

# HOUSE BILL 1362

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HB 1543/09 – W&M

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

Introduced and read first time: February 18, 2010

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2010

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## 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  
14 certification; requiring a virtual school to maintain a certain administrative  
15 office; requiring the sponsor of a virtual school to complete a certain annual  
16 evaluation of the virtual school; requiring the State Board of Education to adopt  
17 certain regulations; defining certain terms; and generally relating to the  
18 establishment of virtual schools.

19 BY repealing and reenacting, without amendments,  
20 Article – Education  
21 Section 4–109  
22 Annotated Code of Maryland  
23 (2008 Replacement Volume and 2009 Supplement)

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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.



1 BY adding to  
 2 Article – Education  
 3 Section 7–1401 through 7–1408 to be under the new subtitle “Subtitle 14.  
 4 Virtual Schools”  
 5 Annotated Code of Maryland  
 6 (2008 Replacement Volume and 2009 Supplement)

7 Preamble

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

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

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

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

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

21 **Article – Education**

22 4–109.

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

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

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

31 **SUBTITLE 14. VIRTUAL SCHOOLS.**

32 **7–1401.**

1 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
2 INDICATED.

3 (B) "SPONSOR" MEANS THE DEPARTMENT OR A COUNTY SCHOOL  
4 BOARD, HAVING A FIDUCIARY RESPONSIBILITY FOR THE OPERATION OF THE  
5 VIRTUAL SCHOOL.

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

11 7-1402.

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

14 (B) A VIRTUAL SCHOOL IS SUBJECT TO ALL APPLICABLE FEDERAL AND  
15 STATE LAWS AND REGULATIONS GOVERNING THE OPERATION OF A PUBLIC  
16 SCHOOL.

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

19 7-1403.

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

21 (1) ACCESS TO A SEQUENTIAL CURRICULUM APPROVED BY THE  
22 STATE BOARD THAT MEETS OR EXCEEDS THE STANDARDS ADOPTED BY THE  
23 COUNTY BOARD IN THE COUNTY OF THE VIRTUAL SCHOOL'S PRINCIPAL PLACE  
24 OF BUSINESS;

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

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

1 (B) A CURRICULUM ADOPTED UNDER SUBSECTION (A) OF THIS SECTION  
2 SHALL HAVE AN INTERACTIVE PROGRAM WITH SIGNIFICANT ONLINE  
3 COMPONENTS.

4 7-1404.

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

7 (1) ~~INSTRUCTIONAL MATERIALS;~~ MATERIALS, INCLUDING  
8 SOFTWARE; AND

9 (2) ~~ACCESS TO NECESSARY TECHNOLOGY SUCH AS A COMPUTER~~  
10 ~~AND PRINTER; AND~~

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

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

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

22 7-1405.

23 A TEACHER EMPLOYED BY A VIRTUAL SCHOOL SHALL HAVE A TEACHER'S  
24 CERTIFICATE ISSUED BY THE STATE SUPERINTENDENT UNDER TITLE 6 OF THIS  
25 ARTICLE.

26 7-1406.

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

29 7-1407.

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

1           **(1) THE EXTENT TO WHICH THE SCHOOL DEMONSTRATES**  
2 **INCREASES IN STUDENT ACHIEVEMENT ACCORDING TO COUNTY AND STATE**  
3 **ACADEMIC STANDARDS; AND**

4           **(2) THE ACCOUNTABILITY AND VIABILITY OF THE VIRTUAL**  
5 **SCHOOL, AS DEMONSTRATED BY ITS ACADEMIC, FISCAL, AND OPERATIONAL**  
6 **PERFORMANCE.**

7 **7-1408.**

8           **THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THE**  
9 **PROVISIONS OF THIS SUBTITLE, INCLUDING ESTABLISHING MINIMUM CRITERIA**  
10 **FOR THE ESTABLISHMENT AND APPROVAL OF A VIRTUAL SCHOOL.**

11           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2010.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.