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:
  o 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 of 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.

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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.

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EFFECTIVE DATE OF ALL ONLINE PROVISIONS – AUGUST 1, 2023