PRIMERS

on implementing special education in charter schools.

SPECIAL REPORT

DEMYSTIFYING SPECIAL EDUCATION IN VIRTUAL CHARTER SCHOOLS

by

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Public Impact

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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 charter 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.

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[1] See www.uscharterschools.org/specialedprimers 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.

SECTION II: VIRTUAL SCHOOLS

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 brick and mortar 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 (Vanourek, 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

form of virtual K-12 schooling, with 162 schools in operation in 2007 (Center for Education Reform, 2007). Arizona, Ohio, and Pennsylvania lead the states in the number of virtual charter schools authorized (Hassel & Terrell, 2004). This form of virtual school is discussed in greater detail in the next section.

Virtual Charter Schools

The largest subset of virtual schools is virtual *charter* schools. Charter schools are autonomous public schools that receive a contract, or charter, from a designated agency—an authorizer—such as a local school board, university, or state board of education within the legal parameters defined by a state charter school law. The charter is typically a legal agreement between the school's governing body and the authorizer that describes the school's goals, organization, funding, and autonomy. Many virtual charter school boards subcontract with virtual school providers (e.g., local, regional, or national entities that utilize a whole-school model). In accord with state charter schools laws, independent charter school boards—not the contracted virtual school provider—hold the charter in most states. Virtual charter schools, like traditional charter schools, receive freedom from various rules and regulations in exchange for greater accountability for meeting stated outcomes. Like traditional charter schools, if a virtual charter school fails to meet these outcomes; it may lose its charter and be closed down (Anderson, 2003).

As a subsector of U .S. public schooling, the charter school sector is fairly small (about four percent of all public schools [CER, 2007]) but makes up about 20 percent of all online learning schools (Vanourek, 2006a). In 2006, virtual charter schools comprised about four percent of all charter schools and enrolled about six percent of all charter school students (Vanourek, 2006a).

Potential Advantages and Challenges

Virtual charter schools are largely unknown among many parents and educators and are still widely misunderstood. Through their new modes of instruction, virtual charter schools have the potential to create new modes of delivery, governance and funding of public education. Yet, there is little definitive research regarding these schools. These reforms may improve students,' parents' and educators' opportunities, but they also raise several challenges.

Diversity of students. While virtual charter schools may not appeal to all students, they can provide a learning environment that is appealing to many, especially those students who have been previously underserved by traditional public schools. Families who live in remote areas may also find it appealing to receive instruction at home (Weiss & Neito, 1999); older students with work or extracurricular commitments may opt for virtual schooling due to its more flexible schedule. Students who are unable to attend school regularly due to health, behavioral or emotional problems may also find a good fit with a virtual charter school (Anderson, 2003; Bogden, 2003). In some states, the proportional enrollment of students with disabilities in virtual charter schools is relatively in line with national averages: in Pennsylvania, for example, 12% of students in virtual charter schools in 2001 were enrolled in special education programs, compared to 11.6% nationally according to the most recent national data.[2]

[2] The child count data for special education is available in the tables on the IDEAdata.org website. The most recent data as of this writing is for Fall 2005 and is available at https://www.ideadata.org/tables29th/ar_1-10.htm

Individualization. Virtual charter schools may offer a better fit than traditional public schools for many students not only because of their flexible location and schedule, but they may also allow greater opportunity for individualized instruction. Many virtual charter schools offer a wider variety of curricular and instructional options than traditional schools, including online and offline learning with graphics and animation, audio components and interactive exercises. Many school programs can also be personalized to an individual student's pace and ability, allowing them to advance through subjects and grades as quickly or slowly as they need (Anderson, 2003; Bogden, 2003; Vanourek, 2006a).

Parent involvement. Virtual charter schools can provide extensive opportunities for parents to be involved in their child's education—in many virtual settings the student learns exclusively from home. Strong teachers not only provide lesson plans but share pedagogical techniques individually with parents to help facilitate their child's experience. Parents of virtual charter school students tend to be very involved in their child's education on a day-to-day basis (Fulton, 2002; Vanourek, 2006a).

Technology. There can be several advantages to the increased use of technology in the virtual charter school. First, virtual charter schools often supply their students with computers, printers, an Internet connection and other supplies to connect with the online school community. In many cases, this is the first computer in a student's home or is a significant upgrade and allows the entire family access to the Web and other resources (Anderson, 2003; Weiss & Nieto, 1999). Virtual charter schools' use of technology may also enhance students' attention and engagement: many in today's younger generation are extraordinarily comfortable with technology and find it more stimulating than a traditional brick-and-mortar classroom. Finally, many computer-based instructional programs have built-in diagnostic assessments that allow teachers and parents to track progress and provide continuous feedback on a student's knowledge and skills (Vanourek, 2006a; Bogden, 2003; Anderson, 2003).

Accountability. Many critics' primary concern about virtual charter schools is the extent to which they can be held accountable for the quality of their service to students (Anderson, 2003; Bogden, 2003; Hassel & Terrell; Fulton; Vanourek, 2006a). What curricular programs are these schools using? Are their teachers qualified to deliver instruction, separated from their students by space and time? How can we be certain that students are receiving an adequate amount of instruction and that it is the student, and not a parent, doing the work? Like traditional charter schools, virtual charter schools are held accountable to specific outcomes for student learning (e.g., adequate yearly progress under the Elementary and Secondary Education Act now referred to as the No Child Left Behind Act or NCLB). But because the teachers, instructional delivery, and location of virtual charter school is typically quite different from traditional public schools, existing accountability measures often do not "fit" the virtual environment or provide adequate assurance of quality. And in many states, because virtual charter schools are still new, state laws and regulations offer little guidance about how to adapt existing accountability methods to the virtual charter model (Fulton, 2002; Hassel & Terrell, 2004; Watson & Ryan; 2006).

Unfortunately, no rigorous studies are available that compare student learning in virtual charter schools to student learning in traditional public or charter schools. One study conducted in 2000 by the Florida Virtual High School (non-charter) compares student performance in traditional classroom

settings to those in virtual courses taught by the same instructor and found that there were no apparent differences in the grades they earned (Kozma et al., 2000). Aside from this report and anecdotal evidence of performance in virtual charter schools, the majority of what we know about student learning comes from evaluations of distance education and online learning programs. For example, a 2005 meta-analysis of research studies in the online K-12 context found that students in distance education programs performed equally well or better academically in online learning environments than in traditional education programs (Smith et al., 2005). A 2004 analysis by the North Central Regional Educational Laboratory reported similar findings in distance education programs (Cavanaugh et al., 2004). Overall, the existing evidence of performance in virtual charter schools is far from conclusive.

Teacher quality. Virtual charter schools struggle to fill many of the same teaching positions as traditional public schools, such as science, math and special education. But virtual charter schools face the additional challenge of recruiting candidates who can be successful outside the traditional school environment. Virtual instruction differs in several respects from teaching in a typical K-12 classroom: teachers must be comfortable with and skilled in several types of technology; they often work from home or in an office surrounded by other educators rather than students; their relationships with parents typically must be much more hands-on. While still relatively novel, a few teacher preparation and development programs have developed courses specially designed to train teachers in these new technologies and approaches (Vanourek, 2006a; Smith et al., 2005). For instance, Boise State University offers a certificate in online teaching that includes strategies for integrating computers and instructional software into lesson-planning, engaging online learners and facilitating collaborative and interactive online-learning experiences (Boise State University, 2007). There is still concern, however, that virtual charter schools may find it difficult to hire a sufficient number of teachers who can work effectively in their unique environment.

Interpersonal interaction. For some students, the lack of face-to-face interaction in the virtual environment may truly be something lost. Many virtual schools provide social opportunities such as field trips, sports teams and proms and mimic personal interactions through synchronous lessons, audio capabilities and chat sessions. However, it is difficult to replicate the social development that occurs in a traditional classroom environment—in the halls, at lunch and after school. It is still unclear whether virtual charter schools can develop similar opportunities for meaningful social interaction.

Funding. Starting and operating a virtual charter school can be expensive, requiring upfront and ongoing investment in technology equipment, software and other supplies, as well as staffing and program development. Virtual schools must also conduct onsite assessments for end-of-year tests (e.g., state assessments), which require funding for testing sites and personnel. On the other hand, because they typically do not require lease and maintenance of a physical school building, transportation, or food services, virtual schools can cost substantially less than brick and mortar schools. Discussions abound in every state with a virtual charter school about the proportion of education funding they should receive (Anderson, 2003; Bogden, 2003; Vanourek, 2006a). Like traditional schools, virtual schools typically receive funding based on their enrollment, but many states are still working to define average daily "attendance" in the virtual context. States and districts are also still working through their responsibilities when large numbers of previously home-schooled students enroll in virtual charter schools and enrollment crosses traditional school district geographic boundaries (Anderson, 2003; Hassel & Terrell, 2004; Huerta et al., 2006).

