
TO: Members of the State Board of Education

FROM: Carey M. Wright, Ed.D., Interim State Superintendent of Schools 

DATE: January 23, 2024

SUBJECT: Virtual Education for Severe Weather Conditions (2024-2025 School Year)

Purpose

The purpose of this presentation is to provide information about Virtual Education for Severe Weather Conditions [Md. Code, Education § 7-103.2](#), enrolled by the Maryland General Assembly following the 2023 legislative session. This statute outlines a new policy by which local education agencies (LEAs) can develop severe weather conditions virtual education plans.

Background

During the 2022-2023 and 2023-2024 school years, local education agencies (LEAs) had the ability to repurpose certain days as virtual school days for inclement weather days (i.e., snow days), staff professional learning days, high school graduation days, or other similar circumstances which the LEA requested in their application. Through an application process with designated requirements and assurances, the LEA could apply to the State Superintendent. If the application was accepted, the LEA could use up to eight synchronous or asynchronous virtual days, with no more than three of the eight days used as asynchronous days, for the purposes outlined in the application.

Executive Summary

Senate Bill 610 Primary and Secondary Education – Virtual Education (Chapter 804) was passed by the General Assembly and signed by the Governor on May 28, 2023. § 7-103.2, a section of the legislation, defines a new set of allowances and requirements for Virtual Education for Severe Weather Conditions beginning with the 2024-2025 School Year. The general requirements of the new statute include:

- The county school board may authorize the use of virtual education days in severe weather conditions. Before this authorization is given to local school superintendents, the county school board must discuss this topic at an open meeting and vote affirmatively on the authorization.
- The county school board shall publish the county’s plan for virtual education on the LEA’s website.
- The county superintendent may decide to provide a day of virtual education (not less than four hours of synchronous instruction) only if the LEA has used all the days incorporated into its calendar for school closures for severe weather conditions.

The presentation will provide details on the application which must be submitted to the Local Board for approval. The previous procedure implemented through the Virtual Day Instruction Plan which utilized an

application process for the use of synchronous and asynchronous virtual days, used mainly for inclement weather, in the 2022-2023 and 2023-2024 school years, will end with the 2023-2024 school year.

Action

No action is required; this information is for discussion only.

Attachments

Virtual Education for Severe Weather Conditions (2024-2025 School Year)

