



Online Learning for Students with Disabilities: Considerations for LEA Policies, Practices, and Procedures

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The purpose of this brief is to provide Local Education Agencies (LEAs) considerations for (1) thinking about the implications of online learning for students with disabilities, and (2) developing or revising local policies, practices, and procedures to provide supervision of online programs that serve students with disabilities. Millions of K-12 learners are currently involved in *fully online, blended, or supplemental* online learning. Students enrolled in *fully* online schools get all of their instruction and content through online sources. Their teachers and course materials are online, as are their classmates.

In *blended* learning, students receive at least part of their learning online but also have in-person classroom time with teachers and classmates. Some teachers set up blended learning so that when students are engaged in online activities, they are engaged in learning new information and when they are with the teacher in the classroom, they practice what they learned online.

Students usually sign up for *supplemental* online learning when they want or need (e.g. credit recovery for high school students) to take an online course that is not offered by their district or school. The subject area might be a course that the district either does not have enough students to enroll (e.g. advanced math course) or does not have certified teachers to offer the course (e.g., a foreign language). In this situation, students take the course as a supplement to their program and the course is fully online while their other courses are in traditional classrooms with teachers and classmates.

Regardless of which type of online learning is involved, students with disabilities need support to access and process the curricular content to maximize their learning. These online options have major implications for LEAs because districts need to ensure quality, access, and accountability of these online options and ensure they meet federal IDEA regulations. Our focus for this brief is on the LEA's role in supervision of online programs.

WHAT WE KNOW

Dear Colleague Letter

In August of 2016, the Office of Special Education and Rehabilitative Services (OSERS), within the Department of Education, issued a Dear Colleague Letter on Online and Virtual Schools and the Individuals with Disabilities Education Act (<https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/dcl--virtual-schools--08-05-2016.pdf>). The letter offers *significant guidance that is non-binding and does not create or impose new legal requirements...and provides SEAs, LEAs, and other public agencies with information to assist them in meeting their obligations under the IDEA and implementing regulations (34 CFR-part 300)*.

The letter, in part, provides guidance on supervision of special education programs and services:

- *The requirements of IDEA apply to SEAs and LEAs, regardless of whether a child is enrolled in a virtual school that is a public school of the LEA or a public school that is constituted as an LEA by the State.*
- *If a virtual school is a public school of an LEA, the LEA is the entity that would generally be responsible for ensuring that the requirements of Part B are met by that virtual school for children with disabilities participating in the virtual program. (Part B stipulates the processes and procedures for special education and related services to students with disabilities. These requirements include many topics including free appropriate public education (FAPE), least restrictive environment (LRE), dispute resolution, and special education in private schools.)*
- *... if the virtual school is a public charter school of an LEA that receives funding under 34 CFR-§300.705 and includes other public schools, then the LEA of which the virtual charter school is a part is responsible for ensuring that the requirements of Part B are met, unless State law assigns that responsibility to some other entity.*
- *... if applicable, LEAs, should review their policies and procedures regarding:*
 - *monitoring to identify and correct noncompliance with Part B requirements, including the implementation of IDEA in virtual schools (34 CFR-§§300.149 and 300.600, and 20 U.S.C. 1232d(b)(3)(E));*
 - *timely collection and reporting of data under section 618, and data to report on the indicators in the State Performance Plan/Annual Performance Report, that are (a) valid and reliable and (b) reflect actual practice and performance, including collecting and reporting data about children with disabilities who attend virtual schools and receive special education and related services (34 CFR-§§300.157(c), 300.601(b), and 300.640 through 300.646);*
 - *establishing and maintaining qualifications to ensure that personnel necessary to carry out the purposes of IDEA, including personnel serving children with disabilities in virtual schools, are appropriately and adequately prepared and trained, and those personnel have the content knowledge and skills to serve children with disabilities (34 CFR-§300.156(a));*
 - *the availability of dispute resolution procedures to implement IDEA procedural safeguards, including the mediation and due process hearing provisions in 34 CFR-§§300.506 through 300.518, the discipline provision in 300.530 through 300.536, as well as the Part B State complaint procedures in 34 CFR-§§300.151-300.153; and*
 - *provisions to ensure the confidentiality of personally identifiable data, information, and records (34 CFR-§§300.611 through 300.626).*