Special Education in Virtual Charter Schools

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-Inman, 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

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).

SECTION III: METHODOLOGY

This primer was developed based on a review of existing research; an examination of documents pertaining to virtual schools, and specifically special education in virtual schools; and interviews with individuals with first hand knowledge of virtual schools. We interviewed eight virtual charter school providers and 10 other key informants with immediate working knowledge of how virtual schools are providing services to students with disabilities. Interviews were between 60-90 minutes in length. We conducted most interviews by telephone although we visited two virtual schools to gather in-depth information about how the providers deliver and modify curriculum. During the process of developing the report, we visited two virtual schools to observe teachers instructing students synchronously and asynchronously. Our analyses were driven by the question and answer format used in the original set of *Primers on Special Education in Charter Schools* previously cited (www.uscharterschools.org/specialedprimers).

The key informants were not selected randomly and they are not necessarily representative of the virtual charter sector. Rather, our interviews reflect maximum variation based on our desire to incorporate multiple perspectives related to how these unique schools are addressing special education issues in an effort to demystify the process. Given that the purpose of our inquiry was to develop an understanding of special education in this unique and growing sector, our document review, interviews and observations focused on exploring *how* virtual schools are educating students with disabilities and negotiating the requirements of IDEA. This special report is neither a definitive review of all of the issues related to special education in virtual charter schools nor an evaluation of current practices. When in doubt, stakeholders should defer to state special education and charter schools laws. In some instanced, questions may best be addressed by legal experts well versed in the interpretation of specific state statutes.

SECTION IV: CONSIDERING STUDENTS WITH DISABILITIES IN VIRTUAL CHARTER SCHOOLS

Ensuring that children with disabilities can enroll and succeed in virtual charter schools requires that school operators have a clear understanding of their responsibilities under IDEA and the capacity to provide the required special education and related services. Beyond simply understanding the definition of special education in virtual charter schools, authorizers and charter school operators will need to address the unique educational requirements of students with disabilities. The aspects of these requirements most relevant to virtual charter schools are presented below according to school development, enrollment, individualized education programs, service provision, discipline, transportation, monitoring and accountability, and transitions. It is important to note that virtual charter school operators and/or their special education staff must understand their responsibilities as contained in federal laws such as the IDEA, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA) as well as any state laws and regulations that govern the implementation of special education in public schools.

Charter School Development and Authorization

Who authorizes virtual charter schools?

State charter school laws dictate who is permitted to grant a charter. Local education agencies (LEAs) are the most common types of authorizers although some states permit state education agencies, institutions of higher education and/or special purpose boards to grant charters. The state of Pennsylvania allows LEAs to grant charters but only the SEA is allowed to grant virtual charters.

Who may apply for and thereafter hold the legally binding charter for a virtual charter school?

Charters are typically awarded to nonprofit charter boards that are legally responsible for upholding the terms of the charter (typically a contract or memorandum of understanding). Most states permit charter boards to purchase a variety of services from external vendors, including whole school management provided by charter management organizations or education management organizations. The charter board is responsible for managing the contract with the service provider in accordance with the charter contract negotiated with their authorizer and both charter school and state procurement laws. There are multiple local, single-school virtual charter schools, but most virtual charter schools purchase their program from regional or national virtual school providers.

What is a Learning Management System (LMS)?

An LMS is the core of most virtual learning environments. It is the platform through which schools provide their content electronically. According to the National American Council on Online Learning (NACOL), "learning management systems include tools that allow parents to view grades, completed or incomplete assignments, teacher feedback, and updates or announcements from teachers (2007, p. 4).

Are virtual charter schools required to abide by the Individuals with Disabilities Education Act (IDEA)?

Yes. All charter schools, regardless of whether they deliver their program in a brick and mortar or virtual environment, are publicly funded schools. They must be free and open to the public, including students with disabilities. Consequently, virtual charter schools must abide by IDEA and related regulations.

Responsibility for educating students with disabilities is outlined in IDEA and varies according to a school's legal identity (i.e., an LEA or part of an existing LEA). The exact nature of a charter school's identity for purposes of special education is relevant because, under federal requirements, an LEA has many more programmatic and financial responsibilities than a school that is part of a larger, multi-school LEA. While the state is ultimately responsible for the education of all its resident children, states delegate responsibility to LEAs. For example, states typically assign the responsibility to their LEAs for providing a free appropriate public education (FAPE). LEA status also influences how funds for special education will flow to the charter school with LEA charter schools receiving most of their funds directly from the state. Virtual charter schools that are part of a local district may have to negotiate with their LEA regarding whether they will receive funds to purchase services or alternatively, the LEA will retain funds and provide special education and related services to students with disabilities who enroll in the school.

Are virtual charter schools required to provide a full continuum of placements to students with disabilities?

A virtual school's responsibility for placement depends on its legal identity under state law and the charter contract. If a virtual charter school is a separate LEA, it is required to provide a full continuum of placements. By contrast, that responsibility lies with the traditional LEA if the charter school is part of that LEA.

Some aspects of the notion of placement are different, however, for virtual charter schools. In traditional public schools, a full continuum of placements ranges from instruction in a general education classroom through a series of settings that represent progressively increasing amounts of time removed from the "general education" location, up to and potentially including a private residential setting. In a virtual environment in which students are typically instructed in their homes, the home is the general education classroom and there are not "removals" for periods of time other than possibly the delivery of related services, such as therapies, in another setting. If a student requires placement in a private day or residential setting, the responsibility of the virtual school depends on the legal identity of that school. For example, if the virtual charter school is part of an LEA, the traditional LEA may be responsible for private placements as it would be for any school in the district.

When creating a virtual charter school, what factors should developers consider related to educating students with disabilities?

Virtual charter schools are required to abide by the same IDEA requirements and related state regulations as traditional brick and mortar charter schools. Any variation in the way these requirements are implemented in a virtual, as opposed to a brick and mortar learning environment, should be described in the charter contract. A state may have specific regulations or policies that

address questions that arise pertaining to educating students with disabilities in the virtual environment.

Similar to all charter schools, virtual charter schools need to integrate the development of a high quality special education program into their initial application. (See Textbox 1). Areas of the application that should incorporate the applicant's plan to include students with disabilities are:

- administration
- curriculum, instruction, and assessment
- enrollment
- specialized personnel (e.g., certified special education teachers, administrators, and related services personnel)
- budget
- facility; and
- transportation

In addition, given the unique nature of virtual schools, developers should consider a host of issues that need special consideration given the manner in which these schools deliver their instructional program. (See Textbox 2)

Textbox 1: General Issues to Address During the Charter Application Phase Regarding Educating Students with Disabilities

- ✓ Plan to evaluate and identify children with disabilities.
- ✓ Plan to develop, review and revise IEPs.
- ✓ Plan to integrate special education into the general education program curriculum and instruction.
- ✓ Plan to deliver special education and related services (e.g., in-house or contract out?).
- ✓ Projected cost of special education program (e.g., percent of operating budget).
- ✓ Plan to access and account for special education funds.
- ✓ Anticipated sources for ongoing legal guidance related to special education.
- ✓ Plan to ensure that the school facility meets the requirements of other related laws such as the Americans with Disabilities Act (ADA) and Section 504.
- ✓ Plan for enrollment/IEP transition procedure.
- ✓ Plan to address student discipline.
- ✓ Plan to handle programming disputes involving parents.
- ✓ Plan to ensure confidentiality of special education records.
- ✓ Plan to purchase services from special education vendors.
- ✓ Plan to secure technical assistance and training; and
- ✓ Plan to maintain confidentiality of all records according to IDEA and FERPA.

Source: Primer for Charter School Authorizers: Special Education Requirements and Including Students with Disabilities in Charter Schools (2004). National Association of State Directors of Special Education.

Textbox 2: Specific Questions to Consider During Application Phase Regarding Educating Students With Disabilities in a Virtual Charter School

- ✓ What type of virtual program will the school offer (e.g., all virtual or hybrid virtual with brick and mortar component, asynchronous or synchronous)?
- ✓ Does the curriculum/provider have established guidance regarding adaptations and modifications for students with disabilities?
- ✓ Will teachers meet students in person before school starts?
- ✓ How will the school identify students who may be eligible for special education and related services given the limited in-person contact?
- ✓ Does the state consider enrollment in a virtual school a change of placement for a student with a disability?
- ✓ When will IEP meetings be held?
- ✓ Where will IEP meetings be held?
- ✓ Will the IEP meetings require specialized technology to accommodate members in different locations?
- ✓ What, if any role, will parents play in delivering the content?
- ✓ How will the school train parents and students with disabilities to use required technology, including specialized equipment to help students with disabilities access online material?
- ✓ What will be the relationship be between general education personnel, special education personnel and parents?
- ✓ How will students with disabilities be provided related services (e.g., speech and occupational therapy)?
- ✓ How will students be transported if they need to obtain related services out of their home?
- ✓ How does the school plan to recruit and retain qualified special education and related services professionals willing to work with students in multiple locations?
- ✓ Will the school offer specialized training to prepare teachers to work in a virtual environment?
- ✓ Where will the school administer state assessments and how will the school ensure the facility is appropriate and accessible to students with disabilities?

