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In Depth Policy Analysis

Serving Students with Disabilities
in
State-level Virtual K-12
Public School Programs

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Serving Students with Disabilities in State-level Virtual K-12 Public School Programs

INTRODUCTION

Because the virtual public school landscape is relatively new—and changing and expanding at such a rapid rate—very little is known about how these schools are currently serving students with disabilities. The purpose of this document is to describe how state-level virtual public school programs are serving students with disabilities and to identify both significant benefits and challenges associated with virtual special education. Project Forum at the National Association of State Directors of Special Education (NASDSE) completed this analysis as part of its cooperative agreement with the U.S. Department of Education’s Office of Special Education Programs.

BACKGROUND

What is Virtual Education?

Virtual education is defined as instruction in a learning environment where the teacher and the student are separated by time, space, or both; and the teacher provides course content via course management applications (e.g., Blackboard), multimedia resources, Internet, video conferencing, or other alternatives to traditional face-to-face education. Terms that are often used interchangeably with virtual education include “cyber education,” “online education,” and “e-learning.”

Prevalence of Virtual K-12 Education

From 2002 to 2007, the National Center for Education and Statistics (NCES) reported a 60 percent increase in K-12 distance education enrollments, with courses ranging from Advanced Placement (AP) to remedial and credit recovery (Zandberg & Lewis, 2008). Estimates of the total number of K-12 students enrolled in online courses range from about 500,000 to one million (Picciano & Seaman, 2007; Watson, 2007). Although estimated numbers of students with disabilities enrolled in virtual schools are unavailable, interviews conducted by Project Forum in 2004 indicate that a significant number of students with disabilities are enrolled in virtual schools, albeit proportionately less than are enrolled in traditional schools (Müller & Ahearn, 2004). For example, one virtual K-12 school reported serving approximately 775 students with individualized education programs (IEPs) out of a total of 11,700; another reported serving 1,700 students with IEPs out of a total of 18,000; and a third reported serving approximately 600 students with IEPs out of a total of 7,000 (Müller & Ahearn, 2004).

From 2002 to 2007, the National Center for Education and Statistics (NCES) reported a 60 percent increase in K-12 distance education enrollments.

The number of state-level virtual public schools has also increased significantly over the past five years with 15 state-level virtual public schools in 2004 (Hassel & Terrell, 2004) and 25 in 2007 (Education Week, 2008). While state-level virtual public schools are most likely to offer courses at the high school level, at least 12 states also currently offer some form of K-8 virtual public schooling (Revenaugh, 2005/2006). Most state-level virtual public school

programs currently have between a few thousand and 7,000 course registrations, but some schools have experienced rapid and sustained growth. For instance, Florida Virtual School (FLVS) grew from 77 course registrations in 1997 to 31,000 students and more than 68,000 course registrations in 2005 (Watson & Ryan, 2006). According to a national survey of American school district chief administrators conducted in 2005-2006, school districts anticipate that online enrollments will continue to increase (Picciano & Seaman, 2007).

What is a State-level Virtual Public School Program?

A state-level virtual public school program is a wholly public educational program that offers K-12 virtual learning and is

- created by legislation or by a state-level agency and/or
- administered by a state education agency (SEA) and/or
- directly funded by a state appropriation or grant for the purpose of providing virtual learning opportunities across the state (Rhim & Kowal, 2008; Watson & Ryan, 2006).¹

Most state-level virtual public school programs are supplemental as opposed to full-time.

Most state-level virtual public school programs are supplemental as opposed to full-time, and offer only a few courses to students who are otherwise enrolled in traditional schools where instruction is delivered in a public school facility (Rhim & Kowal, 2008).

State-level virtual public school programs also vary in terms of:

- number of hours that students typically spend online (often related to grade level, with younger students spending significantly less time online);
- geographic scope of program (e.g., regional, state-wide, or across multiple states);
- *asynchronous* versus *synchronous* delivery of instruction (i.e., when the student is not receiving the instruction at the same time as the instructor is delivering it as opposed to when the student receives instruction in "real time," or simultaneous with the instructor's delivery of it); and
- level of interaction between students and their instructors and peers (Watson, 2007).

The organizational structure for state-level virtual K-12 public school programs varies from state to state. For example, while most are housed in the SEA, others can be found within the state board of education, operate as independent entities, are their own local education agency (LEA) or school district, or are housed within an institute of higher education (IHE) (Watson & Ryan, 2006).

Many state-level virtual K-12 public school programs are primarily funded through legislative appropriations and others are funded by state or federal funds that flow through the SEA (Watson & Ryan, 2006). Many state-level programs supplement their income by charging course fees to LEAs, schools and/or parents (Watson & Ryan, 2006). Research indicates that the cost of virtual education is approximately the same as the cost of traditional education (Watson, 2007).