LEAs Grappling with IDEA Principles

Since 2012, the Center on Online Learning and Students with Disabilities (COLSD) has sought to gain a better understanding of how LEAs are incorporating online learning into their policies, practices, and procedures for students and more specifically, for students with disabilities. This document is intended to summarize the findings from surveys, stakeholder forums, review of extant State policies and guidance on online learning, and other research

efforts on LEA policies, practices, and procedures for online environments since the inception of COLSD in 2012.

The findings from COLSD research efforts demonstrate that most LEAs are still exploring and forming their policies, practices, and procedures. We caution that some of the reported practices in the discussion sections and recommendations by forum participants should not be interpreted as guidance for meeting the requirements of IDEA and caution the reader not to infer compliance with the statute and regulations. However, forum discussion of practices and recommendations not only serves to document the current state of practice, but also assists in highlighting areas where additional clarification and resources may be needed. The following are examples of policy areas that COLSD research, forum participants, or our state scan found needing further clarification for LEAs. LEAs grapple with IDEA policy, practice, and procedures for online learning for students with disabilities because they are challenged to address a quickly changing environment with few, or even no, examples of established SEA or LEA policies for IDEA in online settings.

State Scan Information: Providing Special Education Services in Online Settings

State scans indicate that 17 states have clear policies about responsibility for providing special education services: 14 states clearly assert that students' home LEAs are responsible for special education services when students are enrolled in a virtual school. One state clearly indicated that the online school had sole responsibility for provision of services. Three states require the LEA and virtual school to work together to provide services. The remaining 37 states, District of Columbia (DC), and territories had insufficient information about their policies regarding responsibilities in online environments, leaving the LEAs with the responsibility to address these requirements on their own. For these 37 entities:

- Twenty-eight of these entities have no evidence of policies around IEPs in online settings. Eighty-seven percent of the states have unclear or no policies about IEP review prior to enrollment; and eighty-four percent of the states have no or unclear policies around guidance for developing IEPs in online settings.
- Twenty-two of these entities have accessibility policy, guidance or statutes but these documents vary greatly in depth and breadth of information. Some states include content accessibility checkpoints with standards and use of multimedia while other states document accessibility in terms of LRE and other states include guidance for purchasing learning materials and suggest resources the LEA can access.

Forum Participant Information: Issues with Implementing IDEA in Online Settings

Forum participants discussed their perceptions of a variety of special education issues occurring in online environments. The following represent a sampling of their perceptions of challenges for LEAs in implementing IDEA principles in online settings.

IDEA Compliance and IEP Development and Implementation in Online Settings. All forum participants reported that IEP development and implementation operate differently in online settings compared to brick-and-mortar settings, especially in fully online settings. Related to IEP development, forum participants believe that IEP reviews are needed between brick-and-mortar and online staff before moving a student or service to an online environment. Forum participants also indicated that IEP implementation is very different in online settings because data are gathered at a faster pace than traditional settings and with ongoing formative assessments staff can be more efficient in monitoring progress and rendering instructional and curricular decisions. Particular perspectives on IDEA and IEPs from each forum are provided below:

- State Special Education Superintendent Forum: IDEA principles and IEP development and implementation do not operate according to the original intentions, especially in fully online settings. We have no evidence that practices in traditional settings automatically transfer to online settings.
- Virtual School Superintendents Forum: IEP implementation is very different in online settings because data are gathered at a faster pace than traditional settings and with ongoing formative assessments they can be more efficient in monitoring progress and rendering instructional and curricular decisions.
- Vendor forum: Vendors feel that they do not hold responsibility for documentation of IDEA compliance. They feel that duty lies with the LEA or SEA.
- Stakeholder forum: Stakeholders representing state directors of special education, parents, vendors, and researchers believe that the direct recipient of federal funds is ultimately responsible for ensuring IDEA compliance. They also recommended IEP reviews between brick-and-mortar and online staff before moving a student or service to an online environment.

