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MEMORANDUM

TO: Superintendents, Principals, and Curriculum Coordinators
COPY: VT-NEA, VSA, VPA, VSBA, VCSEA
FROM: Rebecca Holcombe, Ed.D., Secretary of Education RH
SUBJECT: Contracting with Distance Learning Programs
DATE: Revised January 11, 2017 (Original memo dated December 15, 2016)

The Agency has become aware of the need to clarify what the law provides regarding distance learning programs and tuition payments for these programs.

According to law, districts may NOT enroll students in distance learning programs or make tuition payments to distance learning programs (16 V.S.A § 166(b)(6)). Therefore, tuition dollars cannot follow a student who is enrolled at a distance learning program.

Districts MAY contract with an approved distance learning program for services. However, that authority cannot be used in a way that circumvents the prohibition on payment of tuition to distance learning schools. Consistent with the law, a district MAY contract with a distance learning program to address a gap in its curriculum (e.g. provision of a specific online course), but the student must be enrolled in a host school and the host school remains the school of record. The option of contracting for a distance learning class is not intended as a substitute for your educational program.

This is consistent with prior advice issued by the Agency with respect to particular programs. Given turnover in the field, we felt it made sense to repeat the previously given guidance.

Finally, in evaluating when it is appropriate to use a distance learning program offering in the mix of classes and programs offered by the district, be aware that the Agency helps fund [Vermont Virtual](http://www.vtvlc.org) , (www.vtvlc.org) a program that assists districts to provide virtual learning experiences to children. This is a service you may wish to consider.