

Virtual Education: A Guide for School Districts

Definitions

- **Virtual School:** *means an educational institution operated by a school district or nonpublic school in this state which offers virtual instruction. Virtual schools generally do not maintain a physical facility, and students and teachers are geographically remote from one another. Students can enroll in these schools through open enrollment.*
- **Virtual Instruction:** *means teaching and learning that takes place through digital means and can be synchronous or asynchronous*
- **Distance Education (as it relates to NDCC 15-19):** *A method of learning in which students complete courses remotely through the North Dakota Center for Distance Education (NDCDE). This state-supported program offers K-12 curriculum and high school diplomas, providing students with flexible access to accredited coursework.*

Background

House Bill 1105, enacted during the 69th Legislative Session (2025), revised NDCC 15.1-07-25.4 to grant school boards the authority to develop policies governing virtual instruction. This guidance is designed to help districts navigate their rights and obligations under this law, along with other relevant statutes, while providing clear direction on virtual instruction options and expectations.

Virtual Learning Policies

Establishing A Virtual Learning Policy

- If a district chooses to provide virtual instruction because of weather or other conditions, the district **must** have a policy.
- If a district operates a virtual school, the school board **must** create and adopt a local policy governing virtual instruction.
- If a district opts to offer semester or year-long virtual instruction using its own teachers or an external provider, without establishing a formal virtual school, adopting a policy is **optional**.
- If a district adopts a virtual instruction policy, the following administrative rules apply:
 - [NDAC 67-30-01](#) – *Virtual Instruction Because of Weather or Other Conditions*
Covers temporary delivery of virtual instruction due to inclement weather, emergency events, or other district-identified disruptions.
 - [NDAC 67-30-02](#) – *Virtual Courses and Virtual Schools*
Governs planned virtual instruction delivered as full programs or individual courses through district-operated virtual academies or the NDCDE

District Responsibilities for Open Enrollment

Statutory Authority:

[NDCC 15.1-31 Open Enrollment](#)

- Districts must not restrict student access to virtual learning options.
- Resident school districts cannot deny students open enrollment to an approved virtual school.
- The admitting district takes on all responsibilities for educating the student, including providing special education and related services.
- The district of residence must reimburse the admitting district for excess costs associated with special education service

Student Enrollment & Eligibility

Statutory Authority

[NDCC 15.1-07-25.4. Virtual learning](#)

[NDAC 67-30-02 Virtual Schools](#)

[NDCC 15-19-01. Enrollment of Students](#)

Enrollment & Course Requirements

- A student's school district of residence is responsible for covering the required fees when the student chooses to enroll in courses through the NDCDE, as outlined in *NDCC 15-19-01(3)*.

Districts may:

- Require virtual course registration to follow standard school course enrollment deadlines.
- Set a minimum number of courses required to be taken onsite, whether virtual or in person.
- Establish prerequisites before for students enrolling in sequential virtual courses.

Districts may not:

- Establish more rigorous or additional expectations for enrollment in NDCDE or other virtual instruction than would be expected for brick-and-mortar enrollment or other agreements.

Costs & Funding Responsibilities

Financial Responsibilities for Districts

Statutory Authority

[*NDCC 15.1-07-25.4. Virtual learning*](#)

[*NDAC 67-30-02 Virtual Schools*](#)

[*NDCC 15-19-01. Enrollment of Students*](#)

- If a school district does not offer a required course, the district **must** pay for the virtual course if it helps the student graduate on time.
- The student's school district of residence **must** pay for all course enrollments, even if that course is offered locally, if the student meets the local school district's policy requirements and enrollment guidelines.
- Districts **must** notify students and their parents annually about available virtual courses through the NDCDE (*NDCC 15-19-01.1*).
- Districts may decide whether to pay for course retakes.

Funding Implications

Statutory Authority

[*NDCC 15.1-07-25.4. Virtual learning*](#)

[*NDAC 67-30-02 Virtual Schools*](#)

- Virtual instruction qualifies students for average daily membership in the school district.
- Students enrolled in approved virtual schools do not generate district size weighting factors under North Dakota's school funding formula.

Performance Reporting Requirements for School Districts

Statutory Authority

[*NDCC 15.1-07-25.4. Virtual learning*](#)

[*NDAC 67-30-02 Virtual Schools*](#)

Reporting Obligations for School Districts

The superintendent of public instruction must submit an annual report to the legislature on virtual learning outcomes for students enrolled in virtual schools.

- The report must compare academic performance between virtual and non-virtual students using the statewide PK-12 Strategic Vision Framework Goals.

- If the state cannot access academic performance data of virtual schools due to small group sizes, school districts must provide their own reports comparing virtual and non-virtual students using the statewide PK-12 Strategic Vision Framework Goals.