Enrollment

Do virtual charter schools have to accept students with disabilities?

Yes. As public schools, virtual charter schools are required to maintain open enrollment policies and may not discriminate against students with disabilities in enrollment in accordance with all state charter school laws. If the school is overenrolled, it is required to conduct a lottery to fill spaces.

Are students with disabilities choosing to enroll in virtual charter schools?

There has been virtually no research published regarding the enrollment or education of students with disabilities in virtual charter schools. However, there is some evidence and anecdotal information that

parents of students with disabilities are attracted to the individualized nature of the academic program provided by virtual schools.

Charter school authorizers and operators should anticipate that they will enroll approximately the same proportion of student with disabilities as other public schools (roughly 12%) and plan accordingly. Examples of steps a virtual charter school applicant can take to plan for students with disabilities are to set aside funds for early intervention services, special education teachers and assistive technology.

Who is responsible for ensuring that a virtual school is accessible to a student with a disability?

Virtual schools that operate brick and mortar buildings for staff or students are required to comply with the American's with Disabilities Act (ADA) to ensure that these public spaces are accessible to individuals with disabilities. However, a personal residence where a child attends a public school program is a unique mix of public and private space.

Most students with disabilities presumably live in homes that are accessible to them. Nevertheless, the question of accessibility may arise for a child who experiences a change in mobility. Although subject to state regulations, virtual schools would at a minimum be responsible for ensuring that those elements of the learning environment that the child uses to access his schooling are accessible. In practice, this may include provision of specialized equipment and services such as, but not limited to: assistive technology, physical therapy, occupational therapy and mobility training.

Is there a standard virtual charter schools should strive to meet to ensure that their school is accessible to students with disabilities?

To ensure that the instructional program is accessible to students with a variety of disabilities, operators should follow guidelines regarding universal design for learning (UDL). UDL is a research-based framework for creating instructional programs that are not only accessible to individuals with multiple physical and cognitive disabilities, but also reflect the high standards of programs provided to all students. In order to meet the UDL standards, programs must include:

- multiple means of representation, to give learners various ways of acquiring information and knowledge;
- multiple means of expression, to provide learners alternatives for demonstrating what they know; and
- multiple means of engagement, to tap into learners' interests, offer appropriate challenges, and increase motivation (http://www.cast.org/).

A critical aspect of UDL is that programs are initially developed to ensure universal access rather than retrofitted after having been designed without consideration of universality of access.

How do virtual school personnel learn that a child who has enrolled in their school has a disability that qualifies him/her for special education services?

Virtual schools may use multiple means to learn that a student already has an IEP. Virtual schools should request student records for all students who are accepted and enrolled from the student's prior school. It is best practice to obtain a form signed by the parent to send to the former school with that request.

It is important to understand that some parents may be hesitant to provide information about their child's IEP out of fear that they may not be allowed to enroll or because they want to give their child the opportunity to drop the special education label. Given the newness and unique nature of the virtual school, parents may not understand the school's responsibilities related to IDEA. Schools can ask parents to indicate on the application or registration form if their child had an IEP at the previous school. However, such application questions should be written to make certain that the applicant is aware that the information is being requested to ensure that the school can plan to provide services. This is in contrast to language that could communicate that the response regarding a student having an IEP could negatively impact enrollment.

Besides the actual written application/registration process, virtual schools may schedule in-person registration meetings or orientation sessions to provide school personnel the opportunity to meet students prior to the start of school. The general purpose of these meetings is to introduce parents and students to the virtual school. The meetings also provide school personnel with an opportunity to build rapport with new students and their parents. Parents who are not comfortable providing information about their child's disability during the application phase may be more comfortable sharing details about their child's special needs in person.

If the student was home schooled prior to enrolling in the charter school, the parents may inform the school that their child has a disability and received special education, but they may not have paperwork documenting details about the child's disability or the services they have received to date.

Instructional Personnel

What is the definition of a highly qualified teacher in a virtual environment?

The definition of a highly qualified teacher in a virtual environment is the same as it is in a brick and mortar charter school. Furthermore, while parents may play an active role in monitoring delivery of academic content in a virtual charter school, they are not considered their child's teacher. Rather, all students enrolled in virtual charter schools must be assigned to a highly qualified teacher for instruction in the core academic subjects.

The No Child Left Behind Act (20 U.S.C.A. § 6301-6578) defines a highly qualified teacher of a core academic subject as a teacher who has:

(1) attained a bachelor's degree or better in the subject taught;
(2) obtained full state teacher certification; and
(3) demonstrated knowledge in the subjects taught.

NCLB defines core academic subjects as English, reading/language arts, mathematics, science, foreign languages, civics and government, economics, arts, history and geography.

NCLB contains a clause that defers the definition of a highly qualified teacher in a charter school to the definition outlined in the state charter law. Some states do not require charter school teachers to hold state teacher certification. However, charter school teachers in these states must hold a bachelor's degree or higher and be able to demonstrate knowledge of the subjects they teach.

In addition to the requirements of NCLB, IDEA and related state regulations require special education teachers to hold appropriate credentials.

Where do virtual charter school teachers report to work each day?

Unless dictated by state law, individual virtual charter schools determine where their teachers—general and special education—physically work. Some virtual charter schools require all of their teachers to report to a central location to teach, whereas others permit teachers to work from their homes.

Providing teachers with a common central location can foster collegial interactions and build accountability because administrators can easily observe teachers and participate in regular meetings. In contrast, if teachers work at home, they may be more accessible to students from a larger geographic region.

How many students can a teacher in a virtual school teach in a single class?

Public school general education class size is typically dictated by state or district policies. In the absence of such policies, class size is determined at the school level based primarily on enrollment, teacher supply and space availability. Unless otherwise specified in state law, virtual charter schools are subject to state and charter school authorizer policies related to class size.

Special education teacher caseloads may also be dictated by state, district, authorizers or school policies. These policies may outline general parameters about case load or dictate maximum caseloads by particular special education credentials (e.g., teachers of the hearing or visually impaired or teachers of students with severe emotional disturbances).

Do teachers working in the virtual environment need to develop specialized skills?

Yes. Teachers working in virtual schools need to be comfortable using technology to deliver content. In addition, they need to be comfortable working in a nontraditional environment. For instance, teachers may not have the opportunity to interact with colleagues on a day-to-day basis. Furthermore, they need to be comfortable working in close partnership with parents who play a more prominent role in their child's education than they might in a traditional brick and mortar school.

While not yet commonplace, multiple colleges and universities offer a certificate in online teaching that focuses on preparing teachers to work in a virtual environment (e.g., Appalachia State University, Boise State University, University of California, University of Florida, University of Illinois and University of Wisconsin).

What role do parents play in delivering the content in virtual charter schools?

Children enrolled in virtual schools are assigned a teacher or a course with a teacher analogous to a traditional public school. However, unlike a traditional school, their parent will most likely play a central role in supporting and monitoring the child's instruction. The parent is not the teacher and not responsible for delivering content. Rather, parents should be considered the equivalent of a paraprofessional or coach responsible for helping teachers deliver the content and individualize lessons as appropriate.

The role of parents evolves as students progress through school. Younger students, especially those students who cannot read and are not computer literate, will need more assistance than older students who may require very little involvement on the part of their parents.

Do virtual schools need to employ related services professionals?

Students enrolled in virtual schools are entitled to related services if these services are determined by the IEP team to be required for the student to access the general education curriculum. Virtual schools may opt to hire full-time personnel or contract with an external provider (e.g., local school district or private provider) to purchase related services.

Virtual schools that serve students dispersed across an entire state will need to plan to establish contacts with related service providers across the state to ensure they can provide services to all of their students with disabilities as outlined in students' IEPs.

Individualized Education Programs

What is an Individualized Education Program (IEP)?

An IEP is a written document that specifies, among other things, the goals, services and supports to which an eligible student with a disability is entitled.

Is an IEP for students with disabilities enrolled in a virtual school different from an IEP in a traditional public school?

Basically, all IEPs are required to conform to the provisions of IDEA and state special education requirements and must outline specialized services that will be provided to a child in order to support their access to the general education curriculum. The IEP for a student in a virtual charter school must describe how the school delivers its instruction and its special education services, so the IEP may appear to be different from an IEP for a child who attends a brick and mortar school. For instance, the IEP may need to more clearly spell out how the student is going to access the curriculum and how the general and special education teachers will collaborate to support the student given that the teachers may not physically go to the same place on a regular basis. In short, the IEP should reflect the virtual school model.

