

MN ASSOCIATION OF CHARTER SCHOOLS – NEW LAW PRIMER 2023

NEW: ONLINE INSTRUCTION ACT - (MN Statutes 124D.094)

LEGAL DEFINITIONS

"**Online instruction**" means a form of digital instruction that occurs when a student learns primarily through digital technology away from a supervised physical setting.

"**Blended instruction**" means a form of digital instruction that occurs when a student learns part time in a supervised physical setting and part time through online instruction.

"**Digital instruction**" means instruction facilitated by technology that offers students an element of control over the time, place, path, or pace of learning and includes blended and online instruction.

"**Supplementary online course**" means an online learning course taken in place of a course provided by the student's enrolling district.

"**Supplementary online course provider**" means a school district, intermediate school district, joint power school district cooperatives, or a charter school located in Minnesota and approved by MDE to provide supplementary online courses.

"**Enrolling district**" means the school district or charter school in which a student is enrolled.

NEW: DIGITAL INSTRUCTION

An enrolling district **may provide digital instruction**, including **blended instruction** and **online instruction**, to its own enrolled students.

- **ENROLLMENT LIMITS:** A licensed online teacher providing **online instruction shall not instruct more than forty (40) students** in any one online learning course or section (unless the commissioner grants a waiver).
- **STANDARDS ALIGNMENT:** Curriculum used for **digital instruction** must be aligned with Minnesota's current academic standards & benchmarks.
- **SPED / 504 ACCESSIBILITY:** **Digital instruction** must be accessible to students under section 504 of the federal Rehabilitation Act and Title II of the federal Americans with Disabilities Act.

- **ENROLLMENT STATUS REPORTING:** Students receiving **online instruction** *full time* must be reported as enrolled in an **online instructional site**.
- **EQUIPMENT:** Schools providing **digital instruction** must help enrolled students (*whose family qualify for the education tax credit*) to acquire computer hardware and educational software so they may participate in digital instruction.
- **ATTENDANCE PROCEDURES:** Enrolling district **must establish and document procedures for attendance** and **keep accurate records** of daily attendance.
- **AGREEMENTS:** Schools may also establish agreements to provide **digital instruction**, including **blended instruction** and **online instruction**, to students enrolled in the cooperating schools.

NEW: REPORTING

Courses that include blended instruction and online instruction **must be reported to MDE**.

NEW: SUPPLEMENTAL ONLINE COURSES

SUPPLEMENTAL ONLINE COURSE PROVIDERS REQUIREMENTS

- Utilize a **current, approved application** by MDE to be listed as an approved provider
- Participate in **continuous improvement** cycles with MDE
- Use the MDE application form
- Notify students of acceptance **within ten (10) days** of application
- Notify enrolling district of course title, credits to be awarded, start date of the course, and share online course syllabus
- Request applicable academic support information for IEP, EL, or 504 plans
- **Track student attendance and monitor academic progress** / communicate with the student and their guardian

SUPPLEMENTAL ONLINE COURSE PROVIDERS

- **May limit enrollment** if school board adopts (by resolution) specific standards for accepting / rejecting applications – ***may not discriminate against protected class or students with disabilities***
- **May request** MDE review an enrolling school’s written decision to not accept a student online course application

SUPPLEMENTARY ONLINE COURSE APPLICATIONS

- Any K-12 student may apply to take a supplemental online course
- Students may apply to take supplemental online courses:
 - from providers that **meet or exceed the academic standards** of a course at their school they are replacing

- for **up to 50% of their scheduled course load**
- no later than **fifteen (15) school days after** their enrolling school's term has begun
- Students taking supplemental courses must have same access to computer hardware and software available to students enrolled in provider school.

ENROLLING DISTRICT RESPONSIBILITIES

- **CANNOT RESTRICT OR PREVENT** a student from applying to take supplemental online courses
- **MUST appoint an online learning liaison** who provides information to students and families about supplemental online courses, provides support information, and monitors attendance / academic progress and communicates with supplemental online learning providers, students, families, and enrolling district staff
- **MUST** continue to provide support services to students taking supplemental online courses
- **MUST** give academic credit for completing supplemental online course requirements and count them towards graduation credit requirements
- **MUST** provide access to extracurricular activities for students enrolled
- **MAY** request course syllabus from provider to review if course meets or exceeds academic standards in the course it would replace

FINANCES

- For students taking supplemental online courses MDE will calculate the ADM at the rate equally 1/12 for each semester course or proportionate amount for courses of different lengths.
- **Supplemental ADM** is generated only if the student **completes** the online learning course.

NEW: ONLINE LEARNING IN PLACEMENTS - (MN Statutes 125A.15, 125A.51)

SPECIAL EDUCATION STUDENTS

A school authorized to provide a state-approved online learning program: Can use their approved online learning program to fulfill their *responsibility for special instruction and services* for:

- a **special education student** temporarily placed in a **day program** for care and treatment *located in another district* (if the child continues to live in the district of residence)

For a special education student *temporarily placed* in a residential program for care and treatment in another district, that non-resident district can fulfill *its* requirement to provide an educational program by using the state-approved online learning program provided by their original enrolling school.

GENERAL EDUCATION STUDENTS

A school authorized to provide a state-approved online learning program: Can use their approved online learning program (or the authorized program from another school district of open enrollment or enrolling charter school) to fulfill their duty to provide instruction for:

- a general education student *temporarily placed* in a day program for care and treatment located in another district (if the child continues to live in the district of residence)

For a general education student *temporarily placed* in a residential program for care and treatment in another district, that non-resident district can fulfill *its* requirement to provide instruction by using the state-approved online learning program provided by their original enrolling school, another school district of open enrollment, or an enrolling charter school.

EFFECTIVE DATE OF ALL ONLINE PROVISIONS – AUGUST 1, 2023