



ONLINE LEARNING FOR STUDENTS WITH DISABILITIES: CONSIDERATIONS FOR SEA POLICIES AND PROCEDURES

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The purpose of this brief is to provide State Education Agencies (SEAs) considerations for (1) thinking about the implications of online learning on students with disabilities, and (2) developing or revising state policies and procedures to provide guidance and technical assistance to LEAs. 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. In this situation, students take the course as a supplement to their program and the course is fully online while all of 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 SEAs because States 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 SEA'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)*. While the letter addresses the categories of supervisory responsibilities, pro-active approaches for child find, and assurances for FAPE, in order to keep this paper brief, we will focus on supervisory responsibilities.

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.*
- *The SEA must exercise general supervision over all educational programs for children with disabilities administered within the State to ensure that the education standards of the SEA and the requirements of Part B are met.*
- *Accordingly, the SEA is responsible for ensuring that all LEAs, including virtual schools that operate as LEAs, implement the requirements of IDEA. 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.*

SEAs grappling with IDEA Principles

The Center on Online Learning and Students with Disabilities (COLSD) published *2016 Equity Matters* (<http://centerononlinelearning.org/publications/equity-matters-2016/>) and other COLSD research on State policies and procedures for online environments. A forum of SEA representatives (<http://centerononlinelearning.org/publications/center-research/?category=sea>) and state scans (<http://centerononlinelearning.org/resources/state-policy-guide/>) gathered information about states' current status in creating policies about and implementing online learning for students with disabilities. Most states are still exploring and forming their policies and procedures at the same time that online learning is very quickly enrolling more and more students, including students with disabilities. The following are examples of vague policy areas for most SEAs according to COLSD information reported in *Equity Matters*, the SEA Forum and state policy scans:

- SEAs are concerned with determining if and how IDEA principles are different in online environments compared to in-person education. COLSD has found that
 - 37 states have no clear guidance or policies on who is responsible for providing disability services for children with disabilities in online environments and few states have procedures for monitoring student outcomes.
 - About 75% of all states and territories have no clear policies and procedures around six IDEA principles: (1) FAPE, (2) LRE, (3) Zero Reject, (4) Nondiscriminatory Identification and Evaluation, (5) Due Process Safeguards, and (6) Parent Participation.
 - Uncertainty exists around if and how IEPs from brick and mortar settings transfer to online settings with fidelity.
 - Some states require vendors to fill out applications for states to consider them as viable providers for online learning. Only 21 states require vendors to specifically mention serving students with disabilities in their applications, but these prerequisites across the USA have a large variance in requirements for information vendors must articulate about provisions for services and/or accommodations for students with disabilities.
- State directors of special education are concerned specifically when the online environment is considered an LEA. The policies and procedures are unclear for:
 - Monitoring practices for quality and accessibility of online environments or determining compliance for IDEA regulations in state or vendor virtual schools.
 - Offering LEAs technical assistance in creating continuing improvement plans that include online learning for students with disabilities.
- States recognize the need to communicate with parents about the differences in the parents' role (e.g. more active, acts like a learning coach) in online settings but do not have systemic policies and procedures to address this need.

As you can see from the list, there is great diversity in what states consider as they contemplate online learning generally and then layer that with meeting the needs of a variety of students with disabilities. The following brief gives SEAs some ideas about how to think about these complex policies to support LEAs as they implement fully and supplemental online learning.