¹ In addition to state-level virtual public school programs, other types of virtual public school programs may be local education agency-based; consortium and regional-based; charter; and college or university-based (Müller & Ahearn, 2004; Rhim & Kowal, 2008). Furthermore, a number of private schools have developed virtual programs, often to meet the needs of homeschoolers and many charter schools include a virtual component, but do not necessarily identify themselves as virtual schools (Müller & Ahearn, 2004).

State-level virtual K-12 public school programs are only responsible for student participation in state assessments if they are providing students with full-time as opposed to supplemental instruction (Watson & Ryan, 2006). Students with disabilities who attend state-level virtual K-12 public school programs are required to participate in state- and local-level accountability systems (Müller & Ahearn, 2004).

Virtual K-12 Education and Academic Outcomes

Although limited research in this area is based on controlled, empirical studies, a meta-analysis of studies examining the academic achievement of students from 14 virtual K-12 education programs found that there was no significant difference between the performance of students attending virtual schools and the performance of those attending traditional schools (Cavanaugh et al., 2004). Earlier research supports this finding, including Kozma et al. (2000), Mills (2002) and National Association of State Boards of Education (2001). Significantly, research on virtual K-8 programs is extremely limited. Most focuses on the outcomes of high school students participating in virtual programs (Greenway & Vanoureck, 2006) and there is no research available comparing the success of students with disabilities in virtual K-12 programs of any age to those in traditional schools (Rhim & Kowal, 2008).

There was no significant difference between the performance of students attending virtual schools and the performance of those attending traditional schools.

Benefits and Challenges of Virtual K-12 Programs

Some of the reasons states choose to implement state-level virtual K-12 public school programs are that they:

- reach underserved parts of the state;
- provide a wider range of educational opportunities for students who are unable to attend traditional schools;
- expand the range of available courses; and
- provide highly qualified teachers in subjects where qualified teachers may be lacking (Cavanaugh et al., 2004; Picciano & Seaman, 2007; Watson, 2007).

Parents choose to enroll their children in virtual K-12 schools, public and otherwise, for a variety of reasons. For example, virtual education is flexible and may provide opportunities for at-risk students, dropouts, migrant youth, incarcerated students and students who are homebound (Watson, 2007). Virtual education also allows for individualized instruction, a variety of presentation formats and self-paced study (which may appeal to students on both ends of the achievement spectrum) (Greenway & Vanoureck, 2006; Rhim & Kowal, 2008).

States face a number of significant challenges pertaining to the implementation of virtual K-12 public education programs, including:

- educating parents, administrators, educators and legislators about online education;
- designing education policy that keeps up with the ongoing developments in virtual education;
- resolving funding issues; and
- meeting the needs of students with disabilities or limited English proficiency (e.g., complying with the requirements of IDEA and providing related services such as

occupational and physical therapy) (Greenway & Vanoureck, 2006; Müller & Ahearn, 2004; Rhim & Kowal, 2008; Watson, 2007).

Some of the challenges for students related to virtual K-12 education cited in available studies include lack of opportunities for socialization, lack of opportunities for hands-on demonstration of skills (e.g., frequently necessary for music, foreign languages and physical education), and a text-heavy learning environment that may not meet the needs of students with language difficulties (Cavanaugh et al., 2004).

Federal and State Guidance Pertaining to Virtual K-12 Education

The U.S. Department of Education (ED) has shown support in recent years for technology access as a component of overall education reform. For example, the ED Office of Educational Technology identified virtual education as a learning priority in the National Education Technology Plan (U.S. Department of Education, 2004). Twenty-six states have state-level policies that address K-12 virtual education in its myriad forms (Watson & Ryan, 2006) and 37 indicate that virtual education is a part of their current strategy for school reform (Center for Digital Education, 2008).

There are no federal education laws specifically addressing special education in virtual schools. However, according to a 2003 letter from OSEP, IDEA and its corresponding regulations “do not make any exceptions to [the requirements of IDEA] or allow States to waive or relax these requirements for virtual schools.”²

DATA COLLECTION

During May and June of 2009, Project Forum staff conducted a survey of all 61 state education agencies (SEAs), including non-state jurisdictions, using Zarca Interactive[®] (an online survey program) and received 38 responses. An additional state chose not to participate because the topic was “too controversial.” Survey responses were analyzed and findings are reported in the following section of this document.

