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Title.

Prepared by the Legislative Council
staff for Representative Jonas
February 7, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1105

Introduced by

Representatives Jonas, Christy, Hager, Longmuir, Murphy

Senator Davison

1 A BILL for an Act to amend and reenact section 15.1-07-25.4 of the North Dakota Century
2 Code, relating to a school district's virtual learning policies.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 15.1-07-25.4 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **15.1-07-25.4. Virtual learning - School district policy - Report to legislative**
7 **management and legislative assembly.**

8 1. The board of a school district or governing board of a nonpublic school that operates a
9 physical school plant may adopt a policy to allow students to engage in virtual
10 instruction and in the case of a school district, qualify for average daily membership in
11 the district.

12 2. A resident school district may not deny open enrollment to an approved virtual school.

13 ~~2-3.~~ A student or a student's family member may not receive any item, service, or thing of
14 value not given in exchange for fair market consideration from a vendor providing
15 instruction or support under this section.

16 ~~3-4.~~ The superintendent of public instruction shall adopt rules governing policies under this
17 section.

18 5. A policy adopted by a school district under this section ~~must comply~~:

19 a. Must comply with the rules adopted by the superintendent of public instruction.

- 1 b. ~~May restrict student access to~~require registration for virtual instruction ~~to certain~~
2 ~~time periods and impose time duration limitations~~to coincide with the school
3 district course registration schedule and deadlines.
- 4 c. ~~May impose eligibility requirements for students to qualify to enroll in~~require that
5 students meet prerequisites to ensure readiness for sequential virtual
6 instruction courses.
- 7 d. ~~May require a student's legal guardian to pay for a virtual instruction course if the~~
8 ~~student fails to obtain credit for the virtual instruction course.~~
- 9 ~~e.~~ Must require the school district to pay for a virtual instruction course if the school
10 district does not offer the course and obtaining the course credit would contribute
11 to the student meeting high school graduation requirements in time to graduate
12 within the usual time frame.
- 13 e. May establish the minimum number of courses a student is required to take
14 onsite, whether virtual or in person. The policy may not unreasonably restrict
15 student access to virtual school options and must comply with laws and
16 administrative rules applicable to onsite students, as distinguished from virtual
17 academy students.
- 18 f. May grant discretion to the school district to determine whether to pay for a virtual
19 instruction course retake.

20 4.6. The superintendent of public instruction shall provide an annual report to either the
21 legislative management or the legislative assembly. In odd-numbered years, the report
22 must be made to the legislative assembly. In even-numbered years, the report must be
23 made to the legislative management. The annual report must:

- 24 a. Contain a comparison of the academic performance of students participating in
25 virtual instruction against students not participating in virtual instruction under this
26 section; and
- 27 b. Use the statewide prekindergarten through grade twelve strategic vision
28 framework goals.

29 5.7. If the superintendent of public instruction does not have access to academic
30 performance reports of a school district's virtual instruction subgroup because of the

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- 1 low group size, the district shall provide the annual report required under this section
- 2 for the district's comparison data.
- 3 ~~6.8.~~ Students enrolled in an approved virtual school do not generate school district sized
- 4 weighting factors pursuant to section 15.1-27-03.2.

