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by

DEMYSTIFYING SPECIAL EDUCATION IN VIRTUAL CHARTER SCHOOLS

SPECIAL REPORT

on implementing special education in charter schools.

PRIMERS

DEMYSTIFYING SPECIAL EDUCATION IN VIRTUAL CHARTER SCHOOLS

SECTION I: INTRODUCTION

The option of distance learning has been available in secondary and post-secondary education for decades. The evolution of the computer age has facilitated growth in distance learning due to easy access to online programs and the availability of packaged curricula. The growth of the charter school sector dating back to 1991 has created new opportunities for developers interested in creating new online and virtual distance educational opportunities. Yet, for many traditional educators, the notion of online, cyber, or virtual schools is the antithesis of their vision of the meaning of education. Many policy makers, administrators and educators view virtual schools as an oddity of which they know little. Nowhere has the growth in whole virtual school opportunities been as robust as in the charter sector. The opportunity to create new and innovative schools has been a magnet for developers interested in expanding virtual and comprehensive options for K-12 public school students.

Many view virtual schools with reserved puzzlement and the idea of special education and related services in this environment with outright skepticism. Yet, our examination of special education in the virtual environment dispelled many misconceptions about what exactly virtual education is and what opportunities this mode of instruction can provide to students across the spectrum of disability categories.

This special report is a supplement to a series of special education primers created to inform state officials, authorizers and charter school operators about special education in the charter sector.¹ The primer series also provides tools to help these stakeholders build charter school capacity to provide special education and related services. In line with the primers, this supplemental special report is organized in a question and answer format to maximize accessibility of information for the end users. Our goal in developing the report is to demystify special education issues that are unique in the virtual environment by examining issues that are unique to this new but growing sector.

The information presented in the primer reflects our collective knowledge based on our review of the limited but emerging literature on virtual charter schools and interviews with virtual school operators. In addition, we interviewed charter school authorizers and state department of education officials who have direct experience with and knowledge of the provision of special education and related services in virtual schools.

First and foremost, virtual charter schools that operate under a charter granted in accordance with their state statute are public schools. Therefore, they are required to abide by the same federal laws pertaining to students with disabilities as their brick and mortar public school peers. However, educating in a virtual environment is a somewhat radical departure from how we typically construct the notion of public schools. Consequently, carefully constructed policies and practice are required to ensure that students with disabilities can access the opportunities afforded in virtual charter schools analogous to their peers.

¹ See www.uscharterschools.org/specialprimers for the original set of *Primers on Special Education in Charter Schools* developed by the National Association of State Directors of Special Education and related resources on this topic.

The term virtual school potentially has multiple meanings. This section provides a definition of virtual schools and explores various forms of virtual schools, including the focus of this special report on virtual charter schools.

Definition

Many misconceptions about virtual schools arise because the virtual form itself is new, rapidly evolving and referred to by several different terms. “Cyber schools,” “online schools,” “non-classroom-based education,” “technology-assisted project-based instruction (TAPBI),” and “e-learning” all have been used to describe a similar type of online learning environment. For purposes of clarity, the term “virtual school” and specifically “virtual charter school” will be used throughout this document to refer to a wholly public educational organization that offers full-time instruction at the K-12 level at least partially through Internet-based methods, with time and/or distance separating the teacher and learner (Vanourek 2006a; Mueller & Ahearn, 2004; Hassel & Terrell, 2004; Anderson, 2003).

Thus defined, virtual schools should be distinguished from traditional “brick and mortar” schools—traditional schools where instruction is delivered in a public school facility—as well as from several related forms of online and distance learning. For example, several public schools (chartered and traditional) integrate online learning in the conventional classroom setting, “e-learning” in a sense. Distance education programs may also incorporate computer-based instruction, but typically have few if any students enrolled full-time (Vanourek 2006a; Mueller & Ahearn, 2004). Consequently, they are considered supplemental *programs* as opposed to *schools*. Virtual schools incorporate both the distance and online aspects of these programs into complete educational institutions that offer full-time instruction to students at the K-12 level.

