



HB 1105 GUIDANCE: VIRTUAL INSTRUCTION

During the 2025 legislative session, the North Dakota Legislature passed **HB 1105**, which amended N.D.C.C. § 15.1-07-25.4 to clarify the authority of school boards to develop policies governing virtual instruction. In response, NDSBA has updated two existing policy templates—**ABAD (Virtual School)** and **GACA (Virtual Instruction)**¹—to help districts align their local policies with the new law.

Policy ABAD (Virtual School) is a required policy for districts that operate a formally approved virtual school, as defined in North Dakota law. The revised policy clarifies that students may enroll in virtual schools through open enrollment and includes optional language allowing districts to:

- Require virtual instruction registration to align with existing course registration deadlines;
- Establish prerequisites for enrollment in virtual coursework to ensure student readiness.

Additional revisions reinforce expectations related to student progress, assessments, attendance, extracurricular eligibility, and equitable access. The policy also references the authority of the IEP or 504 team for students with disabilities. Districts operating a virtual school should adopt this policy to remain compliant with both statutory and regulatory requirements under NDCC § 15.1-07-25.4 and NDAC § 67-30-02. Districts that do not operate a virtual school are not required to adopt the policy.

Policy GACA (Virtual Instruction) is a recommended policy for districts that choose to offer semester- or year-long virtual instruction using their own teachers or an external provider (e.g., the North Dakota Center for Distance Education (NDCDE)), without formally operating a virtual school. While not mandatory, adoption of this policy is encouraged for districts providing such options. This policy was formerly entitled “Correspondence Courses” but has been completely reworked to

¹ Policy GACA was formerly entitled “Correspondence Courses”.





reflect the current realities and legal requirements of virtual instruction in public education. The scope and structure of the policy have been modernized to align with HB 1105 and current practices, which also necessitated a change in title.

The updated GACA policy outlines:

- Virtual instruction options and eligibility criteria.
- Optional restrictions and limitations allowed under HB 1105, including prerequisites and onsite course minimums.
- Requirements for registration timelines.
- District obligations, including payment of fees for required virtual instruction when the district does not offer the course and it contributes to a student's on-time graduation.

Importantly, school districts should be aware that HB 1105 did not eliminate existing obligations under N.D.C.C. § 15-19-01(3), which continues to require a student's district of residence to pay for virtual instruction through NDCDE when a student chooses to enroll. HB 1105 adds a separate requirement that, if a school district does not offer a particular course and that course is needed for a student to graduate on time, then the district must pay for the virtual instruction—but this is not the only circumstance under which payment may be required.

Some districts may be under the impression that HB 1105 resolved the long-standing concern around mandatory payment for CDE courses; however, the statutory obligation under § 15-19-01(3) remains unchanged. As such, unless legislative changes are made to reconcile these provisions, districts continue to be responsible for certain virtual course costs even beyond what HB 1105 addresses.

HB 1105 does, however, provide helpful tools to manage and limit virtual instruction, including the ability to require students to take a minimum number of courses onsite (whether in person or virtually), and to establish registration deadlines and prerequisite requirements. These options may help mitigate some of the financial and instructional concerns school districts have expressed.





In drafting these updates, NDSBA consulted with the North Dakota Department of Public Instruction and reviewed its [DPI Guidance for Virtual Education](#). That guidance outlines three scenarios under which virtual learning policies are necessary or optional:

1. A required policy (ABAC) when virtual instruction is offered due to weather or other short-term events;
2. A required policy (ABAD) when a district operates a formal virtual school; and
3. An optional policy (GACA) when a district offers virtual instruction without establishing a virtual school.

Policy Services members are encouraged to review these updates carefully and revise or adopt the appropriate policy or policies based on the virtual learning opportunities offered in their district. If you have any questions regarding HB 1105, the Department’s guidance, or the policy updates to ABAD and GACA, please contact the NDSBA Policy Services team.