Authorizers may require all charter schools to use a standard IEP form. Absent such requirements, virtual schools may develop their own IEP forms in compliance with IDEA and state regulations.

How do virtual schools determine whether a student needs an IEP?

Virtual schools must follow the same procedures as traditional public schools to determine whether a student needs an IEP. IDEA requires each state to "have in effect policies and procedures to ensure that all children with disabilities residing in the State who are in need of special education and related services are identified, located, and evaluated" [CFR §300.125(a)1(i)]. States develop procedures that their LEAs must follow to carry out these responsibilities. IDEA also clearly establishes that children

who attend charter schools are included in its requirements: "Children with disabilities who attend public charter schools and their parents retain all rights under this part" [34 CFR §300.209].

The charter contract should describe clearly how responsibilities under special education will be met in the charter school. If your charter school is its own LEA for special education, you must follow state procedures just like any other LEA in your state. However, a charter school does not have jurisdiction over a geographical area as most traditional LEAs do, so the actual implementation of Child Find responsibilities by charter schools will differ. Charter schools are responsible for children only when they are actually enrolled in the charter school. It is clear that all charter schools must conduct Child Find activities for their full student population so that children who may need special education are appropriately identified and, if necessary, referred for evaluation. (For more information about Child Find, see CFR §300.125(a)1(i) or http://www.childfindidea.org). A state may have developed specific instructions for charter schools with regard to Child Find that the school operator must learn, understand and follow.

Parents and teachers must be given clear information about the procedures that will be followed in charter schools concerning the rights of a child to an evaluation for special education. Parents and teachers must also be fully aware of other services schools provide (e.g., a student assistance team to provide help) prior to a formal special education evaluation referral. Federal and state law and regulations contain numerous specific requirements related to procedural safeguards that should be the subject of appropriate training for teachers, parents and board members.

Every charter school should have clear procedures in place for attending to the needs of a child who is not progressing or is presenting other kinds of problems. Putting such procedures in place should be a part of planning before start-up so that they do not have to be developed in a crisis situation. Given that virtual charter school personnel may have limited in-person contact with students, they will need to ensure that they have created tangible means (e.g., specific formative assessments and a tracking system) to assess how students' are progressing in order to detect that a child may have a disability that might indicate a need for services under IDEA.

Where do virtual charter schools have their IEP meetings?

IDEA dictates who must participate in IEP meetings, but the law does not prescribe where the meeting must be held. If the charter school has a central office that is geographically proximate to the student and convenient to the other members of the IEP team, the IEP meeting may occur in person at the central office. However, if this is not the case or for other reasons of the convenience of the team members, the meeting may be conducted via a conference call or a video conference call.

Virtual schools can use technology that enables synchronous communication to post their IEP forms online so that meeting participants can collaborate to complete the form, even if they are not physically in the same place. If parents are uncomfortable with technology, the virtual school may need to send a staff member to the student's home to help the parent participate in the virtual IEP meeting.

After the conference call, participants will need to follow-up with faxes and e-mails to ensure that the paper work is processed with the correct signatures and returned to a secure storage location in accordance with the Family Educational rights and Privacy Act (FERPA).

If a student has an IEP, does enrollment in a virtual school require revision to the IEP?

In general, given the significant change in how instruction is delivered, enrollment in a virtual charter school will require some changes to the IEP. However, the degree to which enrollment changes the IEP depends upon the child's disability and where the student was enrolled prior to the virtual charter school.

Examples of common changes necessitated by the enrollment change include:

- removing language regarding specialized classroom seating (e.g., front of room);
- modifying language regarding interaction with peers or buddies; and
- adding language regarding assistive technology required to support online program.

In addition, students enrolled in virtual schools may not require all the same related services (e.g., specialized daily bus transportation) or may access these services differently (e.g., speech therapist may visit the home or services may be provided via online service). Textbox 3 is a fictitious example of an excerpt of an IEP for a student with a disability who attends a virtual charter school.

Textbox 3: Excerpt from Sample IEP from a Virtual Charter School

"Long-Distance" Virtual Academy Individualized Education Program (IEP)

Step 4: Identify measurable annual goals, including academic and functional goals

Student Progress *(Include a description of how the child's progress toward meeting the annual goals will be measured and when periodic reports on the progress the child is making toward meeting the annual goals will be provided.)*
Progress will be monitored by the general education teacher and intervention specialist using written samples and data collection charts biweekly. Parents will be informed of progress through the use of data collection tools monthly and district progress reports quarterly.

Step 5: Identify services

Service: Consultation **Initiation date:** 5/15/05 **Expected durations:** 6/24/05
Frequency:(how often) see below
(Identify all services needed for the child to attain the annual goal and progress in the general education curriculum. Services may include specially designed instruction, related services, supplementary aids, or, on behalf of the child, a statement of program modifications, testing accommodations or supports for school personnel).

- Cardy will be in an 5th/6th grade general education virtual classroom and have access to all grade appropriate materials.
- Cardy and the teaching adult will have services of an intervention specialist virtually to address all IEP goals/objectives. Services will be delivered via telephone and/or email to the teaching adult/student for 180 minutes per month to address all IEP goals. The Intervention Specialist will contact the general education teacher via telephone/email 40 minutes per month to encompass all IEP goals. Parent training will be made available a minimum of one time quarterly in a small group session based on area(s) of need.
- Testing accommodations: reader (except reading), scribe (except writing), extended time, calculator, 1:1, clarification of directions.
- Modifications to curriculum include reduced assignment length, modification of requirement, extended time, scribe (except for writing), reader.

Step 6: Determine least restrictive environment

Determine where services will be provided
(An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class)
Home environment as school setting of parental choice for the "Long Distance" Virtual Academy

Source: K12 Inc.

Service Provision

If the authorizer is the local school district, what if any role does the authorizer play in provision of services to students with disabilities in a virtual charter school?

The extent of an authorizer's responsibility related to provision of services to students with disabilities who enroll in virtual charter schools ranges from total responsibility to no responsibility. The level of responsibility is determined by the state charter statute that dictates the legal status of charter schools (i.e., part of an LEA or its own LEA) and the subsequent agreement negotiated as part of the charter authorization process.

Aside from actual provision of services, all authorizers have a responsibility to conduct a rigorous authorization process and thereafter develop appropriate monitoring and accountability processes to ensure that they can assess the degree to which the school is meeting the obligations outlined in the charter; including the obligation to provide a free appropriate public education (FAPE) to students with disabilities who enroll in the school.

What is the definition of least restrictive environment (LRE) for a student with a disability in a virtual school?

According to the IDEA regulations, least restrictive environment (LRE) means:

> *"(i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are non-disabled; and (ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily [34 CFR §314(2)].*

Although there are a variety of types of virtual schools ranging from 100% in the home, to a hybrid model where students may take some classes in a brick and mortar building, to 100% in a school that delivers instruction online, most students enrolled in virtual charter schools receive their instruction in their home. Consequently, for most virtual schools, the student's home is the least restrictive environment.

How do virtual schools adapt or modify their program to accommodate the unique requirements of students with disabilities?

The core requirement of special education is an individualized education program (IEP) developed to ensure that students with disabilities receive the accommodations, modifications, and specialized services chosen for them on an individual basis by their IEP team. Virtual charter schools are required to provide services as dictated by students' IEP. While acknowledging the need to ensure the delivery of prescribed special education, there are some basic accommodations and modifications not automatically provided to all students in a traditional school environment that are characteristic of education provided in a virtual charter school. They are:

- extended time on lessons and tests;
- flexibility in start and end dates;

- continuous means of communication;
- opportunities to revise and resubmit;
- parent communication of progress;
- prepared notes / reviews;
- clear rubrics;
- appropriate placements by skill levels;
- working in a closely supported environment;
- varied activity formats;
- screen readers and talking browsers;
- daily lesson planning with the student; and
- just-in-time remediation.

Do virtual charter schools provide specialized equipment to students for use in their homes?

Most virtual schools provide students with a computer, printer, Internet access and a fax machine. Desktop computers are standard, but schools may also provide laptops if students have mobility issues or require use of a computer to accommodate their disability.

Virtual schools are also required to provide a range of assistive technology devices as dictated by students' IEPs.

What are examples of the types of assistive technology devices that virtual charter schools can offer students with disabilities?

Assistive technology is not unique to virtual schools, but the primacy of computer technology elevates the need for provision of assistive technology by the school. Following are a list of assistive technologies that virtual schools may need to utilize:

- on-screen keyboards;
- grammatical support tools;
- Braille embosser and text to Braille conversion;
- animated signing characters (signing avatars);
- switches;
- alternative mouse systems;
- word prediction;
- accessible online learning tools;
- alternative key boards;
- display-based personal data assistants; and
- voice recognition systems.