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	2016 Equity Matters
	http://centeronlinelearning.org/publications/equity-matters-2016/

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	SEA 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	Keeping Pace with K-12 Digital Learning: An Annual Review of Policy and Practice (2015).
	http://www.kpk12.com/wp-content/uploads/Evergreen_KeepingPace_2015.pdf

WHAT SEAs MAY CONSIDER

Reviewing State policies for online learning for students with disabilities

As noted above, many states are grappling with developing nuanced policies and procedures that allow them to accurately interpret and appropriately implement IDEA regulations in online settings. SEAs cannot merely transfer existing special education policy to online settings – it is much more complicated than that. Most fully online schools and supplemental online learning opportunities are not state-sponsored but instead are contracted with vendors. Many LEAs began to offer online learning opportunities before states had time to develop policies and procedures around how to implement online learning successfully in ways that comport with IDEA. However, as the OSERS Dear Colleague letter indicated, ... *the SEA is responsible for ensuring that all LEAs, including virtual schools that operate as LEAs, implement the requirements of IDEA.*

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

Disability Categories: To what extent do your SEA policies and procedures:

- Determine how many students, by disability category, are in fully or supplemental online programs and how these students are progressing compared to general education peers?
- Determine full accessibility for all disability categories?
- Consider Universal Design for Learning (UDL) as an overall framework to design and implement equitable access to content and services in all online learning settings?

IEP Procedures: To what extent do your SEA policies and procedures:

- Determine procedures for IEP review as part of online enrollment process and implementation of the IEP after enrollment?

- Develop online IEPs that can be linked to the state level online student data system?
- Confirm parent involvement and communication in the online learning of their child?

Instruction and Service Delivery: To what extent do your SEA policies and procedures:

- Determine best practices (e.g. effective online modifications and accommodations, evidence-based instructional practices) for online teachers, special education teachers, and related service providers to meet the learning needs of students with disabilities?
- Determine how many students receive online special education service delivery (e.g. speech language, occupational or physical therapy), the nature of the service, and whether the service is of adequate quality to meet the IEP demands?
- Identify flexible special education services delivery systems and materials that are designed to be inclusive and consider their scalability, relevance, customization for the SEA/LEA, and combine types of media to enhance usability and accessibility?

LEA Responsibilities and SEA technical assistance: To what extent do your SEA policies and procedures:

- Offer clear guidelines for LEAs around LEA responsibilities to monitor online schools and/or programs whether they are LEA-sponsored or vendor contracted for IDEA compliance?
- Prepare technology departments to support SWDs when they need modified or different tools to access content?
- Determine to what extent SEAs offer technical assistance opportunities for LEAs that address the above considerations?

Online vendors and providers: To what extent do your SEA policies and procedures:

- Determine criteria to vet appropriate online vendors and service delivery specialists operating in your State to ensure SWDs’ learning needs are met through the unique properties that online settings offer (e.g. ability to personalize instruction; ability to easily demonstrate learning and mastery in multiple ways; ability to offer real-time feedback)?
- Determine what materials and services online vendors provide to students outside of curriculum? Determine how much of online student information is part of the state data management system and/or student information system?
- Hold supplemental and fully online vendors and state virtual schools accountable to meet SWD’s learning needs with requirements for vendors and state virtual schools to redress problems in programs or tools as they arise?

Although state policies and procedures are just beginning considered, they are being implemented in many places. There are a list of resources below where the reader can find more information and expert advice on what some states are considering and doing.

RESOURCES

SOURCE and LINK	2016 Equity Matters
	http://centeronlinelearning.org/publications/equity-matters-2016/

SOURCE and LINK	2016 Stakeholder Forum (in process)
	Check the COLSD website for publication http://centeronlinelearning.org/publications/featured-publications/
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	IDEA Principles in the Online Environment
	http://centeronlinelearning.org/wp-content/uploads/SEA_Topic_3_Summary_updated_July_2015.pdf
SOURCE and LINK	NASDSE/CASE Conference Keynote Presentation: What Should State and Local Education Agencies Be Doing About Online Learning for Students With Disabilities? 2016
	http://centeronlinelearning.org/wp-content/uploads/CASE.NASDSE-Keynote-9.21.16.pdf
SOURCE and LINK	NASDSE/CASE Conference Presentation: Students with Disabilities Learning Online: Implications for State Directors 2014
	http://centeronlinelearning.org/wp-content/uploads/COLSD_NASDSE_2014.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. SEA’s policies and procedures will need continuous review to ensure that students with disabilities are provided free and appropriate educational experiences.

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

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