



1 HB 1376 Virtual Instruction Enrollment

2 Testimony in opposition

3 Chairman Elkin and members of the Senate Education Committee – we come to you
4 today to ask that you please help us hold tight to certain laws that have ensured
5 appropriate use of taxpayer dollars, keeping our dollars in state, doing what is right for
6 the students, and laws that have been carefully crafted to allow for choice yet with
7 prudence and appropriate levels of caution and decision making locally.

8 At first glance, one might seem that there isn't any issue with this bill. Please let me
9 help you see that there are immense challenges represented here. First, when this body
10 passed the opportunity for virtual instruction this past session, there was real context
11 for it and scenarios that were deemed acceptable. After COVID and a couple years, the
12 number of districts offering a virtual academy have dwindled for the most part it is only
13 in larger communities that have a different staffing opportunity. Virtual was not ever
14 intended to replace regular instruction, serve as a recruitment tool, replace high quality
15 virtual CTE instruction with a hands-on component, nor as a modality to turn a profit
16 and to funnel revenue out of state while burning inappropriately through tax-payer
17 dollars.

18 Open enrollment laws, as they currently stand, are both measures to help protect the
19 opportunity for parents and students to choose but to also provide reasonable limitations
20 to allow for planning and capacity purposes. They also protect from basic NDHSAA
21 nuances regarding student competition in sanctioned events. The dates and timelines



1 set for open enrollment allow school boards to account for current enrollment, staffing
2 capabilities we are forced to have as our reality as we grapple with individual burnout.

3 If this goes through and program capacity is eliminated from consideration for open
4 enrollment approval and denial. For highly specialized IEP programs, there'd be no way
5 to prevent open enrollment for programs that are already full and very expensive. Getting
6 "program" added back to line 7 and page 4 with school and grade would be very
7 important. Beyond that, there are other concerns...

8 The delineation between a virtual school and home schooling through a K-12 online service
9 needs to be reinforced. For the homeschool parent, this is the best of both worlds and is the
10 same as purchasing online curriculum from another vendor while being listed as a home school
11 student in their resident district (and attending whatever they want). Our home school
12 parents often argue they are not "home school" - they are attending an "accredited online
13 school", however, want to sign up for all our extracurricular activities. It needs to be clear the
14 virtual schools receive full state funding in ND and are NOT eligible for home school students
15 to maintain their home school status - they are enrolled in a K-12 public school district and not
16 eligible for services from their resident district. We have an agreement with Dickinson and as
17 the resident district we receive a payment from them due to the fact they are receiving a full
18 payment for the students and sharing some of the excess revenue; which was discussed when
19 virtual schools were first considered and between the two school districts.

20

21 How can this work and be reasonable?

22 1. Ensure the school district offering the virtual education is limited to a base payment per
23 the foundation aid formula. Based on size and other factors, some school districts are paid
24 above the standard payment (\$10,237). The virtual learning students would be reimbursed at



1 the state baseline payment regardless of their weighting factors and other components of the
2 funding formula. Essentially, every school district offering virtual learning will be provided the
3 SAME payment which is a significant “beef” with the other school districts at this point. The
4 size and other factors in place for brick and mortar are not existent with the new virtual
5 offerings and the payments should be the same and equitable.

6 2. The third-party contracting educational services with the school district can NOT provide
7 direct payments to the families/students for technology or other educational expenses. These
8 payments must be directed to the school district for their use in providing all the necessary
9 educational resources needed by its students (computers, etc.). This avoids the perception of
10 parent “kick-backs” using state/public dollars which is also an issue with this particular
11 contractor that is also causing concerns. The “business” and financial aspects of the virtual
12 learning agreement must remain with the school district and third-party contractor; parents are
13 not part of that aspect and receive the “free” education as provided in a regular brick and
14 mortar setting of which they are not involved in the financial aspects. They are provided a
15 device and resources of which are turned back in when they leave the district; it should be the
16 same for virtual learning and parents should not make a profit on it which is possible in the
17 current Yellowstone situation. Virtual students receive their resources from the school district
18 and NOT the third-party provider of which the school district can use the same practices in
19 place as its regular students in terms of devices and shared resources.

20 3. Consideration of an amendment that would prohibit a parent from attending a virtual
21 academy outside their resident school district UNLESS the resident school district does NOT
22 offer a virtual learning option. So if you reside in a school district that offers a virtual learning
23 option (approved by DPI); you must utilize that service. If your resident school district does
24 NOT offer that option, the family is free to pursue options outside their resident school district
25 with the provisions listed above.

26 We respectfully ask that you consider these items and further amend the bill or kill it.