There are a variety of online glossaries that describe adaptive technologies and provide other information about these devices. For example, see the Adaptive Technology Resource Center at the University of Toronto (www.utoronto.ca/atrc/reference/tech/techgloss.html) and the Center for Adaptive Technology at Southern Connecticut State University (www.southernct.edu/departments/cat/glossary.html).

Do virtual schools need to allocate resources to training students and parents how to use the technology required accessing the online program?

Yes. Virtual schools typically provide an orientation for students and their parents at the beginning of the year to introduce them to the technology provided. Parents of students with disabilities who require additional assistive technology may require additional training.

What if any are the unique challenges or opportunities that virtual schools experience when developing appropriate special education programs?

Virtual schools use a different mode to provide instruction, but for the most part their responsibilities are very similar to traditional brick and mortar schools when it comes to abiding by the requirements outlined in the federal IDEA and state special education requirements. Similar to the experiences of traditional public schools and brick and mortar charter schools, virtual schools may struggle to recruit and retain qualified special education professionals.

Who typically serves as the "case manager" of a student with a disability in virtual schools?

Virtual charter school special education teachers manage a case load of students analogous to their peers in a brick and mortar school. Depending on individual students' IEPs, the special education or related services teacher may provide services directly to individual students with disabilities and/or may consult with a general education teacher who has regular contact with the student.

The number of students an individual special education teacher can manage is dependent upon the severity of students' disabilities and other factors that influence the delivery of services. Some states regulate special education case loads and dictate the maximum number of students with disabilities an individual teacher may manage.

Who provides special and related services (e.g., speech/language services) to students enrolled in virtual schools and how do they do it?

Analogous to traditional public schools, qualified related services personnel provide prescribed related services to children with disabilities who enroll in virtual charter schools. The services may be provided 1) in person at home; 2) at the therapist's office; or 3) via synchronous or asynchronous online communication.

1) If students reside close to speech therapists and parents are comfortable with the therapist providing the services in the home, the school may arrange for a therapist to provide these services at home.

2) Alternatively, the virtual charter school may make arrangements for the child to be transported to an office outside of their home to receive services. This arrangement requires that the virtual school secure appropriate transportation for the student and possibly the parent and would be described on the IEP as a part of the related services provided by the school.

3) Telepractice, also referred to as teletherapy, is therapy provided to students via electronic communication devices when the student and therapist are not in the same physical location. While still viewed as a relatively emerging field, telepractice may improve students' access to therapists in fields with shortages (i.e., speech and language) and provide access for students in remote rural locations.

How are nonacademic needs met for students with disabilities (e.g., functional skills, study or organizational skills, behavioral interventions, social skills, etc.) in a virtual environment?

Non-academic needs can be a challenge for virtual charter schools, especially for virtual schools serving students dispersed across a large geographic area. Nevertheless, if the IEP team determines that a child with a disability needs to improve social or other skills, the virtual school is required to provide these services. Examples of these services may be field trips or social functions that require the student to interact appropriately with peers. Virtual schools personnel may organize regular picnics, gathering at local parks, or attendance at cultural events in the community.

Discipline Issues

How do virtual schools address disciplinary issues given their unique environment?

Attending school at home removes many of the situations in which discipline problems arise in traditional brick and mortar schools. If discipline issues should arise for a student with a disability enrolled in a virtual charter school, the school must abide by discipline due process procedures outlined in IDEA. If the virtual charter school is part of a local district, it is typically required to adopt the discipline policies of the district. If the school is its own LEA, it may be extended the authority to develop its own policies and procedures within the broader parameters defined in IDEA.

A discipline issue that may be of particular concern in virtual schools is truancy. Virtual schools should develop policies to document, monitor and report daily attendance. If truancy becomes a problem, the school will need to report the student in the same manner a traditional public school would report issues of truancy.

Can a student be suspended and/or expelled from a virtual school? If so, what about the procedural protections for students with disabilities?

Yes, a child can be suspended or expelled from a virtual school. In the case that a school determines that a child needs to be suspended or expelled from the virtual school, the child would be extended the same procedural protections of any child with a disability in a public school.

What about functional behavioral assessments (FBAs) and behavior intervention plans (BIPs)?

Analogous to traditional public schools, virtual charter schools may need to conduct functional behavioral assessments and behavior intervention plans as needed. The virtual environment does not necessitate different procedures.

Transportation

Are virtual charter schools required to provide transportation to students with disabilities if those students are required to leave their house to obtain supports or services?

Yes. If transportation is part of the student's IEP, the virtual school is required to provide it. The transportation may be provided in a variety of ways. For example, the virtual school can contract with parents to drive their child and reimburse them the cost of the travel or the school may

provide funds for the student to take public transportation or secure private transportation. There are inherent legal liabilities associated with obtaining private transportation. If a virtual school is going to hire a driving service or a taxi cab, school personnel will need to ensure that the child is safe. For example, if the child is traveling alone, additional safeguards for the child, such as checking the fingerprints of the driver, would be necessary.

Thus, if the child requires transportation in order to access related services, the virtual charter schools is required to ensure that the parents can access transportation at no charge. Questions regarding transportation must be guided by a commitment to ensuring that transportation is not a barrier to receiving services and that transportation does not put the child at risk.

Do the transportation responsibilities change depending on the charter school's catchment area (e.g., local neighborhood versus entire state)?

No. If the student is enrolled in the charter school, the school is required to provide any transportation needed to provide services outlined on the IEP.

Monitoring

What procedures do virtual charter schools implement to monitor the quality of instructional and specialized services provided to students?

Virtual charter schools, like all charter schools, are responsible to their authorizers for implementing their program appropriately for all students enrolled in their schools. In addition, charter schools are included in the monitoring procedures their state must carry out for special education as required by IDEA. The way in which the charter school participates in the state monitoring process depends on the legal status of the charter school (i.e., an independent LEA or part of an LEA).

Virtual school providers may use a variety of processes to ensure that they conform to the requirements of their monitoring entities. Similar to supervising teachers in traditional schools, administrators of virtual charter schools need to supervise teachers using appropriate strategies. The virtual environment provides the added opportunity to monitor teachers' written work and instruction delivered online. Online computer programs can allow school administrators to monitor the quality and quantity of interactions between teachers and students. Some virtual schools employ lead teachers responsible for providing guidance and monitoring of teachers by content or grade level.

The state of Pennsylvania has developed the Pennsylvania System of Cyber Charter Review (PSCCR) to support and monitor all cyber schools in the state. According to the Department's website, the goal of the PASCCR instrument is to make "the oversight process one of growth and improved educational quality for all students." The process is guided by a set of principles (see Textbox 4) and consists of six components which are aligned with the Department's broader strategic plan and school improvement process:

- data
- focus/vision/mission
- quality leadership

- quality teaching
- artful use of infrastructure
- continuous Learning Ethic

How are charter school authorizers monitoring performance of students with disabilities who enroll in virtual charter schools?

Authorizers should monitor the performance of the students and related data on the operation of the virtual charter school. Examples of practices authorizers are using to monitor special education in charter schools are audits, observations and reviews for renewal of a school's charter. Also, for an example of an authorizer checklist of some of the items to be monitored related to special education, see Textbox 4.

Textbox 4: Guiding Principles of the Pennsylvania System of Cyber Charter Review

The purpose of the Pennsylvania System of Cyber Charter Review is to enhance student achievement. The Pennsylvania Department of Education engages in responsible oversight of cyber charter schools by ensuring that schools have both the autonomy to which they are entitled and the public accountability for which they are responsible. Cyber Charter Schools are expected to be:

1. High quality cyber charter schools that offer learning opportunities that have a significant impact on the success of all students.
2. Involved in data collection that is an on-going purposeful and systematic process.
3. Making efforts to insure that all stakeholders embrace the use of data.
4. Using data collection and analysis to enhance student achievement.
5. Using objective and verifiable measures of student achievement as the primary measure of school quality.
6. Supportive of parents and students in making decisions to improve the educational programs of the school.
7. Making the well being of students the fundamental value informing all decision-making and actions.
8. Unique in organization and structure reflecting the uniqueness of the students they serve.

Source: Pennsylvania Department of Education (2006). Pennsylvania System of Cyber Charter Review Strong Results For All Learners. www.pde.state.pa.us/charter_schools/lib/charter_schools/PASCCR.pdf

Assessments and Accountability

Are virtual schools required to administer state assessments to students with disabilities?

Yes, virtual charter schools are required to administer the same state assessments as traditional public schools.

Where do virtual charter schools administer state assessments?

Virtual charter schools that do not maintain a brick and mortar school building must secure appropriate sites to administer tests. Examples of places where tests may be administered are: hotel conference rooms, colleges or universities, public libraries, private schools and church conference rooms.

