

CHAPTER 67-30-02 VIRTUAL SCHOOLS

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67-30-02-01. Definitions.

As used in this chapter:

1. "Academic pacing guide" means a document created or adopted by the school district or nonpublic school which outlines the amount of course content covered during each portion of the school year.
2. "Educational equity" means every student has access to the resources and educational rigor they need at the right moment in their education regardless of race, gender, ethnicity, language, disability, family background, or family income.
3. "Virtual instruction" means teaching and learning that takes place through digital means and can be synchronous or asynchronous.
4. "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.

History: Effective January 1, 2022.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-06-04, 15.1-07-25.4

67-30-02-02. General provisions.

1. If the board of a school district or governing board of a nonpublic school that operates a physical plant chooses to provide virtual instruction under North Dakota Century Code sections 15.1-06-04 and 15.1-07-25.4 as part of a virtual school, that board shall adopt a local policy relating to virtual instruction.
2. Virtual instruction under this chapter may be only conducted as part of a virtual school.

3. Virtual schools under this chapter may not be established for temporary purposes.

History: Effective January 1, 2022.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-06-04, 15.1-07-25.4

67-30-02-03. Local policy.

Local policy regarding virtual schools must address:

1. Procedures for transferring into or out of the virtual school.
2. Procedures for engaging parents or legal guardians to assist in making the decision to enroll students in the virtual school.
3. Attendance policies for the virtual school, in accordance with section 67-30-02-05.
4. Standards and curriculum for virtual instruction, in accordance with section 67-30-02-06.
5. Procedures for standards-based professional development specific to virtual learning and support for virtual school staff.
6. Educational equity needs of all students enrolled in the virtual school.
7. Cost-sharing agreements with other school districts.
8. Procedures for child find and evaluation obligations under requirements of Public Law No. 94-142 [89 Stat. 773] and section 504 of the Rehabilitation Act of 1973, as amended.
9. Procedures for administering annually administered statewide summative assessments.

History: Effective January 1, 2022.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-06-04, 15.1-07-25.4

67-30-02-04. Approval of virtual schools.

~~1. No later than June first the deadline established by the department, and prior to the school year that a virtual school is to begin operating, the board of the school district or governing board of a nonpublic school shall submit the following to the superintendent of public instruction:~~

- ~~1. A completed application, using the form prescribed by the department;~~
- ~~a. 2. Approved school board minutes establishing local policy on virtual schools;~~
and
- ~~b. 3. Approved school board minutes stating the name and grade configuration of the virtual school.~~

~~2. In the event of an extenuating circumstance, the superintendent of public instruction may accept approved school board minutes for virtual schools after June first.~~

History: Effective January 1, 2022; Amended effective January 1, 2027.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-06-04, 15.1-07-25.4

67-30-02-05. Attendance.

Virtual schools shall measure student attendance based on course content that the student has completed according to academic pacing guides. Academic pacing guides, as well as the amount of content that is comparable to a day of instruction, must be determined at the discretion of the board of the school district or the governing body of the nonpublic school.

History: Effective January 1, 2022.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-06-04, 15.1-07-25.4

67-30-02-06. Standards.

When operating a virtual school, the board of a school district or governing board of a nonpublic school shall address how quality virtual instruction is being provided through adoption of quality virtual learning standards.

History: Effective January 1, 2022.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-06-04, 15.1-07-25.4