Within the world of virtual schools, there is much variation along the range of time and distance as well as the extent of online instruction. With regard to distance, for example, some virtual schools operate entirely remotely, with teachers working from their homes to lead instruction with students who are spread throughout a region or state. Others bring students together in a common facility where they participate in instruction on computers during traditional school hours and teachers monitor progress in person and/or online. Similarly, virtual schooling programs vary tremendously in the amount of time they involve students in computer-based and online learning. Many virtual schools direct their elementary and middle school-aged students to spend only a small portion of their day on the computer and provide the majority of instruction through book reading, science experiments and other activities with materials shipped into the home. Other virtual schools, particularly at the high school level, engage their students primarily in instruction that occurs both on the computer and online (Vanourek 2006a; Anderson, 2003, 2003; Bogden, 2003). When virtual school students receive the majority of their instruction at home, parents are typically very involved in their child’s education, working closely with teachers to implement and tailor lessons for their child.

Finally, virtual schools vary according to how they deliver instruction ranging from asynchronously or synchronously:

- *Asynchronous* instruction occurs when the student is not receiving the instruction simultaneous to when the instructor is delivering it. This type of instruction is typically delivered via course management software, e-mail communications, and electronic discussion groups (Chin, Kinshuk, & Lin, 2004).
- *Synchronous* instruction (also referred to as real-time, live, or simultaneous instruction) occurs when the teacher is delivering content to students at the same time that students are receiving the content. Synchronous instruction that permits real-time interaction between teachers and students more closely resembles the experiences of students in traditional brick and mortar settings than asynchronous (Chin, Kinshuk, & Lin, 2004).

Forms of Virtual Schools and Supplemental Programs

As with distance, time, and form of instruction, virtual schools also vary by their operational structure and legal status. It is difficult to pin down clear types and numbers of each kind of virtual program because the schools and programs evolve rapidly, and states use different and overlapping definitions of virtual education. For instance, the California Department of Education refers to virtual schools as “independent study schools,” but not all of these schools use the Internet to deliver content. Even the most recent data collected on the number of operating virtual schools is outdated, and it is estimated that online learning and virtual schools are expanding at a rate of 30 percent per year (Vanourk, 2006a). In general, however, almost all virtual schools or supplemental programs are operated and overseen by one of the following entities.

Regional Agencies or Consortia of Educational Organizations

These providers—some public, many private—typically broker other providers of curriculum or distribute their own resources and coursework among members (Mueller & Ahearn, 2004; Hassel & Terrell, 2004). In 2007, at least 30 virtual schools were operated by organizations that are national, multi-state, or regional in focus.

State Education Agencies

At the state level, virtual programs typically provide advanced coursework or supplementary services to middle and high school students (Mueller & Ahearn, 2004). As of September 2006, 38 states had either state-led online learning programs or significant policies regulating online education (Watson & Ryan, 2006). In 2004, at least 15 states operated their own virtual schools (Hassel & Terrell, 2004).

Universities

In 2004, at least nine universities provided online learning opportunities to K-12 students (Mueller & Ahearn, 2004). Many of these offer virtual K-12 courses as part of their continuing education programs or independent study programs (Mueller & Ahearn, 2004; Hassel & Terrell, 2004).

Local Public School Districts and Other Local Education Agencies (LEAs)

LEA-based virtual programs are often designed to serve the district’s supplemental or alternative education needs and to provide services to home schooled students. Depending on the scope of course offerings, the programs may or may not constitute a school. In 2004, at least 36 districts operated their own virtual school (Hassel & Terrell, 2004).

