

624 ONLINE INSTRUCTION

[NOTE: In 2023, the Minnesota legislature repealed the Online Learning Option Act (Minnesota Statutes, section 124D.095) and replaced it with the Online Instruction Act (Minnesota Statutes, section 124D.094). This policy fully replaces the old Model Policy 624.]

I. PURPOSE

The purpose of this policy is to recognize and govern online instruction options of students enrolled in the charter school for purposes of compulsory attendance and address enrollment of students with an online instruction site for supplemental or full-time online learning.

II. GENERAL STATEMENT OF POLICY

- A. The charter school shall not prohibit an enrolled student from applying to enroll in online instruction.
- B. The charter school shall grant academic credit for completing the requirements of an online instruction course or program.

III. DEFINITIONS

- A. "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 under Paragraph E. below.
- B. "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.
- C. "Enrolling charter school" means the charter school in which a student is enrolled under Minnesota Statutes, chapter 124E.
- D. "Online course syllabus" means a written document that identifies the state academic standards taught and assessed in a supplemental online course under Paragraph I.; course content outline; required course assessments; instructional methods; communication procedures with students, guardians, and the enrolling charter school under Paragraph C. above; and supports available to the student.
- E. "Online instruction" means a form of digital instruction that occurs when a student learns primarily through digital technology away from a supervised physical setting.
- F. "Online instructional site" means a site that offers courses using online instruction under Paragraph E. and may enroll students receiving online instruction under Paragraph E. above.
- G. "Online teacher" means an employee of the enrolling charter school under Paragraph C. above. or the supplemental online course provider under Paragraph J. who holds the appropriate licensure under Minnesota Rules, chapter 8710, and is trained to provide online instruction under Paragraph E. above.
- H. "Student" means a Minnesota resident enrolled in a school defined under Minnesota Statutes, section 120A.22, subdivision 4, in kindergarten through grade 12 up to the age of twenty one (21).
- I. "Supplemental online course" means an online learning course taken in place of a course provided by the student's enrolling charter school under Paragraph C. above.

- J. "Supplemental online course provider" means a school district, an intermediate school district, a state-operated school, an organization of two (2) or more school districts operating under a joint powers agreement, or a charter school located in Minnesota that is authorized by the Minnesota Department of Education (MDE) to provide supplemental online courses under Paragraph I. above.

IV. DIGITAL INSTRUCTION

- A. An enrolling charter school may provide digital instruction, including blended instruction and online instruction, to the charter school's own enrolled students. Enrolling charter schools may establish agreements to provide digital instruction, including blended instruction and online instruction, to students enrolled in the cooperating schools.
- B. When online instruction is provided, an online teacher shall perform all duties of teacher of record under Minnesota Rules, part 8710.0310. Unless the Commissioner of MDE grants a waiver, a teacher providing online instruction shall not instruct more than forty (40) students in any one online learning course or section.
- C. Students receiving online instruction full time shall be reported as enrolled in an online instructional site.
- D. Curriculum used for digital instruction shall be aligned with Minnesota's current academic standards and benchmarks.
- E. Digital instruction shall be accessible to students under section 504 of the federal Rehabilitation Act and Title II of the federal Americans with Disabilities Act.
- F. An enrolling charter school providing digital instruction and a supplemental online course provider shall assist an enrolled student whose family qualifies for the education tax credit under Minnesota Statutes, section 290.0674 to acquire computer hardware and educational software so they may participate in digital instruction. Funds provided to a family to support digital instruction or supplemental online courses may only be used for qualifying expenses as determined by the provider. Nonconsumable materials purchased with public education funds remain the property of the provider. Records for any funds provided must be available for review by the public or MDE.
- G. An enrolling charter school providing digital instruction shall establish and document procedures for determining attendance for membership and keep accurate records of daily attendance under Minnesota Statutes, section 120A.22.

V. SUPPLEMENTAL ONLINE COURSES

- A. Notwithstanding Minnesota Statutes, sections 124D.03 and 124D.08 and Minnesota Statutes, chapter 124E, procedures for applying to take supplemental online courses other than those offered by the student's enrolling charter school are as provided in this subdivision.
- B. Any kindergarten through grade 12 student may apply to take a supplemental online course. The student, or the student's parent or guardian for a student under age seventeen (17), must submit an application for the proposed supplemental online course or courses. A student may:
1. apply to take an online course from a supplemental online course provider that meets or exceeds the academic standards of the course in the enrolling charter school they are replacing;
 2. apply to take supplemental online courses for up to fifty (50) percent of the student's scheduled course load;
 3. apply to take supplemental online courses no later than fifteen (15) school days after the student's enrolling charter school's term has begun. An enrolling charter school may waive the fifty (50) percent course enrollment limit or the 15-day time limit; and