Accessibility Issues in Online Settings. Forum participants discussed the need for all curriculum materials, learning resources, and strategies for instruction to be accessible in any and all online environments. Forum participants offered this feedback:

- According to the SEA Forum representatives, it is financially and technologically difficult to ensure access to online curriculum because many families have limited Internet access or do not have Internet access and limited funding available to supply adequate access for them. Combine that challenge with the lifespan of most devices being three years, the instructional materials might not work with older devices after materials are updated and schools have devices over three years old. Also, special education is not usually considered in LEA purchasing decisions for new technology resulting in devices that are not compatible with adaptive technology that students with disabilities might be using. The SEA participants discussed their awareness of technology departments taking on the responsibility to modify curriculum materials or tools to access content but felt that it would improve students' access if the materials were designed to be accessible instead of retro-fitted upon arrival.
- According to Forum representatives, a process for identifying inclusively designed materials for online environments would aid access for students with disabilities. In addition, if basic

accessibility information and alignment to UDL about materials was provided to those responsible for procuring and using online materials, this would help determine which materials would best serve students in an online setting. The participants recommended that K-12 online curricular materials conform to the Web Content Accessibility Guidelines (WCAF 2 AA) international accessibility standards.

Issues of Access to Student Data in Online Settings. Finally, Forum participants discussed the complicated issues around gaining access to key student data to monitor and improve student learning. Forum participants offered the following perspectives:

- Vendors discussed that often vendors do not have access to the data they need because of the way the state department of education or LEA interprets the release of student data relative to Personally Identifiable Information. Vendors need to know how students learn, interact with online tools and services, and their learning motivations so they can identify student attributes that contribute to successful online learning and so they can *respond flexibly to students' needs, curiosities, and requests*. In their effort to support online instructors, some vendors offer an employee course about accessibility that includes tutorials on how to create lessons that are accessible to all students. They felt this course was necessary because many teachers are inexperienced with incorporating technology features that promote multiple pathways to learning that the flexibility of online settings allows.
- State special education superintendents indicated that lots of data is collected but platforms of LEAs, schools, and vendors are often not compatible so it is difficult to share or integrate information, especially for the larger districts that use complex systems with more levels of hierarchy to navigate. Superintendents recognize the value in accessing and analyzing student data to understand students' online learning experiences that they felt is critical for students with disabilities. The superintendents discussed the success of programs that allow flexible models of learning in which students choose how they access content (on their own, through a teacher, or use of digital tools). They also are working to understand accessible content in terms of Universal Design for Learning (UDL) to ensure content is provided in accessible formats for students with disabilities.

As you can see from the list, great diversity exists in what LEAs may consider as they contemplate online learning generally and then layer that with meeting the needs of a variety of students with disabilities with unique learning and performance challenges. The following information offers LEAs some ideas about how to think about these complex policies to support and supervise online programs.

REFERENCES

The following resources offer examples of COLSD research on the SEA'S perspectives and engagement in virtual schools.