If a student with a disability requires testing accommodations that are not feasible in the testing site, the test may be administered at the child's home. Virtual schools should assign two adults to administer the test to verify the integrity of the testing conditions. As with any adult who works directly with children in a public school setting, proctors most likely need to undergo a background check and be fingerprinted in accordance with state education laws.

Securing appropriate sites and adequately trained test proctors can be a considerable expense for virtual schools and should be part of their budget planning process.

What type of information related to special education must a virtual charter school provide to the authorizer when it is time for renewal of the charter?

This depends on the procedures used by the school's authorizer. For an example of a virtual charter school authorizer's special education checklist, see Text Box 5.

Textbox 5: Authorizer Special Education Checklist (Sims, Rofel, & Coil, 2006)

[Renewal] Eligibility Determination

- ☐ Are students able to enroll, regardless of disability or need?
- ☐ Does the school have a procedure for providing students with a free and public education in compliance with the Individuals with Disabilities Act (IDEA 2004) and state regulations?
- ☐ Are processes established to review the special education needs of enrolling students with Individualized Education Programs (IEP) or Section 504 Plan?
- ☐ Are the responsibilities of the IEP team delineated (including who will manage the IEP team process and who will participate on the team)?
- ☐ Do the documents meet federal and state requirements:
  - Parent notification of IEP team;
  - State procedural safeguard document;
  - IEP form;
  - Parent consent for evaluation and initial placement;
  - Documentation of evaluation/reevaluation.
- ☐ Are processes established to identify students who may have disabilities and who may need special education services (Child Find)?
- ☐ Is there an established process for obtaining individual assessments, as needed (educational, psychological, speech/language, etc.) for students requiring evaluation or reevaluation?
- ☐ Are special education staff members certified and highly qualified?
- ☐ Have plans been established by the school to provide students with related services (speech/language, occupational therapy, physical therapy, etc.) identified on IEPs?
- ☐ Are resources identified to provide students with special needs with alternative materials and assistive technology, as needed?
- ☐ Are students ensured placement in the least restrictive environment with a continuum of options available?
- ☐ Is staff provided with on-going professional development on relevant special education topics?
- ☐ Are processes in place to ensure students with special needs participate in all state achievement testing?
- ☐ In assessment situations, are all accommodations being made (as identified on IEPs)?
- ☐ Are procedures in place to provide parents with information about their child's evaluations, meetings, supports, and progress?
- ☐ Does the IEP contain specially designed instruction identified through measurable goals and objectives?
- ☐ Do files contain a file review log?
- ☐ Do the teacher to student ratio's meet the state requirements?

Source: Developed for NACSA Conference 2006 by Jennifer Sims, National Director of Special Education and Federal Title Programs for K12 Inc., Marjorie Rofel, Director of Special Education for Connections Academy, and Loretta Coil, Team Leader, Special Education for the Ohio Council of Community Schools.

Transitions

What if anything should virtual charter schools do to help students with disabilities transition from a traditional brick and mortar school to a virtual charter school environment?

The transition from attending a traditional brick and mortar school to a virtual school may be relatively seamless for students comfortable with computer technology. Other students and their parents, will need assistance learning about the technology and adjusting to learning in a virtual environment.

Virtual charter schools generally offer orientation sessions for new students and their parents. In addition, they typically employ guidance counselors who are charged with helping students select their course of study.

Students with disabilities who use specialized equipment may need additional assistance with the transition process.

How do virtual charter schools support students with disabilities transition to post-high school education or employment?

IDEA outlines policies and procedures to help students with disabilities to transition from school to work or post-secondary education. Virtual charter schools are required to follow the same procedures as their peers in traditional public and brick and mortar charter schools. Some states have developed specific regulations regarding transition plans and services and authorizers and operators will need to familiarize themselves with these state-specific requirements.

IDEA requires that all public schools develop a transition plan for students with disabilities before their 16th birthday. This may entail assisting the student to access services after graduation such as vocational rehabilitation, job training and placement services, etc. Virtual school operators will need to familiarize themselves with such services in the student's community. If the virtual school enrolls students from the entire state, as opposed to a specific geographic region, it will need to anticipate dedicating resources to such activities on a statewide basis. Parents can be a rich source of information and school professionals will need to work with parents to ensure that transition plans are developed collaboratively.

Technical Assistance

Where can virtual charter schools go for assistance or guidance related to educating students with disabilities in the virtual environment?

State charter school laws and special education rules and regulations are the basis of all policies related to educating students with disabilities in charter schools. Policy makers and practitioners should be familiar with the relevant laws and policy guidance produced by their state department of education. All state departments of education publish information and related policy guidance about special education requirements on their websites.

While the virtual charter school environment is unique, these schools are first and foremost public schools and therefore general guidance related to special education can be a valuable tool that virtual charter school operators should not overlook.

Charter school authorizers can also provide a wealth of information regarding special education rules and regulations although, given the relative newness of virtual charter schools, many authorizers have limited experience with these schools. In these instances, virtual charter school operators should anticipate devoting time to demystifying the idea of a virtual learning environment for their authorizers both during the application stage and once the schools open.

What role can state departments of education or charter school authorizers take to help virtual schools understand their responsibilities and, thereafter, build capacity to educate students with disabilities?

State departments of education and charter authorizers may provide a variety of supports and assistance to help virtual charter schools fulfill their requirements related to IDEA. Given the newness of virtual charter schools, many states have not yet developed such resources. As a default, existing guidance regarding implementation of IDEA should serve as a guide for new virtual charter school operators.

Some state departments of education that also serve as charter school authorizers have taken proactive steps to help virtual charter schools build capacity. For instance, the Pennsylvania Department of Education has developed a Basic Education Circular (BEC) related to virtual charter schools that is available on the state's website (www.pde.state.pa.us/k12/cwp/view.asp?A=11&Q=121873). The Department's website notes that the purpose of the BEC is to provide "guidance for charter schools and school districts." (See Textbox 6.) The BEC includes guidance on every aspect of operating a virtual school ranging from, but not limited to, the application process to oversight, accountability, renewal, attendance, discipline, funding, and special education. The section on special education is relatively short and general, but other aspects of the BED provide concrete guidance that also applies to educating students with disabilities. For instance, the BEC identifies special education student records and IEPs as one of multiple items that schools should provide to the Department as part of periodic site visits and details the importance of developing safeguard protocols to protect student records. SEA officials reportedly involved a variety of stakeholders in the development of this BEC.

To address emerging policy questions, the state of Colorado formed a task force on special education in online schools. In response to multiple questions about enrollment in virtual charters schools, the task force drafted a flow-chart to track the various decision parents and schools face when enrolling in a virtual charter school. (See Exhibit 1.)

Textbox 6: Excerpt from Pennsylvania Basic Education Circular

The Charter School Law ("CSL") requires that, upon request, assistance must be provided to charter schools and cyber charter schools to address the needs of students with disabilities. Because there has been confusion about what "assistance" the CSL requires to be provided to students with disabilities enrolled in a charter school or a cyber charter school, the Department's position on this issue is stated below.

