Virtual Schools and Students with Disabilities   **June 2004**
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Overview

The recent proliferation of virtual schools presents a very real challenge for policy makers. As noted by the National Association of State Boards of Education (NASBE), the current trend in virtual schooling is outpacing the ability of policy makers to develop necessary policy guidance in this area (NASBE, 2001). Since NASBE published its 2001 report, the explosion of virtual schools has continued. As the numbers of students enrolling in on-line courses grows, it is imperative that state- and local-level policy makers begin thinking about the policy and practice implications of virtual schooling for students with disabilities.

The purpose of this document is to highlight some of the issues that policymakers need to address related to the provision of services to students with disabilities through virtual schools, a subject about which very little is currently known. Project Forum at the National Association of State Directors of Special Education (NASDSE) produced this document as part of its cooperative agreement with the U.S. Department of Education's Office of Special Education Programs (OSEP).

Background

There are no federal education laws specifically addressing special education in virtual schools. According to a 2003 letter from OSEP, however, the Individuals with Disabilities Education Act (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."[1] The U.S. Department of Education has shown support in recent years for technology access as a component of overall educational reform. For example, the Web-based Education Commission was authorized by the Higher Education Act of 1998 (Pub. L. 105-244) and the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C.A. Appendix 2) and was established by the Secretary of Education in January of 1999. The purpose of the Commission was to develop policy recommendations geared toward maximizing the educational potential of the Internet for pre-K, elementary, secondary and post-secondary students.[2] Federal support for virtual schools at the K-12 level has been included in recent education regulations for programs including the Star

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[1] This letter was downloaded April 8, 2004 from http://www.ed.gov/policy/speced/guid/idea/letters/2003-4/barnes121803charter4q2003.doc.

[2] For more information on the Web-based Education Commission, see www.hpcnet.org/webcommission.

Schools Program, Goals 2000: Educate America Act, Technology Innovation Challenge Grant Program and Preparing Tomorrow's Teachers to Use Technology Program (Clark, 2000).[3]

Definition of Virtual School

Because virtual schooling is an area that is rapidly evolving, numerous definitions are currently being used. For the purpose of this document, virtual schools are defined as education organizations that offer K-12 instruction, or some subset thereof, through Internet or Web-based methods (Clark, 2001). Other terms are also frequently used, including "cyber schools," "online schools," "non-classroom-based education" and "e-learning." For the sake of consistency, the term *virtual school* is used throughout this document.

Virtual schooling is a form of "distance education" – a term that is still in use, but is gradually disappearing. Other forms of distance education include videoconferencing, independent study and correspondence study. All share in common the physical separation of students and teachers.

How Virtual Schools Work

Virtual public schools operate using a variety of models.[4]

- *State-level* – These public schools are owned and operated by the state. Florida Virtual School, founded in 1997, was the first such school. At least 13 other states are planning or currently operate state-level virtual schools.

- *Local education agency-based* – LEA-based virtual schools are designed to serve the LEA's supplemental or alternative education needs and to provide services to home schoolers.[5] At least 24 LEA-based schools are currently operating in at least 13 states.

- *Consortium and regional-based* – These public schools are national, multi-state, state-level or regional in nature. Most virtual school consortia either act as brokers for external providers of curriculum or share development/implementation of courses among members. At least 11 such schools are currently operating across the country.

- *Charter* – In many states, schools chartered under state charter school laws by authorizers such as state boards, LEAs, non-profit and for-profit organizations and other entities may operate virtual charter schools. At least 60 virtual charter schools are currently operating in 13 states (Anderson, 2003).

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[3] Additional information on the Star Schools Program can be found at www.dlrn.org; on the Goals 2000: Education America Act at www.ed.gov/legislation/GOALS2000/TheAct/index.html; on the Technology Innovation Challenge Grant Program at www.ed.gov/programs/techinnov/index.html and on Preparing Tomorrow's Teachers to Use Technology Program (PT3) at www.ed.gov/programs/teachtech/index.html.

[4] Unless otherwise noted, the numbers quoted in this section are based on the Virtual Schools List – a listing of virtual schools currently operating within the United States. Information was last downloaded on October 16, 2003 from http://www.dlrn.org/virtual.html. The site is no longer active.

[5] For more information on home schooling and students with disabilities, see the Project Forum document authored by Müller & Ahearn (2004), *Home schooling and Students with Disabilities*.

- *College or university-based* – Some colleges and universities that have in the past operated video-based continuing education programs or independent study high schools have added or converted to virtual K-12 courses. At least nine colleges or universities currently operate virtual K-12 schools.

