

Introduced by

Representatives Satrom, Jones, Ostlie, Paulson, Schauer, Strinden

1 A BILL for an Act to create and enact a new section to chapter 15.1-07 of the North Dakota
2 Century Code, relating to school district virtual learning policies; to amend and reenact sections
3 15.1-06-04 and 15.1-27-23 of the North Dakota Century Code, relating to the satisfaction of
4 school calendar hours through virtual instruction; and to provide for a legislative management
5 report.

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

7 **SECTION 1. AMENDMENT.** Section 15.1-06-04 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **15.1-06-04. School calendar - Length.**

- 10 1. A school district shall provide for a school calendar that includes:
- 11 a. At least nine hundred sixty-two and one-half hours of instruction for elementary
12 school students and one thousand fifty hours of instruction for middle and high
13 school students;
- 14 b. Three holidays, as selected by the board in consultation with district teachers
15 from the list provided for in subdivisions b through j of subsection 1 of section
16 15.1-06-02;
- 17 c. No more than two days for:
- 18 (1) Parent-teacher conferences; or
19 (2) Compensatory time for parent-teacher conferences held outside of regular
20 school hours; and
- 21 d. At least three days of professional development not including meals or breaks.
- 22 2. For the first three days of professional development required under subdivision d of
23 subsection 1, a day of professional development must consist of:

- 1 a. Six hours of professional development, exclusive of meals and other breaks,
2 conducted within a single day;
- 3 b. Six hours of cumulative professional development conducted under the auspices
4 of a professional learning community; or
- 5 c. Two four-hour periods of professional development, exclusive of meals and other
6 breaks, conducted over two days.
- 7 3. If because of weather or other conditions a school must cancel hours of instruction or
8 dismiss before completing a full day all hours of instruction for the day, the school is
9 responsible for making up only those hours and portions of an hour between the time
10 of cancellation or early dismissal and the conclusion of a full day all hours of classroom
11 instruction for the day if the dismissal will result in the school failing to meet the
12 requirements of subdivision a of subsection 1, ~~except a school district may submit and~~
13 ~~the superintendent of public instruction may approve an application to allow the school~~
14 ~~district to offer instruction through a virtual education plan as provided under~~
15 ~~subsection 6. A school district may satisfy the requirements of this section by providing~~
16 ~~virtual instruction pursuant to section 2 of this Act.~~
- 17 4. For purposes of this section, a full day of instruction consists of:
- 18 a. At least five and one-half hours for kindergarten and elementary students, during
19 which time the students are required to be in attendance for the purpose of
20 receiving curricular instruction; and
- 21 b. At least six hours for high school students, during which time the students are
22 required to be in attendance for the purpose of receiving curricular instruction.
- 23 5. If a school district intends to operate under a school calendar that consists of four days
24 of instruction per week, the school district shall apply and be approved for a waiver by
25 the superintendent of public instruction.
- 26 ~~6. The superintendent of public instruction may adopt rules governing the submission,~~
27 ~~evaluation, and approval of applications and the monitoring of any school district~~
28 ~~receiving a waiver under this subsection. To be eligible to receive a waiver under this~~
29 ~~subsection, a school district must have virtual instruction available to all students and~~
30 ~~provide evidence the school district's teachers and administration were actively~~
31 ~~instructing, facilitating, and engaging students through the virtual education plan on~~

~~the days virtual instruction was offered. A virtual education plan must calculate instruction time by adding synchronous virtual instructional time, virtual meeting time, time a student is logged into the virtual learning platform, and time a student spends offline completing assignments as determined by the school. For purposes of this subsection, "synchronous" means occurring at a specific designated time.~~

SECTION 2. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

School districts - Policy - Virtual learning - Report to legislative management.

The board of a school district or governing board of a nonpublic school that operates a physical school plant may adopt a policy to allow students to engage in virtual instruction and qualify for average daily membership in the district. The superintendent of public instruction shall adopt rules governing policies under this section. A policy adopted by a school district under this section must comply with the rules adopted by the superintendent of public instruction. The superintendent of public instruction shall provide biennial reports to the legislative management regarding the academic performance metrics of students participating in virtual instruction under this section.

SECTION 3. AMENDMENT. Section 15.1-27-23 of the North Dakota Century Code is amended and reenacted as follows:

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. A school or school district may satisfy the requirements of this section by providing virtual instruction under 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.