

## What districts need to know: Providing instruction to students not physically in a school building

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This guidance document was created to support districts that are considering ways to provide distance learning for a selected group of students who will not physically be in the building and outline steps to meet state laws, rules, and policies.

Distance learning, as defined by [SDCL 13-33-20](#), is the technology and educational process used to provide instruction when the student and primary instructor are not physically present at the same time or place. The department has used the terms “distance learning” and “flex learning” interchangeably.

Districts will need to ensure all students complete the state summative assessments in a secure environment and follow all summative assessment administration policies. Questions regarding assessment? Email [DOEAassessment@state.sd.us](mailto:DOEAassessment@state.sd.us)

If a special education student is receiving distance learning instruction, services and supports outlined in the student’s IEP must be provided. Questions about special education? Contact your district’s [Special Education Region Rep.](#)

Districts must also provide services and support to English learners receiving distance learning instruction as well as screen any student who may potentially be an English learner. Questions regarding English Learners? Email [Yutzil.Becker@state.sd.us](mailto:Yutzil.Becker@state.sd.us).

Additionally, a district must meet requirements based on the continuum of learning option the district is considering using to support students who are not in the school building. The state has outlined four options through which a district may support students not physically in a school building.

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### *Option #1: South Dakota Virtual School*

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[South Dakota Virtual School](#) (SDVS) offers a variety of online courses. SDVS has coursework available for all grade levels and content areas for all required courses.

**Teacher Certification Requirements:** SDVS Provider ensures all courses are taught by teachers certified in the content area in which they are providing instruction.

**Curriculum Alignment Requirements:** All courses are aligned to the state's content standards.

**Reporting Requirements:** Districts must register students through their home school district using the SDVS registration system. New SDVS district users will need to sign a [School Agreement form](#).

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### *Option #2: Short-term distance learning using district curriculum*

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A district may choose to provide distance learning to students for a short period of time (i.e. 14 days) on an as needed basis using the district curriculum. To provide curriculum, instruction, and assessment of student work, districts may use a variety of means, including a Learning Management System (LMS), a web-based platform, or even paper packets.

**Teacher Certification Requirements:** The district must ensure a teacher certified in the content area(s) in which instruction is provided is responding to student questions, providing feedback, assessing learning, reporting outcomes to the administrator and parents, etc. If a certified teacher is providing instruction in a content area in which they are not certified [non-authorized], then the individual will need to be placed on a plan of intent.

**Curriculum Alignment Requirements:** If the curriculum is adapted for distance learning, then the district must ensure the curriculum meets all state standards and is aligned to the depth and intention of each standard.

**Reporting Requirements:** No additional reporting requirements in the Personnel Record Form (PRF) system.

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### *Option #3: Long-term distance learning using district curriculum*

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The only difference between this and the previous option is the amount of time: “Long-term” is defined as at least a quarter or semester.

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### *Option #4: Purchased online curriculum*

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A district may use a purchased online curriculum if the district completes the following requirements:

**Teacher Certification Requirements:** Ensure a teacher certified in the content area(s) in which instruction is being provided is responding to student questions, providing feedback, assessing learning, reporting outcomes to the administrator and parents, etc.

**Curriculum Alignment Requirements:** Some online curriculum vendors provide districts options to customize the curriculum/course. It is important that the district reviews the curriculum closely for alignment to all state content standards, including meeting the standards’ depth and intention.

For state accreditation, document the process that the district completed to review the purchased online curriculum.

**Reporting Requirements:** Report on the Personnel Record Form (PRF) system that the assignment for instructor(s) is offered to students using a purchased online curriculum. See the screenshot below. For questions regarding when to check the 'use digital curriculum' box in the PRF system, email [Becky.nelson@state.sd.us](mailto:Becky.nelson@state.sd.us) or [StephanieA.hansen@state.sd.us](mailto:StephanieA.hansen@state.sd.us).

Assignment Information

Check all appropriate boxes:

<input type="checkbox"/>	Employed and Paid by this district for instruction related to Title and/or Special Education Federal Programs provided to nonpublic school students. Not to include Shared Staff.
<input type="checkbox"/>	PDC TEACHER THROUGH THE USD PROGRAM
<input type="checkbox"/>	This assignment is offered to the student via DIGITAL CURRICULUM (not including SD Virtual School)
<input type="checkbox"/>	The teacher is providing the assignment through ELECTRONIC DISTANCE INSTRUCTION.

Not Qualified

## Questions & Answers

**Q: Why must the teacher of a purchased online curriculum be certified in the content area in which they are providing instruction?**

**A:** [Administrative Rule of South Dakota 24:43:10:01](#) requires instructional staff to be assigned to positions for which they are prepared as indicated on their certificate.

**Q: Does the district need to review and align a purchased online curriculum that is already used by one of the SDVS providers?**

**A:** Yes. Some online providers allow districts to customize the curriculum/coursework. The SDVS Providers may have chosen different curriculum units than your district is planning to use. Therefore, it is still important for each district to demonstrate alignment to state standards.

**Q: If a certified teacher from the district is only monitoring progress (communication between teacher and student is limited; less than weekly) of a student working through a purchased online curriculum from an online provider, can the district grant credit?**

**A:** No, [South Dakota Codified Law 13-33-29](#) prohibits schools from granting credit for distance learning unless the course is completed through the South Dakota Virtual School.

**Q: Does SDCL 13-33-29 apply to elementary and middle school?**

**A:** Yes. In addition to transcribed credit given to high school students, credit can mean credit for the completion of the work.

**Q: What do I do if a teacher is not certified in the content area in which they are providing instruction?**

**A:** In the Personnel Record Form (PRF) system, report the teacher's assignment/course(s) and place the teacher on a plan of intent for each content area in which they are not certified.

**Q: At the middle or high school level, can one certified teacher oversee instruction of all courses (English, math, science, social studies, etc.)?**

**A:** The answer to this question depends on the individual's certification.

Yes, if the teacher is certified in all content areas in which they are providing instruction.

OR

Yes, but the teacher will need to be placed on a plan of intent for all the assignments/courses in which they are not certified..

**Q: Can a district open enroll a student from another district and provide distance learning to the student?**

**A:** Yes, all open enrollment laws and rules must be followed. You can find information about open enrollment laws and rules on the [South Dakota Department of Education's open enrollment webpage](#).

**Q: Can a teacher from another district provide instruction to students in my district?**

**A:** Yes, [South Dakota Codified Law 13-33-29](#) provides this exception.

**Q: Do all four distance learning options mentioned in this document meet the state's instructional hours requirement?**

**A:** Yes. As mentioned in the Starting Well guidance, when calculating instructional hours, flex learning days count the same as a day of instruction and should be recorded as such in Infinite Campus.

**Q: Is the district required to take attendance for receiving distance learning?**

**A:** Yes. Attendance is a requirement whether a student is involved in face-to-face learning, distance learning, or some combination thereof. Attendance policy is a local decision. DOE recommends that schools communicate with parents – clearly and early on – about how attendance will be determined. Schools should continue to record daily attendance, with the expectation that instruction is occurring and students are engaged (no matter their physical location). If a student is unable to continue learning due to illness, schools would treat the situation as they would any other illness and in accordance with local attendance policy.