# Superintendent’s Memo #081-19

[](http://www.doe.virginia.gov/administrators/index.shtml)  
**COMMONWEALTH of VIRGINIA   
Department of Education**

DATE: April 5, 2019

TO: Division Superintendents

FROM: James F. Lane, Ed.D., Superintendent of Public Instruction

## SUBJECT: Employment of Teachers to Provide Online Instruction

## Some school divisions have inquired whether it is permissible to contract with a private or nonprofit organization to provide online instruction through licensed teachers to teach virtual courses to public school students. The purpose of this memo is to provide clarification about this practice.

Section [22.1-295 (A](https://law.lis.virginia.gov/vacode/title22.1/chapter15/section22.1-295/)) of the *Code of Virginia* requires teachers in Virginia’s public schools to be employed by the school board using licensed instructional personnel qualified in the relevant subject areas. Additionally, [§ 22.1-302 (A](https://law.lis.virginia.gov/vacode/22.1-302/)) of the *Code* requires a written contract between the school board and each teacher it employs, except for limited situations where a temporary teacher may be employed to substitute for a contracted teacher who is absent or to fill a vacancy for a limited period of time.

Therefore, school divisions are not authorized to contract with a private or nonprofit organization to provide licensed teachers to teach courses to public school students. However, there is an exception to this general prohibition that pertains to Multidivision Online Providers (MOPs). Specifically, if the Board of Education approves a private or nonprofit organization as a MOP, as provided in [§ 22.1-212.23 et seq.](https://law.lis.virginia.gov/vacodefull/title22.1/chapter13/article1.4/) of the *Code* to offer specific online courses, a school division may contract with the organization to provide those approved online courses. A MOP offering

includes a teacher along with a course or a full array of courses as an online course or program. Approved MOPs, and a list of the courses that they are approved to provide may be accessed via this [online query tool](https://p1pe.doe.virginia.gov/amop_public/).

## Entities seeking MOP approval from the Board of Education should review the instructions and approval process, which can be found on the [Online Provider Application website](http://www.doe.virginia.gov/instruction/virtual_learning/virtual_schools/application/index.shtml). If you have any questions or need additional information regarding this process, please contact Mark Saunders, Technology & Virtual Learning Coordinator, at (804) 786-0307 or [Mark.Saunders@doe.virginia.gov](mailto:Mark.Saunders@doe.virginia.gov).

JFL/rsa