

Century Code Regarding Distance Learning/Virtual Schools

15.1-06-04. School Calendar – Length.

- This part of code cites the 962.5 hours and 1,050 hours minimum a school must be in session. The Governor cited this in his Distance Learning Executive Order (EO). Language may have to be adjusted to ensure distance learning or virtual academies.

15.1-20-01. Compulsory Attendance.

- In this section it reads, “1. Any person having responsibility for a child between the ages of seven and sixteen shall ensure the is in attendance at a public school for the duration of the school year.
- NDCEL’s amendment to 1232 reads “...ensure that the child is attendance *with* a public school...” This would make distance learning legal.

15.1-21 Curriculum and Testing.

- This was also cited in the EO.
- This section cites required instruction for elementary, middle and high schools; graduation; scholarships
- Student Engagement (meaning hours of student engagement to receive credit).
- Assessments.
- I don’t believe anything must be adjusted here, but legislative council should review this section thoroughly.

15.1-27-35 Average Daily Membership – Calculation

- Amendment seemed to count time offline or home work time. Who is responsible to track?
 - Currently we use a school calendar to calculate ADM and not and individual students time
 - 962.5 and 1050 is the minimum amount of instruction time, weather in person or online. No allowance for competency based payments on completion
- Century Code seems to use both engagement and instruction. Is there a difference? Should this be clarified?
- Will districts be obligated to provide in person learning? Could the entire district elect to go virtual and not operate a plant, forcing students to open enroll to other districts if they want in person learning?

15.1-31 Open Enrollment

- Will anyone be allowed to attend anywhere? (I know amendment tried to address, but seemed to be too restrictive on open enrollment in any sort of virtual education)
- Special education costs are the responsibility of the resident district
 - Can Special Education be done virtually? Does this need to be addressed by SpEd?

12.1-29 Tuition

- Will the cost of tuition remain the same for in person and virtual learning?
- Students placed in another district, would they be allowed to enroll virtually back in the district that is financially responsible? Who makes this determination? Placing Agency? School District? Family/foster family?
- Cross border attendance with South Dakota? Other bordering states? Non bordering states?

15.109.1-02 REAs

- Does this have any effects on REA memberships and being contiguous?

15.1-21-03. High school unit - Instructional time.

1. Except as provided in subsection 2, each unit must consist of at least one hundred twenty hours of student engagement per school calendar.
2. The following units must consist of at least one hundred fifty hours of student engagement per school calendar: natural sciences, agriculture, business and office technology, marketing, diversified occupations, trade and industrial education, technology education, and health careers.
3. The hour requirements of this section are subject to reductions resulting from the holidays and nonstudent contact days provided for in section 15.1-06-04.
4. This section does not apply to schools or school districts having block schedules approved by the superintendent of public instruction.

Commented [PAJ1]: I think this is already implied in your bullet above, but thought we might want to have this in here for direct reference. I think it gives flexibility.

15.1-27-23. Weather or other emergency conditions - Closure of schools - State aid payments to school districts.

1. The board of each school district shall establish the length of a period, day, and week in accordance with the requirements of section 15.1-06-04. If a public school or school district is closed or provides less than a full day of instruction, the public school or school district shall reschedule those hours to ensure students receive at least the minimum number of instructional hours required by subdivision a of subsection 1 of section 15.1-06-04.
2. Any public school or school district for which the rescheduling of classes would create undue hardship may request that, for purposes of calculating state aid payments to the school district, the governor waive the rescheduling in whole or in part.

Commented [PAJ2]: This implies that school is located in a building, as they mention being "closed"...I can see it complicating things.

15.1-27-35. Average daily membership - Calculation.

1. Average daily membership is calculated at the conclusion of the school year by adding the total number of hours that each student in a given grade, school, or school district is in attendance during a school calendar and the total number of hours that each student in a given grade, school, or school district is absent during a school calendar, and then dividing the sum by:
 - a. Nine hundred sixty-two and one-half hours for elementary school students; or
 - b. One thousand fifty hours for middle and high school students.
2. For purposes of calculating average daily membership:
 - a. A student enrolled full time in any grade from one through twelve may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.
 - b. A student enrolled full time in an approved regular education kindergarten program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.
 - c. A student enrolled full time, as defined by the superintendent of public instruction, in an approved early childhood special education program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

15.1-06-04. School calendar - Length.