This frequently asked questions (FAQ) document aims to assist school committees, superintendents, and districts considering operating a virtual school that only enrolls students who live in the school district operating the school. This type of virtual school, a Single District Virtual School (SDVS),[[1]](#footnote-2) is separate and distinct from Commonwealth of Massachusetts Virtual Schools (CMVS) that have been granted a certificate and operate under G.L. c. 71, § 94, and 603 CMR 52.00. While virtual schools operated by and for a single district do not follow the same process as CMVS, there are certain requirements that do apply and must be followed. This FAQ provides answers to commonly asked questions from school districts intending to develop and operate a SDVS that only enrolls students from that school district under G.L. c. 71, § 94(s).[[2]](#footnote-3)

Please review the Guidance on Virtual Schools for a Single District found at <https://www.doe.mass.edu/cmvs/guidance/district-virtual-schools.docx>. If you have further questions, please contact [virtualschools@mass.gov](mailto:virtualschools@mass.gov).

## General

1. **What is a SDVS?**

A SDVS is a locally created and controlled school, operated by a single district and overseen by the local school committee. A School Committee has final approval over whether and under what terms a SDVS operates provided those terms comply with state and federal law. SDVS are subject to the [Massachusetts School and District Accountability System](http://www.doe.mass.edu/accountability/).

1. **Does a district need Department approval to open a SDVS for students who reside in their**

**district? Does a district have to apply for a certificate to open a SDVS?**

Districts do not have to apply for a certificate or receive approval to open and operate a SDVS. School districts that wish to open a SDVS, however, must submit a summary description of the proposed virtual school to Commissioner of Elementary and Secondary Education (Commissioner) for review and comment. As required by G.L. c. 71, § 94 (s), the district must submit the summary description at least four (4) months before the opening of the proposed SDVS. For SDVS that will open with the start of the 2021-2022 school year, the summary description is due to the Department ([virtualschools@mass.gov](mailto:virtualschools@mass.gov)) by May 6, 2021.

1. **What are other options for establishing a virtual school in Massachusetts?**

Under G.L. c. 71, § 94, eligible applicants may apply to establish a CMVS. The Board of

Elementary and Secondary Education (BESE) issues certificates to establish CMVS. Eligible

applicants include: a school district, two or more school districts, an education collaborative, an

institution of higher education, a non-profit entity, two or more licensed teachers, or parents. A

schedule and materials for the Commonwealth of Massachusetts Virtual School (CMVS)

Application and process for 2021-2022 may be found at <https://www.doe.mass.edu/cmvs/>.

While the deadline for establishing a CMVS for the 2021-22 school year has passed, applicants

wishing to apply for a certificate to operate a CMVS for the 2022-23 school year must submit a

letter of intent by July 1, 2021.

## Enrollment

1. **What students can enroll in a SDVS?**

A SDVS is only permitted to enroll students who actually live in the school district.

1. **How many students may enroll in a SDVS?**

A school committee may decide the grade levels and capacity of a SDVS. In doing so, a district should determine actual, documented demand for virtual learning from families and students who actually live in the district. The district should propose the grade span and enrollment levels that reflects actual, documented demand for virtual learning in the summary description submitted to the Department.

1. **Is a SDVS a full-time school?**

Yes, a SDVS enrolls students full-time in a virtual program that meets the requirements of the regulations for structured learning time. SDVS must have attendance policies just like other schools.

## Financial

1. **Are there any** **implications under Chapter 70 for students attending a SDVS?**

No, Chapter 70 does not contemplate a separate rate for students attending a SDVS. All students enrolled in a SDVS are counted as they would be if they attended a school in the district in person.

1. **In a school choice district, may school choice students attend a SDVS?**

No, G.L. c. 71, § 94(s), explicitly limits attendance in a SDVS to students who actually reside in the district. Students who attend school in the district through school choice under G.L. c. 76, §12B, are not eligible to attend.

## Academic Programming

1. **Must we use a commercial product for curriculum or instruction? Must we use a particular curriculum or instructional method?**

No. A district may determine the best way to provide curriculum and instruction. Districts may use public or private vendors or make create the curriculum and provide instruction using their own employees. It is important to note that a district must ensure that the curriculum used at a SDVS aligns with the [Massachusetts Curriculum Frameworks](http://www.doe.mass.edu/frameworks/) and that educators are licensed in Massachusetts. A SDVS may choose from available curricula already aligned with the frameworks or develop curricula aligned with these standards.