Division of Student Support, Academic Enrichment, and Educational Policy

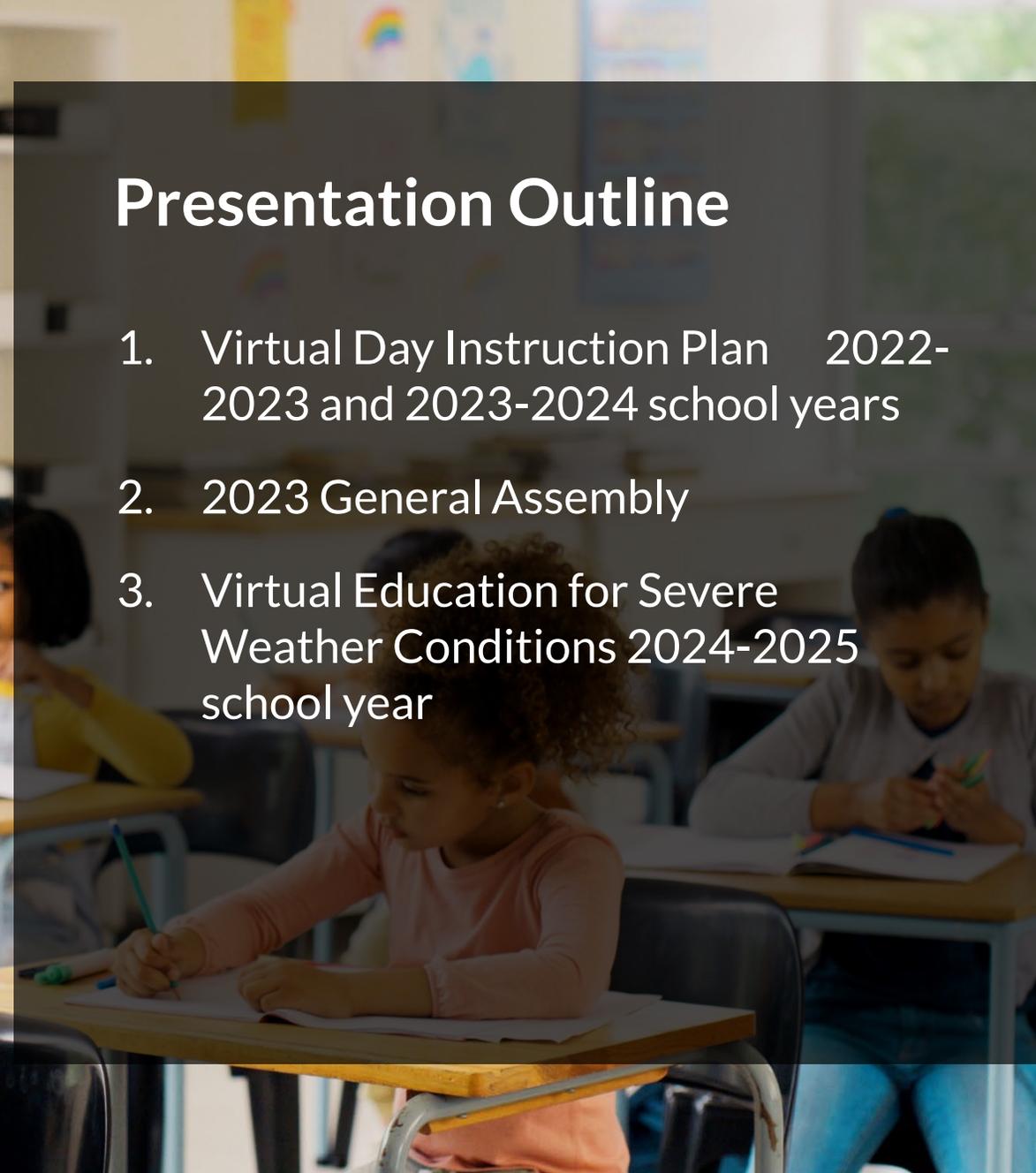
Virtual Education for Severe Weather Conditions (2024-2025 School Year)

January 23, 2024

Presented By | Mary L. Gable

A teacher with curly blonde hair, wearing a green shirt, is smiling and giving a high-five to a young student with curly dark hair wearing a yellow and black striped shirt. They are in a classroom with other students at desks in the background.

Presentation Outline

1. Virtual Day Instruction Plan 2022-2023 and 2023-2024 school years
 2. 2023 General Assembly
 3. Virtual Education for Severe Weather Conditions 2024-2025 school year
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- A young girl with curly dark hair, wearing a pink shirt, is sitting at a desk and writing on a piece of paper with a blue pencil. Other students are visible in the background, some also at desks.

Virtual Day Instruction Plan

2022-2023 and 2023-2024 School Years

In the 2022-2023 and 2023-2024 school years, local education agencies (LEAs) had the ability to **repurpose certain days as virtual school days** for inclement weather days (i.e., snow days), staff professional learning days, or high school graduation days.

- A plan with stated assurances had to be approved by the State Superintendent.
- The LEA could use **total of eight days as a virtual school day**, synchronous or asynchronous; **no more than three of the eight days could be used as an asynchronous day.**
- The application included requirements that students had to have access to computers and Wi-Fi; the needs of special education students were addressed; attendance had to be taken; the plan had to be approved by the Local Board with an opportunity for parent input, employee salaries could not be impacted (cafeteria workers, custodians, etc.).