4. enroll in additional courses with the online learning provider under a separate agreement that includes terms for paying any tuition or course fees.
- C. A student taking a supplemental online course must have the same access to the computer hardware and education software available in a school as all other students in the enrolling charter school.
- D. A supplemental online course provider must have a current, approved application to be listed by MDE as an approved provider. The supplemental online course provider must:
1. use an application form specified by MDE;
 2. notify the student, the student's guardian if they are age seventeen (17) or younger, and enrolling charter school of the accepted application to take a supplemental online course within ten (10) days of receiving a completed application;
 3. notify the enrolling charter school of the course title, credits to be awarded, and the start date of the online course. A supplemental online course provider must make the online course syllabus available to the enrolling charter school;
 4. request applicable academic support information for the student, including a copy of the IEP, EL support plan, or 504 plan; and
 5. track student attendance and monitor academic progress and communicate with the student, the student's guardian if they are age seventeen (17) or younger, and the enrolling charter school's designated online learning liaison.
- E. A supplemental online course provider may limit enrollment if the provider's school board or board of directors adopts by resolution specific standards for accepting and rejecting students' applications. The provisions may not discriminate against any protected class or students with disabilities.
- F. A supplemental online course provider may request that MDE review an enrolling charter school's written decision to not accept a student's supplemental online course application. The student may participate in the supplemental online course while the application is under review. Decisions shall be final and binding for both the enrolling charter school and the supplemental online course provider.
- G. A supplemental online course provider must participate in continuous improvement cycles with MDE.

VI. ENROLLING CHARTER SCHOOL

- A. An enrolling charter school may not restrict or prevent a student from applying to take supplemental online courses.
- B. An enrolling charter school may request an online course syllabus to review whether the academic standards in the online course meet or exceed the academic standards in the course it would replace at the enrolling charter school.
- C. Within fifteen (15) days after receiving notice of a student applying to take a supplemental online course, the enrolling charter school must notify the supplemental online course provider whether the student, the student's guardian, and the enrolling charter school agree that academic standards in the online course meet or exceed the academic standards in the course it would replace at the enrolling charter school.

If the enrolling charter school does not agree that the academic standards in the online course meet or exceed the academic standards in the course it would replace at the enrolling charter school, then:

1. the enrolling charter school must provide a written explanation of the charter

- school's decision to the student, the student's guardian, and the supplemental online course provider; and
2. the online provider must provide a response to the enrolling charter school explaining how the course or program meets the graduation requirements of the enrolling charter school.
- D. An enrolling charter school may reduce the course schedule of a student taking supplemental online courses in proportion to the number of supplemental online learning courses the student takes.
- E. An enrolling charter school must appoint an online learning liaison who:
1. provides information to students and families about supplemental online courses;
 2. provides academic support information including IEPs, EL support plans, and 504 plans to supplemental online providers; and
 3. monitors attendance and academic progress, and communicates with supplemental online learning providers, students, families, and enrolling charter school staff.
- F. An enrolling charter school must continue to provide support services to students taking supplemental online courses as they would for any other enrolled student including support for English learners, case management of an individualized education program, and meal and nutrition services for eligible students.
- G. An online learning student must receive academic credit for completing the requirements of a supplemental online learning course. If a student completes an online learning course that meets or exceeds a graduation standard or the grade progression requirement at the enrolling charter school, that standard or requirement is met.
- H. Secondary credits granted to a supplemental online learning student count toward the graduation and credit requirements of the enrolling charter school. The enrolling charter school must apply the same graduation requirements to all students, including students taking supplemental online courses.
- I. An enrolling charter school must provide access to extracurricular activities for students taking supplemental online courses on the same basis as any other enrolled student.

VII. REPORTING

Courses that include blended instruction and online instruction must be reported in the manner determined by the Commissioner of MDE.

Legal References: Minn. Stat. § 120A.22 (Compulsory Instruction)
Minn. Stat. § 120A.24 (Reporting)
Minn. Stat. § 124D.03 (Enrollment Options Act)
Minn. Stat. § 124D.094 (Online Instruction Act)
Minn. Stat. Ch. 124E (Charter Schools)
Minn. Rules Ch. 8710 (Teacher and Other School Professional Licensing)

Cross References: MSBA/MASA Model Policy 613 (Graduation Requirements)
MSBA/MASA Model Policy 620 (Credit for Learning)