SURVEY RESULTS

Number and Type of State-level Virtual Public School Programs

Fifteen states reported having some sort of state-level virtual public school program (AL, AK, CT, HI, ID, KY, LA, MO, NV, OR, PA, SC, SD, VA, WV); two reported being in the planning phases, but not having yet opened a state-level virtual public school program (IL, WI); and 21 reported having no state-level virtual public school program.³

² This letter was retrieved April 8, 2004 from <http://www.ed.gov/policy/speced/guid/idea/letters/2003-4/barnes121803charter4Q2003.doc> and quoted in Müller & Ahearn (2004).

³ Although Minnesota and Florida reported that they do not have state-level virtual K-12 public school programs, respondents provided the following information: Minnesota has 21 statewide supplemental and full-time virtual public school programs. These programs are run by individual LEAs, charter schools or consortia operating under a joint powers agreement authorized under law to serve public school students. The programs are certified by the state’s Department of Education and overseen by state-level policy. The programs serve all students, including those with disabilities. Florida has a virtual middle/high school (Florida Virtual School) that is primarily a supplementary program and operates like an independent LEA with its own board of trustees. It is not established within the Department of Education. In terms of students with disabilities, most special education services are handled by the LEA of residence. Florida also has two state-level K-8 virtual public schools that are being phased out in favor of LEA operation.

Of the 15 states that reported having state-level virtual public school programs, 13 provided additional information about their programs.

Fifteen states reported having some sort of state-level virtual public school program.

Not all states provided virtual options for all grade levels. For example, virtual public high schools were most common (13 states); followed by middle schools (9 states); followed by elementary schools (7 states). Four states reported offering full-time programs, four reported offering supplemental programs and three reported offering both full-time and supplemental programs.

Serving Students with Disabilities

Of the 13 states that provided additional information about their virtual public school programs, 12 currently serve students with disabilities. Of the two states planning to develop a state-level virtual public school program, one reported that plans currently include provisions for serving students with disabilities.

It appears that in most states, students with individualized education programs (IEPs) represent only a small fraction of the total statewide virtual public school student body. Table 1 provides information reported by states on total enrollment and enrollment by students with IEPs.

Table 1 – Percentage of Students with IEPs Enrolled in Virtual Public Schools

State	Total Enrollment	# of Students with IEPs	Percentage Students with IEPs
<i>Alabama</i>	13,000	Unknown	Unknown
<i>Hawaii</i>	700	28	4%
<i>Idaho</i>	4,527	356	8%
<i>Kentucky</i>	Less than 10	0	0%
<i>Louisiana</i>	6,000	110	2%
<i>Missouri</i>	1,575	156	10%
<i>Nevada</i>	2,414	208	9%
<i>Oregon</i>	121,000	Unknown	Unknown
<i>Pennsylvania</i>	19,525	2,759	14%
<i>South Carolina</i>	3,000	200	7%
<i>Virginia</i>	2,500	13	1%

Disability Categories

Eleven states provided information on the disability categories most frequently represented in their state’s virtual public school student bodies. They reported as follows: specific learning disability (9 states), emotional disturbance (8 states), other health impairment (6 states), speech and language impairment (6 states), autism (3 states), hearing impairment (3 states), orthopedic impairment (3 states), visual impairment (3 states), deafness (2 states), deaf blindness (1 state) and multiple disabilities (1 state).

Courses for Students with IEPs

Twelve states provided information on the types of classes their state’s virtual public school offers to students with IEPs. For example, 11 offer general education classes with or without

inclusion support; six offer credit-recovery classes; six offer special education classes; five states offer remedial classes; two offer supplemental education services (SES); and three described other types of courses including the following: advanced placement, world languages and courses without instructors that can be used as resources for classroom teachers.

Personnel

Six states reported that their state’s virtual public school staff currently included a special education coordinator. Furthermore seven included one or more special education teachers; three included one or more speech and language therapists; four included one or more physical therapists, four included one or more occupational therapists; four included one or more school psychologists or social workers; four included one or more paraprofessionals; and three included other staff such as counselors (in a consulting capacity) or a staff member responsible for receipt and dissemination of IEPs to online instructors. One state also noted that related service providers are all contracted and not “on the staff.”

Six states reported that their state’s virtual public school staff currently included a special education coordinator.

Evaluation and Identification

Twelve states described how evaluation and identification are handled for a student suspected of having a disability. The majority reported that the student’s home school or LEA is responsible for evaluation and identification. One noted that relevant IEP information is then sent to the virtual public school program. A few states reported that evaluation and identification are handled through the agency managing the virtual school curriculum, a contracted assessor, or a multi-disciplinary team made up of staff hired by the school and contracted personnel. Two states noted that assessment may occur face-to-face at a mutually agreed upon location such as the virtual school program’s central office, the test evaluator’s office or a satellite location. One state noted that IEP and eligibility meetings are usually conducted virtually or via conference calls.

