

Virtual Schools

FAQs for School Districts



Updated March 2022

General Questions

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\(2\)](#). For full-time virtual learning, a student must be enrolled in a virtual school.

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. Often referred to as “part-time virtual learning”, a virtual program entails a student taking one or two classes virtually, while the remainder of the student’s courses are in-person. 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 schoolwork. 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 that holds an endorsement in physical education. 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. *Updated 12/15/21:* Can a district require that a virtual school student transfer back to the student's home or zoned school?

The district can set criteria for continued 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.

18. *Added 12/15/21:* Can an LEA or school charge a fee for a student enrolled within the LEA to take an online course?

No. Pursuant to State Board of Education Rule [0520-01-02-.16\(1\)\(a\)](#), "No fees or tuition shall be required of any student as a condition of attending a public school or using its equipment while receiving educational

training.” If a student needs a school-issued laptop to participate in a required class, a school or LEA may not require a usage fee or insurance fee for the device or require a technology fee for the use of software. However, under State Board Rule [0520-01-02-.16\(2\)\(a\)\(1\)](#), a school district may impose reasonable charges for devices that are lost or damaged. See also Question No. 16 in this [Guidance on Public School Fees](#).

19. *Added 12/15/21:* Must virtual schools provide enrolled students access to a brick-and-mortar library and a librarian?

Yes, pursuant to State Board of Education Rule [0520-01-02-.07](#), all schools, including virtual schools, must provide access to a school library information center and a library information specialist. The virtual school could partner with a brick-and-mortar school within the LEA to offer access to its students. However, this will not satisfy the requirements for providing access to virtual school students who reside outside the LEA’s residency zone. An LEA may apply for a waiver of the library requirements for non-resident virtual school students pursuant to State Board of Education Rule [0520-01-02-.12](#).

Pursuant to State Board of Education Rule [0520-01-02-.07\(1\)\(b\)](#), “school libraries shall provide an environment that allows efficient access to resources, including both **print and electronic**.” Therefore, providing access solely to an all-digital library information center does not satisfy the rule.

20. *Added 12/15/21:* May virtual schools use curriculum, textbooks, and/or instructional materials that are not listed on the approved textbook and instructional materials list as the primary curriculum for a virtual school or a virtual course?

No, not without an approved waiver for this purpose. For curriculum to be used for core subjects at a virtual school, it must both align to Tennessee State Educational Standards AND its textbooks and materials must be on the approved list. Pursuant to [Tenn. Code Ann. § 49-6-2206](#), “An LEA shall not use or permit to be used in any school any textbooks and instructional materials upon any subject to the exclusion of the textbooks and instructional materials listed by the commission and approved by the state board of education.” The approved list can be found here: [Textbook Reviews \(tn.gov\)](#)

Pursuant to [Tenn. Code Ann. § 49-6-2201](#), schools may use curriculum that is not on the approved list of textbooks and instructional materials as a supplement to a primary curriculum.

The process for requesting textbook/instructional materials waivers is outlined under State Board Rule [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 reviewed at State Board meetings, which take place quarterly. Therefore, it is recommended that the request be submitted as soon as it is determined that a waiver is needed.

21. *Added 12/15/21:* Are teachers within the virtual school required to monitor the physical safety and wellbeing of their students?

Yes, pursuant to State Board of Education Rule [0520-01-03-.05\(1\)\(b\)\(8\)\(iii\)](#), teachers of record are required to monitor the physical safety and well-being of students. It is of the utmost importance that administrators and teachers understand the procedures for reporting child endangerment and/or abuse pursuant to [Tenn. Code Ann. § 49-6-1601](#). General information and frequently asked questions about reporting endangerment and abuse can be found here: [Reporting Abuse FAQ & Training \(tn.gov\)](#). It is best to coordinate with the school-level child abuse coordinator to ensure that the proper procedures are followed.

Regardless of the mode of instruction, it is the responsibility of the teacher of record to monitor the physical safety and wellbeing of the teacher's students. In a virtual setting, this can be accomplished in several ways including, but not limited to:

- Identifying and reporting schoolwork or web browsing history that may indicate self-harm, endangerment, or abuse.
- Being attentive to the student's environment during video meetings or calls and reporting any dangerous, abusive, or neglectful circumstances.
- Intentional communication to address well-being when students fail to submit multiple assignments or miss multiple days of instruction.
- Coordinating with the school administration, counselor, or other appropriate party when a student's work habits, attitude, or grades noticeably deteriorate.
- Immediately communicating any student-reported neglect, endangerment, abuse, etc. to the school administration, counselor, or other appropriate party.

TDOE Contact Information:

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