Although beyond the scope of this document, it is important to note that a number of private schools have also developed virtual programs, often to meet the needs of home schoolers. Furthermore, many charter schools include a virtual component, but do not necessarily identify themselves as virtual schools.

According to Bogden (2003), virtual schools – regardless of model – usually function in a similar way. Most provide students with a computer and necessary instructional materials, and pay the costs relating to telecommunications. A "learning management system" (LMS) provides the software through which courses are delivered through a single website. The LMS usually allows the teacher to post a course syllabus, assignments and reading materials. It also provides the mechanism through which students turn in completed assignments.

Unlike conventional "brick and mortar" schools, students attending virtual schools usually meet with their classmates and teachers online. The LMS may include a notice board where students and teachers can engage in *asynchronous* conversations (i.e., everyone does not participate at the same time), and/or a chat room where students and teachers can engage in *synchronous* conversation (i.e., everyone does participate at the same time). The LMS also includes hyperlinks to outside resources including libraries, other websites and additional reading materials. The amount of time teachers spend interacting directly with students varies from one virtual school to another, as does the amount of study time spent online. There are no reliable data at this time on either of these figures.

One of the primary appeals of virtual schooling is the ability to customize instruction or individualize the pace of learning. For example, Florida Virtual School allows students to choose among an accelerated, standard or extended learning pace (Blomeyer, 2002).

Prevalence

The exact number of students enrolled nationally in virtual schools is unknown. However, estimates for the 2001-2002 school year range from 40,000 to 275,000 students enrolled in one or more virtual K-12 courses (Clark, 2001; Peak Group, 2002). According to the Peak Group report, student enrollment in at least one online K-12 course is expected to exceed one million in the 2004-2005 school year. Although estimated numbers of students with disabilities enrolled in virtual schools are unavailable, proponents of virtual schools frequently argue that online courses are an excellent option for students with special learning needs or behavior problems (Hadderman, 2002).

Educational Outcomes

Data on educational outcomes of students enrolled in virtual schools are limited. However, some virtual schools have published evaluation reports. The Virtual High School (VHS) compared

face-to-face and virtual courses taught by the same instructors and found that there were no apparent grade differences (Kozma et al., 2000). An evaluation of Florida Virtual High School found that most students earned A's or B's in their online courses (Bigbie & McCarroll, 2000).[6] Although a study of Illinois Virtual High School did not directly measure student outcomes, 75 percent of students who completed virtual courses reported that they felt they had achieved the stated goals of their courses (Clark, Lewis, Oyer, & Schrieber, 2002).

A parent survey conducted by Florida Virtual High School found that 50 percent of parents of students both with and without disabilities believed that the quality of their child's online course experience was excellent, and 35 percent believed it was good. Thirteen percent believed their child's online course experience was fair or poor (Optimal Performance, Inc., 2001). Forty-four percent of parents believed their child learned more from their virtual courses than from traditional courses; 36 percent believed their child's learning was comparable in both virtual and traditional courses; and 9 percent believed their children learned less from their virtual courses (Optimal Performance, Inc., 2001).[7]

Data Collection

The following information was gathered during four interviews that included two types of interviewees: (1) representatives from the California and Pennsylvania state education agencies, states where virtual schools serve a particularly large number of students; and (2) representatives from two well-established virtual schools – the Florida Virtual School, the first state-sanctioned and operated virtual school and the Ohio Virtual Academy, a virtual charter school using curriculum provided by K12 Inc., a private company offering virtual curriculum to students in at least 11 states.[8]

The interviews addressed the following topics relating to virtual schools and the provision of services to students with disabilities:

- the number of students with disabilities enrolled, as well as disability categories most likely to be represented;
- identification and evaluation;
- Individualized Education Program (IEP) meetings;
- individualized supports, including adaptation of curriculum and materials;
- inclusion in state and local accountability systems;
- concerns relating to serving students with disabilities; and
- policy recommendations.

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[6] Florida Virtual High School recently expanded to include grades K-12 and changed its name to Florida Virtual School in order to reflect this change. The evaluation, however, was only of Florida Virtual High School.
[7] The remaining 11 percent had no opinion.
[8] Project Forum gratefully acknowledges Rosemary Durocher (Florida Virtual School), Jennifer Faukner (California Department of Education), Jennifer Korosec (Ohio Virtual Academy), Jane Sullivan (Pennsylvania Department of Education) and John Tommasini (Pennsylvania Department of Education) for their contributions to this document in the form of both interviews and editorial feedback.