Implementation of IEP

Most states described implementing the IEP in much the same way as in traditional educational environments.

Twelve states described how the implementation of a student’s IEP is handled (e.g., provision of specified service delivery hours, adaptation of curriculum and materials, testing modifications, etc.). Most states described implementing the IEP in much the same way as in traditional educational environments. For example, the virtual school

counselor may request a copy of the student’s IEP from the LEA of residence, review the student’s needs and provide the online instructor with a copy of the necessary accommodations. The instructor then makes the necessary adjustments in the course delivery. One state noted that the IEP is implemented by virtual school staff, most commonly the special education coordinator and a special education teacher, but also by the general education teacher or related services provider as specified by the IEP. One state noted that special education services are delivered by the virtual public school and related services are delivered by the student’s LEA of residence. Two states noted that the IEP is the responsibility of the student’s LEA or home school. One state noted that while special

education services are frequently delivered face-to-face, the program also allows the special education teacher to join students “virtually” and coach them using the ‘chat feature’ on the computer. Another state noted that implementation of IEPs is mainly delivered via live, web-based class sessions. Regarding 504 plans, one state noted that the 504 plan is developed by the local school and another noted that all virtual public school courses are being rewritten for 504 compliance.⁴

Related Services

Nine states reported that related services are provided at a local school building (face-to-face); eight deliver them on-line; five states reported that related services are provided at a students’ home (face-to-face); five via telephone; and four at the provider’s office or other setting (face-to-face). One state noted that the LEA arranges related services, and the local school is responsible for providing supportive aids and services as required in the IEP or 504 plan that are not supported within an online environment, as well as for maintaining communication with students’ online instructors.

Assistive Technology

Eight states reported that assistive technology (AT) devices are available to students with IEPs; one state reported that AT devices are not available; and three states were unsure. Of the states where AT devices were available, seven described how AT evaluations and use are managed. Two noted that the LEA is responsible for AT; two noted that the student’s home school is responsible; and one noted that the Public Charter School District is responsible for special education services in the schools it authorizes and handles evaluation and purchases of AT devices. Another state reported that AT evaluations are the responsibility of the virtual school and are conducted at a mutually agreed upon location such as the virtual school’s central office, satellite location or test evaluator’s office. On rare occasions evaluations or screenings are conducted in the student’s home.

Accountability

Eleven states reported that students with disabilities attending the state’s virtual public school program are included in state- and local-level accountability measures; and one state was unsure whether they were included.

Policy Guidance and Resources

Eleven states reported that their SEAs provide some type of policy guidance and/or resources relating to virtual public school programs and students with disabilities. In one case, the virtual school has a liaison to the state’s office of special education. Another state noted that it provides 90 course templates in core content areas for high school students with a variety of media embedded including text, audio and video to assist in meeting the varied learning needs of students. The state also conducts webpage compliance checks to meet visual impairment best practices.

⁴ A 504 plan, which refers to Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, describes the modifications and/or accommodations necessary for a student with a disability to access opportunities to perform at the same level as his/her peers.

Challenges of Serving Students with Disabilities

Eleven states described one or more challenges relating to serving students with disabilities in virtual K-12 public school programs. These include:

- opening of virtual schools before they have adequately prepared to serve students with disabilities;
- lack of established standards for implementing special education services;
- revising curriculum for accessibility;
- enrolling of students for whom virtual education is not the most suitable education model;
- meeting the needs of increasing numbers of students with more severe needs;
- lack of communication between creators of IEPs and virtual school staff;
- ensuring students have proper support from LEAs and home schools;
- accessing sufficient numbers of related service personnel; and
- lack of adequate funding to provide resources for closed captioning, AT devices, multiple media components to meet various students' needs and other necessary adaptations.

Benefits of Serving Students with Disabilities

Eleven states described one or more benefits associated with serving students with disabilities in virtual K-12 public school programs. These include:

- accessibility of curriculum for students on long-term suspension or homebound placement;
- individualized attention;
- self-pacing of online education;
- availability of multi-media content and supplemental resources;
- students' needs for fewer behavioral supports since they are removed from the school building setting—especially students with attention deficit hyperactivity disorder (ADHD), autism, or emotional disturbance (ED); and
- creation of another placement option for students with disabilities and their families.

Concluding Remarks

A significant number of states now have virtual K-12 public school programs and this number will most likely continue to grow. Also, the number of virtual public schools has risen dramatically across the nation in recent years. Based on survey responses, it appears that while many states are unsure of how special education students are involved in their virtual schools, other states are recognizing both the challenges and benefits associated with virtual education for students with disabilities and are making efforts to address the needs of students with IEPs and 504 plans.

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