEDERAL AND  
22 STATE LAWS AND REGULATIONS GOVERNING THE OPERATION OF A PUBLIC  
23 SCHOOL.

24 (C) A STUDENT WHO IS ELIGIBLE FOR ENROLLMENT IN A PUBLIC  
25 SCHOOL IN THE STATE MAY ENROLL IN A VIRTUAL SCHOOL.

26 **7-1403.**

27 (A) A VIRTUAL SCHOOL SHALL PROVIDE EACH ENROLLED STUDENT:

28 (1) ACCESS TO A SEQUENTIAL CURRICULUM APPROVED BY THE  
29 STATE BOARD THAT MEETS OR EXCEEDS THE STANDARDS ADOPTED BY THE  
30 COUNTY BOARD IN THE COUNTY OF THE VIRTUAL SCHOOL'S PRINCIPAL PLACE  
31 OF BUSINESS;

1           (2) THE SAME LENGTH OF TIME FOR LEARNING OPPORTUNITIES  
2 PER ACADEMIC YEAR THAT IS REQUIRED FOR PUBLIC SCHOOL STUDENTS,  
3 UNLESS THE VIRTUAL SCHOOL CAN SHOW THAT A STUDENT HAS  
4 DEMONSTRATED MASTERY OR COMPLETION OF THE SUBJECT AREA; AND

5           (3) REGULAR ASSESSMENT IN ~~READING, MATH, SCIENCE, AND~~  
6 ~~SOCIAL STUDIES~~ THE CORE AREAS OF INSTRUCTION AS REQUIRED BY  
7 REGULATIONS ADOPTED BY THE STATE BOARD UNDER § 7-1408 OF THIS  
8 SUBTITLE.

9           (B) A CURRICULUM ADOPTED UNDER SUBSECTION (A) OF THIS SECTION  
10 SHALL HAVE AN INTERACTIVE PROGRAM WITH SIGNIFICANT ONLINE  
11 COMPONENTS.

12 7-1404.

13           (A) A VIRTUAL SCHOOL SHALL PROVIDE TO THE PARENT OR GUARDIAN  
14 OF EACH ENROLLED STUDENT:

15           (1) INSTRUCTIONAL ~~MATERIALS;~~ MATERIALS, INCLUDING  
16 SOFTWARE; AND

17           (2) ~~ACCESS TO NECESSARY TECHNOLOGY SUCH AS A COMPUTER~~  
18 ~~AND PRINTER; AND~~

19           (3) ~~ACCESS TO AN INTERNET CONNECTION FOR USE ON~~  
20 ~~SCHOOLWORK~~ INFORMATION ON THE CLOSEST PUBLIC FACILITY THAT OFFERS  
21 ACCESS TO A COMPUTER, PRINTER, AND INTERNET CONNECTION.

22           (B) (1) ~~EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS~~  
23 ~~SUBSECTION, A~~ A VIRTUAL SCHOOL MAY NOT PROVIDE FUNDS FOR THE  
24 PURCHASE OF INSTRUCTIONAL PROGRAMS OR MATERIALS TO A STUDENT OR TO  
25 A STUDENT'S PARENT OR GUARDIAN.

26           (2) ~~THIS SECTION DOES NOT PROHIBIT A VIRTUAL SCHOOL FROM~~  
27 ~~REIMBURSING A STUDENT OR A STUDENT'S PARENT OR GUARDIAN FOR COSTS~~  
28 ~~ASSOCIATED WITH AN INTERNET CONNECTION FOR USE IN THE VIRTUAL~~  
29 ~~SCHOOL PROGRAM.~~

30 7-1405.

31           A TEACHER EMPLOYED BY A VIRTUAL SCHOOL SHALL HAVE A TEACHER'S  
32 CERTIFICATE ISSUED BY THE STATE SUPERINTENDENT UNDER TITLE 6 OF THIS  
33 ARTICLE.

1 7-1406.

2 A VIRTUAL SCHOOL SHALL MAINTAIN AN ADMINISTRATIVE OFFICE IN THE  
3 STATE THAT SHALL BE CONSIDERED ITS PRINCIPAL PLACE OF BUSINESS.

4 7-1407.

5 A VIRTUAL SCHOOL SHALL BE EVALUATED EACH YEAR BY ITS SPONSOR  
6 BASED ON THE FOLLOWING CRITERIA:

7 (1) THE EXTENT TO WHICH THE SCHOOL DEMONSTRATES  
8 INCREASES IN STUDENT ACHIEVEMENT ACCORDING TO COUNTY AND STATE  
9 ACADEMIC STANDARDS; AND

10 (2) THE ACCOUNTABILITY AND VIABILITY OF THE VIRTUAL  
11 SCHOOL, AS DEMONSTRATED BY ITS ACADEMIC, FISCAL, AND OPERATIONAL  
12 PERFORMANCE.

13 7-1408.

14 THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THE  
15 PROVISIONS OF THIS SUBTITLE, INCLUDING ESTABLISHING MINIMUM CRITERIA  
16 FOR THE ESTABLISHMENT AND APPROVAL OF A VIRTUAL SCHOOL.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 ~~October 1, 2010~~ September 1, 2011.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.