

## Virtual Instruction Guidance

The 68<sup>th</sup> Legislative Assembly passed, and the Governor signed into law [HB 1376](#). HB 1376 provides more opportunities for students and families to meet their educational requirements through approved North Dakota virtual schools and North Dakota's Center for Distance Education (NDCDE).

The following guidance and Q & A document have been developed to help guide districts and families through the new expectations of the law and to answer any questions.

### Enrolling in an ND Approved Virtual School and ND Center for Distance Education

There are two ways to enroll in ND-approved virtual schools:

1. Follow the current open enrollment procedures outlined in North Dakota Century Code ([NDCC 15.1-31](#)) and enroll students in an approved North Dakota Virtual school; or
2. If a school district of residence operates an approved virtual school, a student of residence may attend the resident district virtual school or another approved virtual school by following open enrollment processes and deadlines.

To enroll in the ND Center for Distance Education:

1. Student enrolls with the district of residence and register to take a course or multiple courses from NDCDE.

### Open Enrollment Q & A

The ND [open enrollment law](#) establishes an application period whereby parents can apply to enroll their children in a district other than the district of residence.

If a school board decides to accept students under the provisions of open enrollment, it must establish policies for the acceptance or rejection of applications based on the capacity of a program, class, grade level, or school building. The North Dakota School Boards Association will assist in establishing and revising these policies.

**Q. How does a student open-enroll in an approved virtual school outside the district of residence boundaries?**

*A. The student must open enroll in a district with an approved virtual school by filing the appropriate paperwork by March 1 of each year. The open enrollment application can be found [here](#).*

**Q. Can an admitting district deny open enrollment?**

*A. Yes, but only based on the district's ability to reasonably accommodate that student. (e.g., classroom space, teacher-to-student ratio, etc.).*

**Q. Can the district of residence deny an open enrollment request?**

*A. No, if the required paperwork is submitted in time, the district of residence cannot deny the request for open enrollment.*

**Q. Does the admitting district take on the responsibility of IDEA and the provision of FAPE for students with disabilities?**

*A. Yes, the admitting district takes on all responsibilities for educating the student, including providing special education and related services; however, the open enrollment policy in 15.1-31-04 requires the school district of residence to reimburse the admitting school district excess costs for providing these services.*

**Q. Do the open-enrollment laws and procedures take effect when enrolling students in the Center for Distance Education?**

*A. No, see the section below for the ND Center for Distance Education and Special Education.*

## **ND Center for Distance Education Q & A**

Important information regarding this option:

- Under this option, the district ***must pay*** for the fees and tuition of students who wish to enroll at the NDCDE. Please see [NDCC 15-19-01 \(3\)](#) for reference.
- NDCDE courses are available to enroll students throughout the school year. Under the new law, districts will be responsible for enrolling locally enrolled students in NDCDE courses, and districts may establish a deadline for students to provide reasonable notice of the intent to enroll (e.g., one to two weeks).
- For Special Education, the district is still responsible for complying with all Individuals with Disabilities Education Act (IDEA) expectations and providing all IDEA protections.

**Q. I had a student fail a NDCDE course. The student now is asking the district to re-enroll in the course. Do we have to allow this? Who pays?**

*A. NDCDE's new retake policy allows a district to decide whether to authorize a retake and who pays. If your district decides to allow a student a retake but assesses the cost to the student, the district is responsible for registering and paying NDCDE for the course, and the district may then send a bill to the family.*

**Q. How are districts to enroll students into NDCDE?**

*A. You can find information on how to enroll students into NDCDE [here](#).*

**Q. Must a district accept a student's transcripts from NDCDE to fulfill their local district graduation requirements?**

*A. Yes. The school must accept courses taken through NDCDE for graduation requirements and include them on students' transcripts for graduation. The transcript for the course will then flow through eTranscript. Learning coaches, school administrators, and students can access the official completion certificate once the student receives a grade through NDCDE's student information system. NDCDE recommends that districts adopt a policy on whether they will accept the letter grade or percentage from the NDCDE completion certificate, which contains both pieces of information.*

**Q. Can a student choose where to graduate from? NDCDE or the district of residence?**



*A. No. If a student chooses to graduate from NDCDE, they are no longer a student enrolled in their district of residence and essentially become a “home school student.” Tuition and course fees for home school students are not covered by HB 1376.*

**Q. Can the NDCDE course count as the full course load for the student?**

*A. Yes, however, the district can set the policy to determine where the student receives the instruction from the NDCDE teachers and where the student completes the homework for the course.*

**Q. What if the school already offers the course? Does the district still have to allow the student to take the same course from NDCDE?**

*A. Yes.*

**Q. Is there a limit on how many courses the student can take at the NDCDE?**

*A. Typically, no. However, NDCDE may cap if a student is struggling. In addition, NDCDE may impose caps for students attempting an excessive workload. (Please review NDCDE's policy regarding student overload.)*

**Q. Can a school still require a student to take a minimum number of courses from the school/district to graduate?**

*A. No*

**Q. Can a school/district require a student to adhere to the district's attendance policy?**

*A. Yes*

**Q. If a student is taking courses at NDCDE, is NDCDE responsible for the student's special education services?**

*A: No. Resident districts are to enroll the student in the local school and then course enroll the student in NDCDE.*

**Q. Does the NDCDE provide IEP/504 Plan accommodations?**

*A. NDCDE offers limited accommodations for students on district-developed IEPs/504 Plans. A list of possible accommodations can be found at [IEP/504 Plans](#). NDCDE works closely with the local school district to implement aspects of IEP and 504 plans developed by local school districts that apply when taking online courses.*

**Q. Who is responsible for developing and carrying out a student's IEP/504 Plan?**

*A. Federal law requires school districts to develop and carry out Individualized Education Plans (IEPs) and 504 Plans for students who reside in their districts.*

## **Summer School**

**Q. Are school districts obligated to pay for NDCDE summer school costs?**

*A. Yes.*



## Dual Credit

### Q. Who pays for dual credit courses?

*A. The parent pays for dual education costs regardless of the setting: district of residence, NDCDE, open-enrolled student, or home-educated student.*

## Accountability and Assessments

### Q. Are schools held accountable for students who take NDCDE courses?

*A. Yes, when a student enrolled in a school district of residence takes one or all their courses at NDCDE, the school district of residence is still held accountable for the student's test scores and assessing students as appropriate.*

### Q. Must accurate assessment data on students enrolled in virtual environments be provided?

*A. Yes. Per House Bill 1376, the superintendent of public instruction shall provide an annual report to either the legislative management or the legislative assembly. In odd-numbered years, the report must be made to the legislative assembly. In even-numbered years, the report must be made to the legislative management. The annual report must:*

*a. Contain a comparison of the academic performance of students participating in virtual instruction against students not participating in virtual instruction under this section; and*

*b. Use the statewide prekindergarten through grade twelve strategic vision framework goals.*

*If the superintendent of public instruction does not have access to academic performance reports of a school district's virtual instruction subgroup because of the low group size, the district shall provide the annual report required under this section for the district's comparison data.*

## Home Educated Students

### Q. Can home education students take courses through NDCDE?

*A. A home education student can take courses from NDCDE, however, the parent is responsible for paying for the course. Only students who are fully enrolled in an ND public school district can have the course paid for by the school.*

## Contact Information

If you have any questions regarding the changes to North Dakota Virtual Instruction law, please contact [Joe Kolosky](#) at (701) 328-2755.