1. **Can a SDVS provide some in-person instruction?**

A SDVS is a school in which teachers primarily teach from a remote location using the internet or other computer-based methods and whose students are not required to be located at the physical premises of the school. Virtual schools, however, may provide supplemental programming that is located in physical buildings. Some virtual schools have in-person learning labs or support centers for students.

1. **What grade levels may a SDVS offer?**

A SDVS may offer any combination of grades K-12 as determined by its school committee.

1. **Must SDVS meet the requirements for student learning time (SLT)?**

Yes, a SDVS must meet [SLT requirements](https://www.doe.mass.edu/lawsregs/603cmr27.html) established by regulation or seek a waiver. See the [student learning time waiver process website](http://www.doe.mass.edu/redesign/SLTwaiver.html) for additional information including, but not limited to, the application and timelines.

1. **Does a SDVS need to meet physical education requirements?**

Yes.

1. **Do educators need to be licensed?**

Yes, all educators in an SDVS must be licensed in Massachusetts in the areas in which they teach or are employed pursuant to state law. All educators must be evaluated consistent with [regulations](http://www.doe.mass.edu/lawsregs/603cmr35.html) promulgated by BESE and [guidance](http://www.doe.mass.edu/edeval/) developed by DESE. In addition to licensed teachers, a SDVS must have a Massachusetts-licensed [school nurse](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section53) (RN), a special education administrator, an attendance officer, and, if the school serves English learners, a teacher licensed for English Language Learner (ELL)/English as a Second Language (ESL).

1. **Do students enrolled in a SDVS have to take the MCAS?**

Yes, all students educated with Massachusetts public funds, including all students enrolled in a SDVS, are required to participate in state assessments. The award of a high school diploma includes the requirement that students earn a [Competency Determination (CD)](http://www.doe.mass.edu/lawsregs/603cmr30.html?section=03) in English language arts, mathematics, and science technology/engineering. Additionally, ELL students must be assessed annually for proficiency in English using [ACCESS](https://www.doe.mass.edu/mcas/access/).

## Special Education

1. **Must districts continue to provide special education and related services to students with Individualized Education Plans (IEPs) for students attending a SDVS?**

Yes, districts must continue to provide a free and appropriate public education (FAPE) to students with IEPs when those students are enrolled in a SDVS. Students with IEPs must receive all services documented in their IEPs even if some services are delivered virtually.

Please see [**https://www.doe.mass.edu/covid19/sped.html**](https://www.doe.mass.edu/covid19/sped.html)for additional guidance related to remote delivery of special education services.

## Access and Equity

1. **If a student who is attending a SDVS becomes homeless, may the student continue to attend the SDVS?**

Yes. Students who are attending a SDVS and become homeless would have a right to continue attending the SDVS as their school of origin. Under the federal McKinney- Vento Act, students who become homeless have a right either to remain in their “school of origin” or to attend school where they are temporarily residing. Homeless students who choose to remain in their school of origin have the right to remain there until the end of the school year in which they get permanent housing and have additional rights to transportation. Detailed information regarding the education rights of homeless students can be found at <https://www.doe.mass.edu/sfs/mv/>.

1. **May students placed in foster care by the Department of Children and Families seek admission to a SDVS?**

Yes, provided they actually reside in the district in which the SDVS is located. Detailed information regarding the education of students in foster care can be found at [http://www.doe.mass.edu/sfs/foster/.](http://www.doe.mass.edu/sfs/foster/)

1. **May a district establish enrollment preferences for admission into a SDVS?**

Yes. The district must indicate in its proposal if a proposed SDVS plans to offer admission

preferences. Such preferences may include, but not be limited to, students:

* with medical needs requiring a home or hospital setting;
* who have been expelled;
* who are pregnant or have a child;
* with physical or other needs that make it difficult for them to attend school in person;
* who are gifted and talented;
* who are over-age for their grade;
* who have or are at risk of dropping out;
* with social and emotional needs that make it difficult for them to attend school in person; or
* who feel bullied or cannot attend school in person because the student’s safety is at risk.

