

**Sixty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2025**

HOUSE BILL NO. 1105
(Representatives Jonas, Christy, Hager, Longmuir, Murphy)
(Senator Davison)

AN ACT to amend and reenact section 15.1-07-25.4 of the North Dakota Century Code, relating to a school district's virtual learning policies.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

1. 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 in the case of a school district, qualify for average daily membership in the district.
2. A resident school district may not deny open enrollment to an approved virtual school.
- ~~2.3.~~ A student or a student's family member may not receive any item, service, or thing of value not given in exchange for fair market consideration from a vendor providing instruction or support under this section.
- ~~3.4.~~ The superintendent of public instruction shall adopt rules governing policies under this section.
5. A policy adopted by a school district under this section ~~must comply~~:
 - a. Must comply with the rules adopted by the superintendent of public instruction.
 - b. May require registration for virtual instruction to coincide with the school district course registration schedule and deadlines.
 - c. May require that students meet prerequisites to ensure readiness for sequential virtual courses.
 - d. Must require the school district to pay for a virtual instruction course if the school district does not offer the course and obtaining the course credit would contribute to the student meeting high school graduation requirements in time to graduate within the usual time frame.
 - e. May establish the minimum number of courses a student is required to take onsite, whether virtual or in person. The policy may not unreasonably restrict student access to virtual school options and must comply with laws and administrative rules applicable to onsite students, as distinguished from virtual academy students.
 - f. May grant discretion to the school district to determine whether to pay for a virtual instruction course retake.
- ~~4.6.~~ The superintendent of public instruction shall provide an annual report to either the legislative management or the legislative assembly. In odd-numbered years, the report must be made to the legislative assembly. In even-numbered years, the report must be made to the legislative management. The annual report must:

- a. Contain a comparison of the academic performance of students participating in virtual instruction against students not participating in virtual instruction under this section; and
 - b. Use the statewide prekindergarten through grade twelve strategic vision framework goals.
- ~~5.7.~~ If the superintendent of public instruction does not have access to academic performance reports of a school district's virtual instruction subgroup because of the low group size, the district shall provide the annual report required under this section for the district's comparison data.
- ~~6.8.~~ Students enrolled in an approved virtual school do not generate school district sized weighting factors pursuant to section 15.1-27-03.2.

Rohi Weing
Speaker of the House

Brad Scheraga
President of the Senate

Buell T. Reich
Chief Clerk of the House

Chandra Meyer
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-ninth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1105.

House Vote: Yeas 89 Nays 0 Absent 5

Senate Vote: Yeas 47 Nays 0 Absent 0

Buell T. Reich
Chief Clerk of the House

Received by the Governor at 4:25 p.m. on MARCH 20th, 2025.

Approved at 4:01 P.M. on MARCH 21, 2025.

[Signature]
Governor

Filed in this office this 24th day of March, 2025,
at 9:42 o'clock A M.

Michael Howe
Secretary of State