Serving Students with Disabilities

Project Forum interviewees indicated that a significant number of students with disabilities are enrolled in virtual schools, albeit proportionately less than are enrolled in traditional brick and mortar schools. For instance, one school reported that approximately 775 students with disabilities were being served out of a total of 11,700 students, and another reported that 1,700 students had IEPs out of a total of 18,000 students. One state reported that approximately 600 students with disabilities were being served out of a total of 7,000 students enrolled in virtual schools.

Although several interviewees described the disabilities represented within virtual schools as "clear across the board," one interviewee explained that virtual schools were more likely to serve students with high incidence disabilities such as specific learning disability, as well as higher functioning students with Asperger Syndrome, attention deficit hyperactivity disorder or other health impairments.

Implementing IDEA

Based on how a particular virtual school is set-up, the provision of special education services varies considerably. For instance, some schools operate solely as curriculum providers. Students may enroll in individual courses or as full-time students, but the LEA of residence remains responsible for such things as state- and local-level testing and provision of special education and related services. Most virtual charter schools, on the other hand, function as independent LEAs and are therefore responsible for testing and special education services.

Identification and Evaluation

Most students with disabilities attending virtual schools have already been identified prior to enrollment. In the few cases where identification has not yet taken place, virtual schools may handle identification and evaluation in a variety of ways. For example, if a teacher in a virtual school that functions solely as a curriculum provider suspects that a student has a disability, he or she would notify the LEA of residence, and the LEA would assume responsibility for initiating a comprehensive evaluation. In a virtual school that effectively operates as an LEA, however, the virtual school would assume responsibility for identification and evaluation – either using its own evaluators or contracting with external evaluators.

IEP Meetings

IEP meetings are handled differently from one virtual school to another and the nature of participation varies greatly. Some schools conduct IEP meetings via conference calls, some use videoconferencing and some conduct conventional face-to-face IEP meetings. For example, one virtual school representative from a school that functions solely as a curriculum provider reported participating in only one percent of IEP meetings. The interviewee attributed this lack

of involvement to the fact that LEAs of residence often do not think to involve representatives from curriculum-providing virtual schools in IEP planning.

Individualized Supports

Virtual schools vary in terms of how individualized supports are provided to students with disabilities. Those that operate as curriculum providers rely on the LEA of residence to provide any necessary one-on-one supports. One interviewee noted that this type of virtual school is not really set up to accommodate students with severe disabilities – particularly since the curriculum may be pre-packaged and therefore not designed for easy modification. For virtual schools that effectively operate as LEAs, the frequency and intensity with which general and special education teachers provide one-on-one supports vary widely. Some describe monthly face-to-face meetings, others provide much more regular contact – both by phone and in person. Some schools also describe monthly opportunities for students to get together and meet one another. Some virtual schools appear to rely heavily on parents to implement IEPs. According to one interviewee, parents should be prepared to spend "a good five and a half hours per day really providing support for their child."

One interviewee noted that in her state most students with disabilities have both a general and special education teacher assigned to them. Special education caseload size is determined by state guidelines for virtual and/or charter schools – although not all states have such guidelines. Some virtual schools have full time special education teachers, whereas others contract with itinerant teachers on an as-needed basis. Another interviewee noted that in her state, the intermediate unit (IU) where the student resides is supposed to assist the virtual charter school in arranging and providing special education services. A third interviewee noted that since most virtual and/or charter schools lack the resources to establish networks of qualified special education professionals, a few non-public agencies have put together such networks for the purpose of providing contractual services to these schools.

Access to the General Education Curriculum and Modifications

According to all interviewees, virtual schools *only* provide general education courses; they do not offer virtual special education courses. According to an interviewee who works for a virtual school that functions solely as a curriculum provider, adaptations cannot be made to the curriculum. Other types of modifications, however, are frequently used. Examples include additional time for tests, providing teachers' notes, extended pacing of coursework, modifying the length of assignments, omitting certain assignments (such as spelling tests), omitting *grading* for certain assignments and/or resubmission of assignments. These modifications are frequently made over the phone or via e-mail.

Accountability and Testing

Interviewees reported that all students with disabilities who attend virtual schools in their states are required to participate in state- and local-level accountability systems.[9] Most schools use proctored sites. Two interviewees noted that the use of alternate assessments was rare, but that

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[9] If the virtual school is a *private* school, it may be exempt from state and local accountability testing in some states.

schools follow state guidelines when such assessments are necessary.[10] Virtual schools that operate solely as providers of curriculum do not do any state- and local-level testing. In these cases, the LEA of residence is responsible for testing. Examinations in specific courses are frequently modified according to a student's IEP.