Charters Schools

Virtual schools may operate under a charter from a local district, state board, university or other authorizer under the state’s charter school law. The virtual charter school model is the most prolific

Educating students with disabilities in virtual schools entails not only molding state charter school laws to fit a specialized type of charter school, but also adapting federal and state special education guidelines aimed at providing special education in traditional brick and mortar settings. Two primary points for consideration in virtual charter schools are enrollment of students with disabilities and navigating the intersection of the complex laws and regulations.

Enrollment. Several studies of online programs report that they are a popular option among students who have been underserved in traditional schools, including students with disabilities (Fulton, 2002; Mueller & Ahearn, 2004; PA DOE, 2001; Smouse, 2005; Weiss & Nieto, 1999). Many virtual charter schools are able to offer instructional methods that are attractive to students with various disabilities, such as individualized pacing, frequent and immediate feedback, a variety of presentations formats and personalized instruction. The flexibility of time and space also allows families more control over their child's learning environment, an important consideration for many students (Smouse, 2005).

Despite emerging findings about the popularity of virtual charter schools among students with disabilities, we know very little about the extent to which these students are served in virtual charter schools. In one 2004 study, virtual schools in several states reported enrolling a significant percentage of students with disabilities, though proportionately less than traditional public schools. For example, one school serving 11,700 students reported that 775 were students with disabilities; another served 1,700 students with IEPs out of a total of 18,000. One state reported that approximately 600 students with disabilities were served in virtual schools out of a total of 7,000 (Mueller & Ahearn, 2004). In 2001, a state audit found that total special education enrollment in Pennsylvania's virtual schools was approximately 12 percent of the state's total virtual school population (Pennsylvania Department of Education, 2001). National estimates of the number of students with disabilities enrolled in virtual charter schools are unavailable.

The lack of data regarding the number of students with disabilities in virtual charter schools is symptomatic of a larger dearth of research about virtual schools' service to students with disabilities in general. With regard to computer-based and web-based instruction, several older studies suggest that students with disabilities perform better as a result of these methods than in traditional special education environments, in part due to the individualized pacing, frequent and immediate feedback, and personalized instruction possible in the electronic environment (Horton et al, 1989; Anderson-Imman, 1999; Schmidt, 1992, cited in Smouse, 2005). There is no research available that evaluates the success of students with disabilities in virtual as compared to traditional public schools. There is a great need for this type of research and enormous potential to learn from current virtual charter schools where staff tells inspiring stories of success with their special education populations.

Applicable law and regulations. There are no federal education laws specifically addressing special education in virtual schools. Yet, as public schools, virtual charter schools are required to abide by all federal education statutes, including the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act (ADA) and the Fourteenth Amendment of the U.S. Constitution (Griffin, 2002; Rapp et al, 2006). A

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virtual charter school's specific responsibilities for carrying out special education requirements depends on its legal status—specifically, whether it falls under the jurisdiction of the local or regional school district or is considered its own local education agency (LEA) by the state. Most virtual charter schools, like many traditional charter schools, function as independent LEAs under state law (Mueller & Ahearn, 2004; Vanourek, 2006b). Consequently, they are responsible for abiding by all special education rules and regulations, including conducting special education student identification and evaluation, developing individual education programs (IEPs) and providing individualized support, curricular modifications and adaptations as well as related services such as occupational, physical and speech therapy (Mueller & Ahearn, 2004; Rapp et al., 2006; Vanourek 2006b).

While virtual charter schools may in many ways be an excellent fit for students with disabilities, it can be challenging to meet state and federal special education requirements in the virtual environment. Virtual school administrators may have had little experience with special education programs and be unaware of the services to which students with disabilities are entitled (Mueller & Ahearn, 2004). In 2006, for example, a state audit revealed that two virtual charter schools in Colorado had failed to assess the needs of their students who had been previously identified as having a disability, failed to develop IEPs for the students and had no documentation of providing related services (Colorado Department of Education, 2006). Related services, particularly occupational and physical therapy, may be especially difficult for virtual charter schools to provide to students spread throughout a wide geographic area (Mueller & Ahearn, 2004; Rapp et al., 2006).