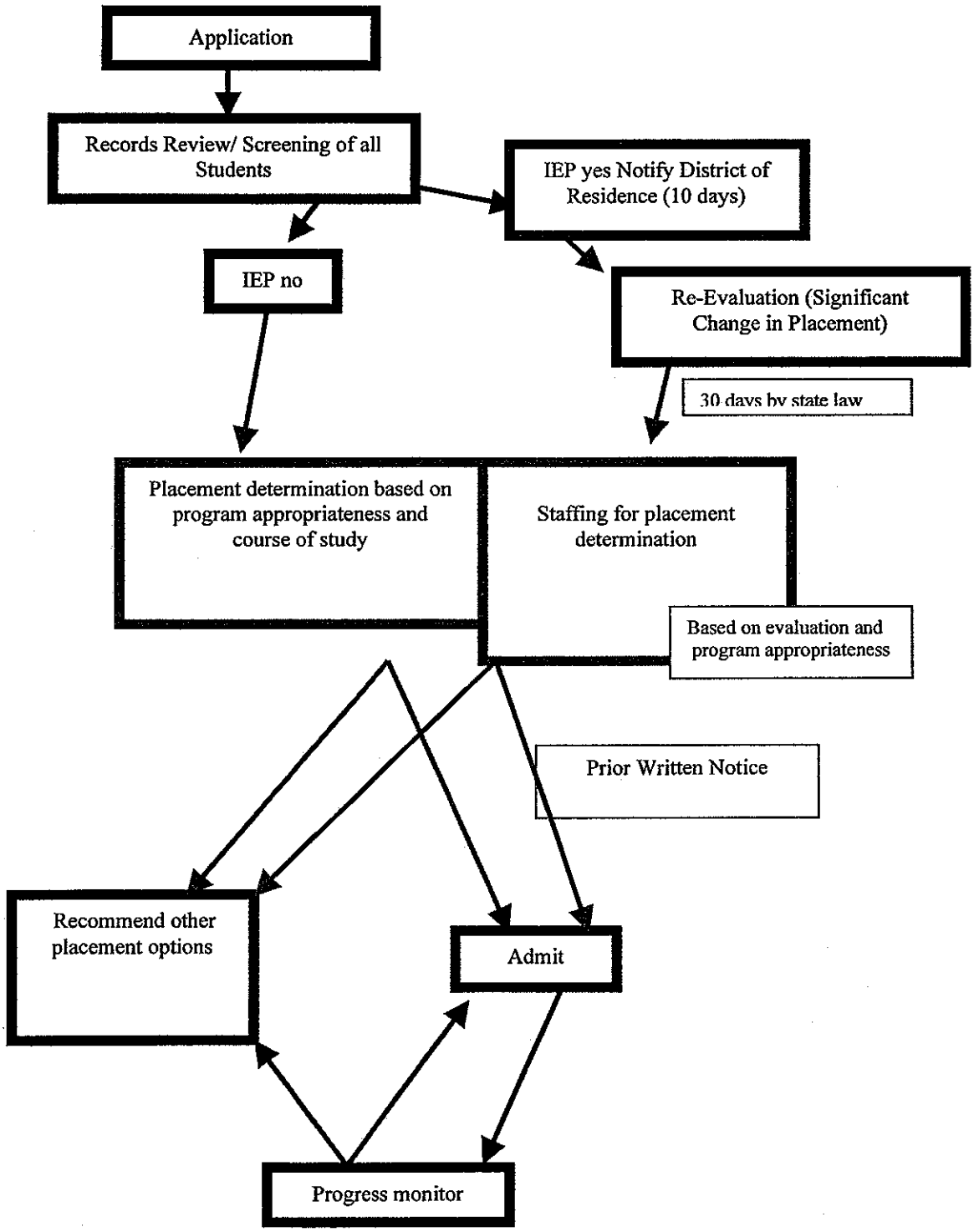
The CSL requires the Intermediate Unit ("IU") in which a charter school is located to provide the charter school, upon request, with "services to assist the charter school to address the specific needs of exceptional students." However, for cyber charter schools, the CSL requires that upon request, the IU or school district in which a student resides must "provide assistance, to the cyber charter school in the delivery of services to a student with disabilities." In either case, an IU or school district may not charge a charter school or a cyber charter school more for such services than they charge the school district.

The Department's interpretation of the "assistance" required by the CSL is that an IU or a school district is generally not required to provide direct services to charter schools or cyber charter school students with disabilities. However, at a minimum and upon request, assistance must be provided to help a charter school or a cyber charter school locate providers who could provide services necessary to address the needs of their students with disabilities. This would include providing the names of providers, contact information, etc.

The goal of all segments of the educational community should be to ensure that all students receive appropriate educational services. Thus, the Department expects and encourages school districts, IUs and cyber charter schools to work together to ensure that appropriate educational services are provided to all students with disabilities.

Source: Pennsylvania Department of Education. Basic Education Circular: Cyber Charter Schools .[www.pde.state.pa.us/k12/cwp/view.asp?A=11&Q=54323&pp=12&n=1].

Exhibit 1: Colorado Draft Process for On-Line Enrollment



Source: Personal communication with Lu McDaniels, Colorado Charter Schools Institute, May 16, 2007.

What resources are available for charter school authorizers and operators interested in learning more about virtual schools and special education in virtual schools?

In the overall public education sector, virtual charter schools are still relatively new and only limited technical assistance for these schools is readily available. The following organizations maintain websites that authorizers and charter operators may find informative as they contemplate special education issues.

- Adaptive Technology Resource Center, University of Toronto. Extensive information about latest developments in assistive/adaptive technology: http://atrc.utoronto.ca/

- American Speech, Language, and Hearing Association: information about telepractice: http://www.asha.org/about/publications/leader-online/archives/2006/061128/061128f.htm

- Center for Applied Special Technology (CAST): Develops innovative, technology-based educational resources and strategies based on the principles of Universal Design for Learning (UDL): http://www.cast.org/about/index.html

- National Association of Charter School Authorizers: Published set of issue briefs about virtual charter schools: http://www.qualitycharters.org/i4a/pages/Index.cfm?pageID=3372 and http://www.qualitycharters.org/i4a/pages/Index.cfm?pageID=3373

- North American Council on Online Learning (NACOL): Nonprofit organization dedicated to fostering a learning landscape that promotes student success and lifelong learning. http://www.nacol.org/

- Pennsylvania Department of Education Basic Education Circular: Cyber Charter Schools: http://www.pde.state.pa.us/k12/cwp/view.asp?A=11&Q=54323

- Pennsylvania Department of Education: Pennsylvania System of Cyber Charter Review (PASCCR): http://www.pde.state.pa.us/charter_schools/lib/charter_schools/PASCCR.pdf

SECTION V: APPENDIX

References

Anderson, A. B. (2003). *Cyber charter schools.* [Online] Available: http://www.ecs.org/clearinghouse/44/13/4413.htm

Anderson-Inmann, L. (1999). Computer-based solutions for secondary students with learning disabilities: Emerging issues. *Reading & Writing Quarterly: Overcoming Learning Difficulties. 15*(3), 239-249.

Bogden, J. (2003). *Cyber charter schools: A new breed in the education corral.* [Online] Available: http://www.nasbe.org/Standard/14_Autumn2003/Bogden.pdf

Boise State University (2007). *Certificate in Online Teaching.* [Online] Available: http://edtech.boisestate.edu/online_teach_cert.htm

Cavanaugh, C., Gillian, K.J., Kromrey, J., Hess, M. Blomeyer R. (2004). *The Effects of Distance Education on K-12 Student Outcomes: A Meta-Analysis.* North Central Regional Educational Laboratory. [Online] Available: http://www.ncrel.org/tech/distance/index.html

Center for Education Reform (2002, January). *Beyond brick and mortar: Cyber charters revolutionizing education.* [Online] Available: http://www.edreform.com/index.cfm?fuseAction=document&documentID=1001

Chen, N. S., Kinshuk, Ko H.-C. & Lin, T. (2004). Synchronous Learning Model over the Internet. In Kinshuk, Looi, C. K., Sutinen, E., Sampson, D., Aedo, I., Uden L. & Kähkönen, E. (Eds.), *Proceedings of the 4th IEEE International Conference on Advanced learning Technologies 2004* (August 30 - Sept 1, 2004, Joensuu, Finland), Los Alamitos, CA: IEEE Computer Society (ISBN 0-7695-2181-9), 505-509

Colorado Department of Education (2006, November). *Online Education Performance Audit.* [Online] Available: http://extras.mnginteractive.com/live/media/site36/2006/1211/20061211_095903_HopePDF.pdf .

Education Commission of the States (2003). *Cyber charter schools: A policy brief.* [Online] Available: http://www.ecs.org/clearinghouse/44/13/4413.htm

Elluminate (2006). *The impact of synchronous online learning in academic institutions: Customer experiences from K12 and higher education.* [Online] Available: http://www.elluminate.com/whitepapers/Impact_of_Synchronous_Online_Learning_in_Academic_Institutions_request.jsp

Fulton, K. (2002, November). *Preserving Principles of Public Education in an Online World: What Policymakers Should be Asking about Virtual Schools.* Washington, DC : The Center on Education Policy. [Online] Available: http://www.cep-dc.org

Griffin, D. (2004, April). Why is Technology Access for Students with Disabilities Important? Atlanta, GA: Southern Regional Education Board. [Online] Available: http://sreb.org/programs/EdTech/pubs/PDF/04T01-Why_Tech_Access.pdf

Hassel, B. C. & Terrell, M. G. (N.D.) *How can virtual schools be a vibrant part of meeting the choice provisions of the No Child Left Behind Act. Public Impact.* Available http://www.pen.k12.va.us/VDOE/Instruction/title1/Hassel-Terrell-VirtualSchools.pdf

Horton, S. V., Lovitt, T. C., Givens, A., & Nelson, R. (2001). Teaching Social Studies to high school students with academic handicaps in a mainstreamed setting: Effects of computerized study guide. *Journal of Learning Disabilities, 22*(2), 102- 107.

Huerta, L.A. d'Entremont, C. & Gonzalez, M. (2006, September). Cyber Charter Schools: Can Accountability Keep Pace with Innovation? *Phi Delta Kappan* 88(1), 23-30.