Meeting the Needs of Students with Disabilities

Several interviewees expressed confidence that virtual schools are a viable option for many, if not all, students with disabilities. In particular, they stressed the benefits of flexible pacing and the suitability of virtual schooling for certain students (e.g., students with attention problems, emotional problems or phobias, environmental sensitivity, physical impairments and/or hearing impairments). All interviewees agreed that as long as there is a way to ensure that children with disabilities are benefiting from a virtual education, virtual schooling should be considered an acceptable educational option.

Several interviewees, however, either expressed doubts that virtual schools could adequately meet the needs of students with disabilities or voiced one or more of the following concerns.

Provision of Related Services

The provision of related services, including occupational therapy (OT), physical therapy (PT) and speech and language therapy (SLT) to students scattered over a large geographic area poses a challenge. As one interviewee noted, "It's difficult for school systems to find *one* speech language therapist and we have to find *lots*!"

Lack of Experience

Virtual school administrators and educators frequently lack experience with students with disabilities, a situation that may lead to under-identification of students with disabilities and/or failure to provide all the services to which students with disabilities are entitled. One interviewee noted that personnel from several virtual charter schools within her state had been unaware of their obligation to meet the requirements of IDEA. Another interviewee noted that administrators of virtual schools often have backgrounds in business, not education.

Monitoring

Monitoring of virtual schools also presents a challenge.[11] Several interviewees stressed the importance of tracking performance in order to ascertain whether students with disabilities are performing at a level comparable to that of students with disabilities enrolled in traditional brick and mortar schools. One interviewee noted, however, that there may be an inherent conflict in doing state-level monitoring of virtual schools when these schools have been created to avoid state oversight and to free schools from bureaucratic constraints.

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[10] Under federal law, every state must make alternate assessments available based on alternate standards for students with disabilities who cannot be assessed with the general education assessments even with accommodations.

[11] If the virtual school is a *private* school, it may be exempt from monitoring in some states.

Motivation and Learning Style

Parents and students need to be highly motivated in order to benefit from virtual education. As one interviewee noted, "A child who is not flexible and does not have a good attitude – no matter what we do, it's not going to work. And this has *nothing* to do with disability."

Recommendations

In response to their concerns, interviewees offered a number of policy recommendations. Because the organizational structure of virtual schools varies considerably, the recommendations reflect this variation.

- Use virtual school consortia to hire and supervise teams of special education and related service professionals.
- Clarify the virtual school's status as an LEA or relationship to the LEA and responsibility for special education services.[12]
- Allow students with disabilities to access services within the LEA of residence, even if the virtual school is not located within the LEA of residence.
- Require virtual schools to employ a director of special education or contract for equivalent services.
- Require virtual schools to include a specific plan in their proposals for meeting the requirements of IDEA.
- Provide virtual schools with a comprehensive review of the requirements of IDEA as part of a pre-charter and/or pre-opening orientation.
- Create a state-level agency responsible for authorizing virtual schools.
- Include representatives from virtual schools in students' IEP meetings, even if they are solely providers of curriculum.
- Link virtual schools to state systems that provide technical assistance.
- Promote virtual school models that encourage high levels of one-on-one, in-home support from special educators.
- Collect outcome data and include virtual schools in the same monitoring system used with traditional brick and mortar schools.
- Increase awareness among LEAs of residence about how to work collaboratively with virtual schools.
- Initiate dialogue between virtual schools and state departments of education, including state directors of special education.
- Establish a state-level taskforce to study ways of improving relationships between virtual schools and LEAs.
- Support research to identify how virtual education can be effectively delivered to students with disabilities.

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[12] For example, in the case of virtual schools that operate solely as curriculum providers, link each school to an established provider of special education services (e.g., LEA). In the case of virtual schools that function as LEAs, require LEAs of residence to contract with virtual schools to provide related services and/or comprehensive evaluations and virtual schools that operate as LEAs should meet the same obligations as all other LEAs.

Concluding Remarks

Virtual schooling continues to evolve rapidly, as one educational option among many. For instance, charter schools are increasingly likely to adopt a virtual approach to education. Continuing improvements in technology are expected to support even more rapid growth in virtual schooling for all or part of a student's educational experience. This rapid growth in virtual schools intensifies the need for accurate outcome data, as well as information on how virtual education models can best serve students with disabilities.

Special education policy challenges at the state and local levels include identification of students with disabilities enrolled in virtual schools, determination of who is responsible for providing special education services (e.g., virtual schools versus LEAs of residence), ensuring compliance in identification and service delivery, and provision of appropriate training for personnel in virtual schools and LEAs of residence.

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