SOURCE and LINK	Dear Colleague Letter on Online and Virtual Schools and the Individuals with Disabilities Education Act
	https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/dcl--virtual-schools--08-05-2016.pdf
SOURCE and LINK	2014 What State Directors of Special Education Need to Support Students with Disabilities in Online Education
	http://centeronlinelearning.org/what-state-directors-of-special-education-need-to-support-students-with-disabilities-in-online-education/
SOURCE and LINK	2015 State Education Agency Forum: Differential Access to Online Learning Within an Across Districts
	http://centeronlinelearning.org/wp-content/uploads/SEA_Topic_8_Summary_July_2015.pdf
SOURCE and LINK	2016 Vendor Forum: Integration of Universal Design for Learning to Focus on Learner Variability
	http://centeronlinelearning.org/wp-content/uploads/Vendor_Topic_7_Summary_February2015.pdf
SOURCE and LINK	2015 School Superintendent Forum: Online Access Within and Across Schools
	http://centeronlinelearning.org/wp-content/uploads/Superintendent_Topic_9_Summary_December2015.pdf
SOURCE and LINK	2015 School Superintendent Forum: Using, Sharing, Integration, and Instructional Usage of Student Response Data among all Parties Involved in Online Learning
	http://centeronlinelearning.org/wp-content/uploads/Superintendent_Topic_6_Summary_October2015.pdf
SOURCE and LINK	2016 State Education Agency Forum: Utilization of the Online Environment's Unique Properties
	http://centeronlinelearning.org/wp-content/uploads/SEA_Topic_7_Summary_updated_July_2015.pdf
SOURCE and LINK	Equity Matters 2016
	http://centeronlinelearning.org/publications/-matters-2016/
SOURCE and LINK	2016 Vendor Forum: Vendor Access and Use of School and Student Data
	http://centeronlinelearning.org/wp-content/uploads/Vendor_Topic_6_Summary_February2015.pdf
SOURCE and LINK	2016 Vendor Forum: Vendors as Data Collectors and Users
	http://centeronlinelearning.org/wp-content/uploads/Vendor_Topic_5_Summary_February2015.pdf
SOURCE and LINK	2016 State Education Agency Forum: IDEA Principles in the Online Environment
	http://centeronlinelearning.org/wp-content/uploads/SEA_Topic_3_Summary_updated_July_2015.pdf
SOURCE and LINK	State Performance Plan Process and Indicators: Policy Forum
	http://www.nasdse.org/LinkClick.aspx?fileticket=WmUtXZY4EhE%3D&tabid=36

SOURCE and LINK	2016 NASDSE/CASE Conference Keynote Presentation: What Should State and Local Education Agencies Be Doing About Online Learning for Students with Disabilities?
	http://centeronlinelearning.org/wp-content/uploads/CASE.NASDSE-Keynote-9.21.16.pdf
SOURCE and LINK	2017 Report on the Stakeholder Forum on Elementary and Secondary Online Learning and Students with Disabilities
	http://centeronlinelearning.org/wp-content/uploads/SuperForumReport_March20171.pdf

WHAT LEAS MAY CONSIDER

Reviewing local policies, practices, and procedures for online learning for students with disabilities

As noted above, LEAs are grappling to accurately interpret and appropriately implement IDEA regulations in online settings. LEAs cannot merely transfer existing special education policy to online settings – the situation is more complicated than that. Most online learning opportunities are not state-sponsored but instead are contracted with vendors. Many LEAs began to offer online learning opportunities before SEAs or LEAs developed policies and procedures on how to implement online learning successfully in ways that comport with IDEA. Despite these gaps, an important activity is that LEAs make sure their policies, practices, and procedures are consistent with any SEA policies that do exist. As the OSERS Dear Colleague letter indicated, *“The requirements of IDEA apply to SEAs and LEAs, regardless of whether a child is enrolled in a virtual school that is a public school of the LEA or a public school that is constituted as an LEA by the State.”*

LEA staff should consider reviewing their current policies, practices, and procedures to determine enablers and barriers of online learning. The following list of questions may guide LEA staffs’ thinking to engage in a policy, practice, and procedure review process to examine how well they are meeting their supervisory responsibilities. These questions are intended as a jumpstart to their thinking and are not intended to be exhaustive.

Implementing IDEA Online: To what extent do your LEA policies, practices, and procedures:

- Address which entities are responsible for supervising and implementing IDEA principles in all types of online settings?
- Recognize that online IEPs may be very different from traditional IEPs and address their review procedures for IEPs before or during enrollment in online settings?
- Address IEP review as the online environment changes or offer guidance for what constitutes online placement of service change?
- Address special education related services (e.g. occupational, physical, speech language) delivered in the online environment instead of face-to-face?
- Address the expected parental roles and responsibilities for guiding and assisting their children in online coursework and related services?