If approved, a SDVS must develop deliberate, specific steps to attract, to enroll, and to retain target populations.

1. **May a SDVS have an application process for admission and enrollment?**

Yes, a district may establish an application process for enrollment in a SDVS. Those processes,

however, must provide equitable access and not be used to discriminate illegally.[[3]](#footnote-4)

1. **Are districts required to provide all learning materials for virtual learning including computers and internet connectivity?**

Districts must provide access to all necessary technology and materials for students enrolled in a SDVS. This includes, but is not limited to, written materials, lab materials, hardware, software, and connectivity. Districts must provide access to necessary technology and materials irrespective of family income or need.

## Proposal Process

1. **What is the deadline for submission of proposals for SDVS to the Department?**

Under G.L. c. 71, § 94 (s), the Department must receive a proposal to establish a SDVS at least 4 months in advance of opening. For the start of 2021-22 school year, that deadline is May 6, 2021.

1. **What are the steps for the creation of a SDVS?**

The following steps are presented in chronological order.

* **By May 6, 2021: Districts Submit a Summary Description of Proposed School and an Information Sheet.** Districts submit two documents to the Department by May 6, 2021 in order to operate a SDVS for the 2021-2022 school year. These documents include a Summary Description of the proposed school and an Information Sheet. The Summary Description must include details of how the school will implement Key Components of a Virtual School, found in Appendix B of the guidance.
* **By June 4, 2021: Provision of Department Feedback to School Committee.** The Department and Commissioner will review the Summary Description. The Department will return the Summary Description with comments to the school committee by June 4, 2021. The district makes revisions as needed.
* **Local School Committee Vote**. The local school committee will vote whether to approve the SDVS plan and to operate a SDVS.
* **By July 6, 2021: Final Proposal Submission to Department.** School districts will submit the final plan for a SDVS, a signed Statement of Assurances (found in Appendix C of the guidance), and evidence of the school committee’s vote to approve the SDVS taken during a meeting held in compliance with the Open Meeting Law under G.L. c. 30A.

1. **How does a district demonstrate demand from families?**

Districts may conduct surveys of families to determine if families/students are interested in attending a SDVS for the next school year. Documentation of those survey results may be used to demonstrate demand.

1. **May we take a planning year? Must we implement in FY22?**

Districts are not required to operate a SDVS and may take as much time as required to plan for a successful SDVS. Starting a school is a large undertaking, and creating a thorough planning process that includes all stakeholders is wise. Districts that decide they want to operate a SDVS must submit a summary description of the proposed virtual school to the Commissioner for review and comment at least four (4) months before the opening of the proposed SDVS.

1. As established under G.L. c. 71, § 94, there are three types of public virtual schools permitted in Massachusetts.

   * **Virtual school operated by a single school district that enrolls only students who live in that district.** Such schools do not require a certificate, a board of trustees, or an enrollment cap. The district, however, must provide a summary description of the proposed virtual school to the Commissioner for review and comment at least four months in advance of opening the school.
   * **Statewide CMVS.** A statewide CMVS is able to enroll students from across the state. State law authorizes the Board to grant up to ten certificates to operate such schools, provided that not more than two percent of students statewide attend a CMVS. Applicants for a statewide CMVS propose, and the Board appoints, the initial members of the school’s board; the Commissioner appoints new members proposed by the CMVS board.
   * **CMVS operated by a collaborative or through a multi-district agreement.** A CMVS operated by a collaborative or through a multi-district agreement enrolls only students who reside in the member districts. Proposed members of the CMVS board are nominated by the member school committees or the collaborative board and are subject to the approval of the Commissioner. Like a statewide CMVS, an applicant must apply to the Board for a certificate to operate the school, and student enrollment in the school is included under the two percent cap of students statewide attending a CMVS.

   [↑](#footnote-ref-2)
2. "This section shall not apply to a virtual school operated by a single school district if the school enrolls only students residing in the school district; provided, however, that such district shall submit a summary description of the proposed virtual school to the commissioner for review and comment at least 4 months in advance of the opening of the virtual school. The commissioner shall then provide written comments on the proposal to each district's school committee." G.L. c. 71, § 94 (s). [↑](#footnote-ref-3)
3. # See: 603 CMR 26.00: Access to Equal Educational Opportunity.

   [↑](#footnote-ref-4)