



Virtual Schools

2020-21 Virtual School FAQs for School Districts

1. What is a virtual school?

A “virtual school” is defined in Tennessee law as “a public school in which the school uses technology in order to deliver a significant portion of instruction to its students via the internet in a virtual or remote setting.” [T.C.A. §49-16-203\(2\)](#).

2. What state laws or rules govern virtual schools?

The creation and operation of virtual schools must comply with the Virtual Public Schools Act ([T.C.A. §49-16-201](#) through 216) and State Board of Education Public Virtual Schools Rule ([0520-01-03-.05](#)).

3. Is a virtual program the same as a virtual school?

No. A “virtual program” or a “virtual education program” means a course or series of courses offered by a public school district or public charter school via online instruction. These programs may be used to expand and enhance curricular offerings and to remediate students but may not constitute a significant portion of the instruction provided to students. A virtual program must be operated in compliance with State law ([T.C.A. § 49-16-101](#) through 105) and any State Board of Education Rule or Policy promulgated for virtual programs.

If a school district would like to supplement its course offerings for students who attend school in person with online courses, the appropriate vehicle is a virtual program. If a district would like to offer its students and families a fully virtual option for instruction, the district must do so via a virtual school.

4. What entity is responsible for overseeing a virtual school?

A virtual school is created, operated and overseen by its school district. The school district must evaluate a virtual school annually and publicly report the results of the evaluation.

5. What accountability metrics apply to virtual schools?

When a virtual school is authorized (see [How to Open a New Public Virtual School](#)), it is assigned its own school number. The virtual school is subject to the same accountability metrics as traditional in-person schools with unique school numbers.

6. What must a virtual school provide to its students and families?

A virtual school must provide to families with enrolled students instructional materials and access to necessary technology. Necessary technology would include a computer, a printer and an internet connection used for school work. As an alternative to connectivity, the virtual school may provide access through a physical computer lab that is available to the student through regularly scheduled times.

7. May teachers providing instruction at a school district's in-person schools also provide instruction for its virtual school?

Yes, but instruction must be provided in a way that virtual students have the same opportunity to meaningfully interact with the teacher as students attending class in-person.

8. *Added 5/5/21:* Can a student enrolled in a virtual school participate in the sports, extra-curriculars (band, choir, etc.) CTE, and/or proms of the student's zoned school?

This is a local decision, as it is not addressed in the law. With respect to the participation of virtual school students on sports teams of their zoned schools, the district must comply with TSSAA requirements. Therefore, it is recommended that a district consult with its Board attorney on this matter. Whatever policy the district adopts should be applied consistently to all students.

9. *Added 5/5/21:* Is a part-time virtual school student enrolled in the student's zoned school or the virtual school?

A part-time virtual student is a student who takes some courses through the virtual school (T.C.A. §49-16-211(a)). A part-time virtual student would be enrolled in the school where the majority of the instruction takes place.

10. *Added 5/5/21:* What physical education (PE) requirements are in place for virtual learners at the elementary and middle school levels? Does PE have to be taught by a certified teacher?

The same physical education requirements for students who attend schools in-person apply to virtual school students, including the requirement that PE be taught by a certified teacher. In the 2021-22 school year, however, the Commissioner may issue an endorsement exemption or temporary permit to allow an instructor to

teach any course or subject area (except for special education) if the director certifies that the district is unable to secure a qualified teacher for the subject area.

11. *Added 5/5/21:* If a virtual school student attends any instruction or activities in person, can the district require parents to provide transportation?

Yes. Districts are not required to provide transportation unless a student's IEP requires that transportation be provided.

12. *Added 5/5/21:* Must sequential curriculum for a virtual school be provided from the same vendor?

No. Different resources may be used as long as the curriculum is on the state-approved list, or the district has received a waiver for the curriculum.

Rules regarding the process for requesting textbook/instructional materials waivers are listed under 0520-01-18 linked here: [Textbook and Instructional Materials Waivers](#). The application is available on the State Board's website and is linked here: [Textbook and Instructional Materials Waiver Application](#). Please note that waiver requests will only be approved at State Board meetings, which take place quarterly. Place your request as soon as you become aware a waiver is needed to ensure timely response.

13. *Added 5/20/21:* Can a charter school accommodate a student who wishes to remain virtual for the 2021-22 school year?

Just as a charter school has the ability to contract for special education services to serve students with disabilities, in order to accommodate parent choice in response to COVID-19 related concerns, a charter school may contract with an LEA operating a virtual school to provide virtual school services to its charter school students during the 2021-22 school year (T.C.A. § 49-13-124). A charter school should consult with its authorizer and its attorney to ensure that any contract for services is in compliance with its charter agreement, and with applicable law prohibiting any cyber-based charter school (T.C.A. § 49-13-106).

14. *Added 5/20/21:* Can a district enroll students from outside the district in its virtual school?

Yes, in compliance with the district's out-of-district enrollment policy. If a district is applying to open a virtual school, the district should indicate in Section A of the [Program and School Authorization Form](#) the estimated number of students who will enroll from both within the district and from outside the district. If a district is currently operating a virtual school for in-district students only, the district should resubmit the [Program and School Authorization Form](#), completing pages 1-2 and Section A. In Section A, the district should indicate the estimated number of students who will enroll from both within the district and from outside the district, and in the comment box, indicate that the submission is an amendment to the previously approved application to

permit the enrollment of out-of-district students.

15. *Added 5/20/21:* What licensure requirements apply to teachers of virtual school classes?

Teachers of virtual school classes are required to meet the same licensure requirements provided in state law and State Board of Education rules and policies as are teachers of classes at traditional in-person schools. These requirements apply regardless of the courses that are taught. A virtual school class may be taught by a vendor-provided teacher, as long as that teacher is properly licensed in the State of Tennessee and endorsed in the content area, subject to permits, waivers and exceptions detailed in the State Board rule and policy.

16. *Added 5/20/21:* Can a virtual school student elect to transfer back to the student's home or zoned school?

Transfers of virtual school students are governed by the district's transfer policy. For accountability purposes, the student will be deemed to have been enrolled at the school (virtual/home/zoned) where the student received instruction for the majority of the school year.

17. *Added 5/20/21:* Can a district require that a virtual school student transfer back to the student's home or zoned school?

The district can set the criteria for enrollment in its virtual school and for transfers from the virtual school. This criteria should be set forth in a clear written policy that is uniformly applied and complies with applicable laws, such as IDEA.

Since it is disruptive to transfer mid-semester, it is recommended that transfers back to in-person school take place at the end of a semester or at the end of the school year.

TDOE Contact Information:

For more information, please contact Virtual.Schools@tn.gov.