2023 General Assembly

- Senate Bill 610 Primary and Secondary Education – Virtual Education was presented, passed by the General Assembly, and signed by the Governor on May 28, 2023 (Chapter 804).
- The Statute addressed:
 - **Virtual Education Days in the case of severe weather conditions (Annotated Code § 7-103.2)**
 - Plans for a Prolonged State of Emergency; and
 - Virtual Schools and Programs – Policy Recommendations

Virtual Education Days in the case of severe weather conditions

- Allows a county board of education to authorize a county superintendent of schools to provide virtual education days to students **instead of closing the public school in the county because of severe weather conditions.**
- This legislation put into law the circumstances and conditions in order to provide the virtual education days.

Requirements in the legislation

The county board of education shall:

- Discuss the topic at an **open meeting**
- Publish the County Board’s plan which includes a plan to ensure that:
 - **Attendance** is taken.
 - Students have the ability to **make up work missed**
 - All staff and students, including students with a disability, homeless, and English Learners, have the **necessary devices at home and access to Wi-Fi.**
 - **Individualized education programs (IEPs)** are implemented.

Requirements in the legislation

The County Superintendent may decide to provide a virtual day **ONLY IF:**

- **The local education agency (LEA) has used all the days incorporated into its calendar for school closures for severe weather conditions.**
- The county board has authorized the use of virtual days in the case of severe weather conditions.
- Severe weather conditions are likely to prevent normal attendance.

Requirements in the legislation

If the county superintendent decides to use a virtual day:

- The virtual day shall consist of **not less than four hours of synchronous instruction, and asynchronous instruction designed to maximize the advantages of online access.**
- The employee organization may negotiate with the LEA on the **period of time for preparation and the start time** of the virtual education day.
- The virtual education day **model must be designed before the first day of implementation.**
- The LEA shall offer public school employees who are not assigned to work during the virtual education day an opportunity to make up the lost work

COMAR 13A.02.01.04 Length of the School Year

A. Schools shall be open a minimum of 180 days per year. In implementing Education Article, §7-103, Annotated Code of Maryland, a waiver of the 180-day requirement will be granted by the State Board of Education to local school systems only when:

- (1) They demonstrate that sufficient effort has been made through calendar planning and modification; and
- (2) Natural or civil disasters or severe weather conditions are sufficiently significant to warrant waiver.

B. The closing of individual schools does not require a waiver by the State Board of Education but may be granted by permission of the State Superintendent of Schools upon request of the local superintendent of schools.

C. Whether or not a school system plans to apply for a waiver, after any school system closure, it must provide notice to the Maryland State Department of Education, within 10 days of reopening, of its plan to make up the missed school days, including the dates of the make-up days.

D. Application for Waiver.

(1) In the required written application for waiver of school days, it shall be demonstrated that:

(a) **The local school system developed a calendar which included days to be used to make up days lost. Depending upon past experience, this number could range from 3 to 10 days throughout the State.** The local school system calendar shall have identified those potential make-up days which could have been used as student days when calendar modification becomes necessary; that is, make-up days, student vacation days, etc.

(b) The local school system has modified its calendar by scheduling school on the make-up days provided in the original calendar and by extending the school year 3 days beyond the previously scheduled closing date.

(2) In considering this application, the State Board of Education may waive:

(a) The final day needed to complete the 180-day schedule if that day falls on a Monday;

(b) Additional days beyond those specified in §D(1)(b) of this regulation that would have to be added to the calendar to complete a 180-day schedule.

Implementation of Virtual Education Days for Severe Weather Conditions

- Local Superintendents were informed of the plan for the 2024-2025 school year via a memo from Dr. Wright on December 20, 2023.
- Effective with calendars for the **2024-2025 school year**, per Annotated Code of Maryland, Education Article §7-103.2, all LEAs should model 2024-2025 school calendars **in accordance with statutory changes**.
 - The Virtual days for reasons other than inclement weather are ending with the completion of the 2023 -2024 school year.
 - The end-of-year waiver of 180 days is still in effect.
 - Asynchronous days are no longer in effect.
 - Plans, aligned with §7-103.2, for the use of virtual education days for severe weather conditions are approved at the Local Board level, not by the State Superintendent.