

## Chapter 743

(House Bill 1362)

AN ACT concerning

### Education – Public Schools – Virtual Schools

FOR the purpose of authorizing a county board of education, subject to the approval of the State Department of Education, to establish a certain virtual school in the State; establishing that a virtual school is a public school subject to certain laws and regulations; authorizing a certain student to enroll in a virtual school; requiring a virtual school to provide certain curricular programs to the students of the virtual school; requiring a virtual school to provide certain materials ~~and access to technology~~ to the parent or guardian of a student enrolled in the virtual school; prohibiting a virtual school from providing certain funds to the parent or guardian of a student enrolled in the virtual school; ~~authorizing a virtual school to reimburse the student's parent or guardian for certain costs;~~ requiring each teacher employed by a virtual school to have a certain certification; requiring a virtual school to maintain a certain administrative office; requiring the sponsor of a virtual school to complete a certain annual evaluation of the virtual school; requiring the State Board of Education to adopt certain regulations; defining certain terms; *providing for a delayed effective date*; and generally relating to the establishment of virtual schools.

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

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

### Preamble

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

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

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

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

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

### **Article – Education**

4–109.

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

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

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

### **SUBTITLE 14. VIRTUAL SCHOOLS.**

7–1401.

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

**(B) “SPONSOR” MEANS THE DEPARTMENT OR A COUNTY SCHOOL BOARD, HAVING A FIDUCIARY RESPONSIBILITY FOR THE OPERATION OF THE VIRTUAL SCHOOL.**

**(C) “VIRTUAL SCHOOL” MEANS ~~AN INDEPENDENT~~ A PUBLIC SCHOOL ESTABLISHED BY THE DEPARTMENT OR BY A COUNTY BOARD UNDER § 4–109 OF THIS ARTICLE IN WHICH THE SCHOOL USES TECHNOLOGY TO DELIVER A**

**SIGNIFICANT PORTION OF INSTRUCTION TO ITS STUDENTS VIA THE INTERNET IN A VIRTUAL OR REMOTE SETTING.**

**7-1402.**

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

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

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

**7-1403.**

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

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

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

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

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

**7-1404.**

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

**(1) INSTRUCTIONAL ~~MATERIALS;~~ MATERIALS, INCLUDING SOFTWARE; AND**

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

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

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

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

#### **7-1405.**

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

#### **7-1406.**

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

#### **7-1407.**

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

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

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

7-1408.

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

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

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2010.**