Accessibility in Online Settings: To what extent do your LEA policies, practices, and procedures:

- Address flexible digital educational settings and content being fully accessible to all learners?
 - Encourage a team effort among course designers, online instructors, and program administrators to develop online learning opportunities that take advantage of the unique affordances of technology rather than start with off-line materials and retrofit them to the online environment?
- Address the flexibility of online materials and use of inclusive instructional strategies to support students with disabilities?
 - Consider provisions for accommodations such as just-in-time student feedback for learning, scaffolding course materials, altering pace, offering a variety of learning strategies, and providing multiple options for student expression of learning?
 - Identify online curriculum that takes advantage of unique online characteristics that foster student collaboration, personalize instruction and learning pathways, support multiple ways to demonstrate mastery, and encourage student-centered learning?
 - Address student control over learning pathways, choices over content, or independent decision-making?
 - Implement evidence-based instructional practices?
 - Incorporate universal design for learning (UDL) principles in the selection of educational content?
 - Consider an integrated approach to technology funding and purchasing decisions that addresses accessibility and flexibility of online materials, system requirements and capabilities, and device lifespan, requirements, and capabilities?

Access to Student Data in Online Settings: To what extent do your LEA policies, practices, and procedures:

- Address flexible student data access by vendors that considers requirements for personally identifiable information, types of data necessary to identify and support learning needs, and provide ongoing revisions to systems and/or materials?
- Consider integrating vendor and LEA data platforms and information that is useful for State-level special education reporting requirements?

Although LEA policies, practices, and procedures are just beginning to be considered, they are being implemented in many places. A list of resources is offered below so the reader can find more information and expert advice on what some states are considering and doing.

RESOURCES

SOURCE and LINK	2017 Report on the Stakeholder Forum on Elementary and Secondary Online Learning and Students with Disabilities
	http://centeronlinelearning.org/wp-content/uploads/SuperForumReport_March20171.pdf

SOURCE and LINK	2016 NASDE/CASE Conference Keynote Presentation: What Should State and Local Education Agencies Be Doing About Online Learning for Students With Disabilities?
	http://centeronlinelearning.org/wp-content/uploads/CASE.NASDSE-Keynote-9.21.16.pdf
SOURCE and LINK	2014 NASDE/CASE Conference Presentation: Students with Disabilities Learning Online: Implications for State Directors
	http://centeronlinelearning.org/wp-content/uploads/COLSD_NASDSE_2014.pdf
SOURCE and LINK	Equity Matters 2016
	http://centeronlinelearning.org/publications/equity-matters-2016/
SOURCE and LINK	IDEA Principles in the Online Environment
	http://centeronlinelearning.org/wp-content/uploads/SEA_Topic_3_Summary_updated_July_2015.pdf
SOURCE and LINK	State Performance Plan Process and Indicators: Policy Forum
	http://www.nasdse.org/LinkClick.aspx?fileticket=WmUtXZY4EhE%3D&tabid=36

One can imagine that the opportunities for online instruction will continue to increase for students in P-12. With that expansion will also come further questions about ensuring that students with disabilities are afforded opportunities for full participation and do benefit from the experiences. LEA's policies, practices, and procedures will need continuous review to ensure that students with disabilities are provided free and appropriate educational experiences.

The Center on Online Learning and Students with Disabilities (COLSD) published *Equity Matters 2016* (<http://centeronlinelearning.org/publications/equity-matters-2016/>) and other COLSD research on LEA policies, practices, and procedures for online environments. A series of forums, held between August 2014 – August 2016, involving representatives from the following groups: State Special Education Superintendents, Virtual School Superintendents, Vendors, and Stakeholders, (<http://centeronlinelearning.org/publications/center-research/>) and state scans (<http://centeronlinelearning.org/resources/state-policy-guide/>) gathered information about the current status in creating policies about and implementing online learning for students with disabilities.

For further information on recommendations for LEAs, please consult the reports and resources on the Center on Online Learning and Students with Disabilities' website at <http://centeronlinelearning.org>.