Kozma, R., Zucker, A., Espinoza, C., McGhee, R., Yarnall, L., Zalles, D., & Lewis, A. (2000). *The online course experience: Evaluation of the Virtual High School's third year of implementation, 1999-2000.* Menlo Park, CA: SRI International. [Online] Available: http://www.sri.com/policy/ctl/assets/ images/VHS_Online_Experience.pdf

Mueller, E. & Ahearn, E. M. (2004). *Virtual schools and students with disabilities.* Available : http://www.projectforum.org/docs/virtual_schools.pdf

National Association of State Boards of Education (2003). *Cyber charter schools: A new breed in the education coral* [Online] Available: http://www.nasbe.org/Standard/14_Autumn2003/Bogden.pdf

National Education Agency (N.D.) *Guide to online high school courses.* Washington, DC: Author. [Online] Available: http://www.nea.org/technology/index.html

No Child Left Behind Act, 20 U.S.C.A. § 6301-6578 (2002).

North America Council on Online Learning (2007). *Virtual school and 21st century skills.* [Online] Available: http://www.nacol.org/docs/NACOL_21CenturySkills.pdf

Pennsylvania Department of Education (2001) *Cyber charter schools review.* [Online] Available: http://www.pde.state.pa.us/charter_schools/cwp/view.asp?a=3&Q=75169

RAND (2005) *Research brief: Nonclassroom-based charter schools in California and the impact of SB 740.* [Online] Available: http://www.rand.org/pubs/research_briefs/RB9112/index1.html

Rapp, K.E., Eckes, S.E., & Plucker, J.A. (2006, winter). Cyber charter schools in Indiana: Policy implications of the current statutory language. *Center for Evaluation and Education Policy Brief* vol 4 (3). [Online] Available: http://www.eric.ed.gov/ERICDocs/data/ericdocs2sql/content_storage_01/0000019b/80/1b/c4/fa.pdf

Smith, R., Clark, R., & Blomeyer, R.L. (2005, November). A synthesis of new research on K-12 online learning. Naperville, IL: Learning Point Associates. [Online] Available: http://www.ncrel.org/tech/synthesis/synthesis.pdf

Smouse, T.L. (2005). *Students with either Specific Learning Disabilities or with Attention Deficit Hyperactivity Disorder: Perceptions of Self as Learner in Online Courses at Florida Virtual School and in the Traditional Learning Environment.* Unpublished dissertation, University of Central Florida

State of Colorado (2006). *Report of the state auditor: Online Education Performance audit.* [Online] Available:http://extras.mnginteractive.com/live/media/site36/2006/1211/20061211_095903_HopePDF.pdf

Tucker, B., (2007). Laboratories of Reform: *Virtual High Schools and Innovation in Public Education.* [Online] Available: http://www.educationsector.org/research/research_show.htm?doc_id=502307

Turjillo, L., Friffith, K. J., Snyder, T. D., & Urschel, J. W. (2007). *Trujillo commission on online education: Findings and recommendations.* Denver Public School board. [Online] Available: http://www.nacol.org/docs/TrujilloCommissionOnlineEducationFinalReport-2-15-2007.pdf

U.S. Department of Education. (2003). *Twenty-sixth annual report to Congress on the implementation of the Individuals with Disabilities Education Act.* [Online] Available: http://www.ed.gov/about/reports/annual/osep/2004/index.html

Vanourek, G. (2006, September). *A primer on virtual charter schools: Mapping the electronic frontier.* [Online] Available: http://www.qualitycharters.org/i4a/pages/Index.cfm?pageID=3373

Vanourek, G. (2006, September). *Authorizing virtual charter schools: Rules of the road on the digital highways.* [Online] Available: http://www.qualitycharters.org/i4a/pages/Index.cfm?pageID=3372

Watson, J. & Ryan, J. (2006, October). Keeping pace with K-12 online learning: A review of state-level policy and practice. Evergreen, CO: Evergreen Consulting Associates. [Online] Available: http://www.evergreenassoc.com/documents/KeepingPace2006.pdf

Weiss, T. & Nieto, F. (1999, March). *Using the Internet to Connect Parents and Professionals: The Challenges*. Rural Special Education for the New Millennium: Conference Proceedings of the American Council on Rural Special Education. [Online] Available: http://www.eric.ed.gov/ERICDocs/data/ericdocs2sql/content_storage_01/0000019b/80/17/89/d9.pdf

Acronyms and Definitions

Part 1: Acronyms

ADA	Americans with Disabilities Act
CEC	Council for Exceptional Children
CSP	Charter Schools Program (of the U.S. Department of Education)
ED	U. S. Department of Education
EMO	Educational management organization
FAPE	Free appropriate public education
FERPA	Family Educational Rights and Privacy Act
FRC	Federal Resource Center
504	Section 504 of the Rehabilitation Act of 1974
IDEA	Individuals with Disabilities Education Act
IEP	Individualized education program
LEA	Local education agency (school district)
LRE	Least restrictive environment
NACSA	National Association of Charter School Authorizers
NAEP	National Assessment of Education Progress
NASDSE	National Association of State Directors of Special Education
NCSLC	National Charter Schools Leadership Council
NCLB	No Child Left Behind Act - the most recent reauthorization of the Elementary and Secondary Education Act (ESEA)
NICHY	National Information Center for Children and Youth with Disabilities
OCR	Office for Civil Rights
PACER	Parent Advocacy Coalition for Educational Rights
RRC	Regional Resource Center
SEA	State education agency
UDL	Universal Design for Learning

Part 2: Definitions

Adequate Yearly Progress (AYP):	An individual state's measure of yearly progress toward achieving state academic standards. "Adequate Yearly Progress" is the minimum level of improvement that states, school districts and schools must achieve each year according to the No Child Left Behind Act.
Asynchronous instruction:	Student and teacher do not interact at the same time but rather, teacher delivers and stores content that student thereafter accesses. This type of instruction is typically delivered via course management software. E-mail communication is one means of asynchronous communication that teachers may use to instruct students.
Autism:	Autism is a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3, that adversely affects a child's educational performance, often associated with engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routine, and unusual responses to sensory experiences.
Bobby Approved:	Desktop tool, produced and distributed by Watchfire, that tests website accessibility. By exposing barriers and suggesting changes, Bobby encourages compliance with U.S. and international accessibility guidelines. Online webpage assessment available at http://webxact.watchfire.com/
Cyber School:	A comprehensive instructional program that utilizes electronic means to deliver its content.
Charter Schools	Charter schools are independent public schools designed and operated by educators, parents, community leaders, educational entrepreneurs and others. They are authorized/sponsored by designated local or state educational organizations, who monitor their quality and effectiveness but allow them to operate outside of the traditional system of public schools.
Child with a Disability	A child with a disability means a child evaluated in accordance with IDEA as having mental retardation, a hearing impairment including deafness, a speech or language impairment, a visual impairment including blindness, serious

	emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.
Disaggregated	Disaggregate" missing other quotation mark means to separate a whole into its parts. In education, this term means that test results are sorted into groups of students who are economically disadvantaged, from racial and ethnic minority groups, have disabilities, or have limited English fluency.
Free Appropriate Public (FAPE?) Education	Free Appropriate Public Education (FAPE) means special education and related services that are provided at public expense, under public supervision and direction and without charge; meet the standards of the state, include preschool, elementary school, or secondary school education and are provided in conformity with an individualized education program (IEP).
Inclusion	Inclusion is a special education approach that stresses educating students with disabilities, regardless of the type of severity of that disability, in the regular classrooms of their neighborhood school to ensure that they have access to the general education curriculum. The construct of inclusion includes appropriate supports, modifications and accommodations that allow students with disabilities to access the general education curriculum.
Individualized Education Program	An individualized education program (IEP) is a written statement for a child with a disability that is developed, reviewed, and revised in a meeting in accordance with IDEA regulations.
Transition Services	The IDEA Regulations issued in August 2006 define transition vices as follows: *(a) <u>Transition services</u> means a coordinated set of activities for a child with a disability that--* *(1) Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;*

	(2) Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes-- *(i) Instruction;* *(ii) Related services;* *(iii) Community experiences;* *(iv) The development of employment and other post-school adult living objectives; and* *(v) If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.* *(b) Transition services for children with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education* (34 CFR §300.43). Inn addition, the regulations provide that transition services must be included *Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually* (34 CFR §300.320).
Individuals with Disabilities Education Act	The Individuals with Disabilities Education Act (IDEA) is the major federal law related to special education that provides funding to states and set specific procedural requirements for the identification and education of students with disabilities.
Least Restrictive Environment	The IDEA requires that, to the maximum extent appropriate, school districts must educate students with disabilities in the regular classroom with appropriate aids and supports, referred to as "supplementary aids and services," along with their nondisabled peers in the school they would attend if not disabled, unless a student's individualized education program (IEP) requires some other arrangement.
Linkage	The type of connection that is mandated or voluntarily established between a charter school and a traditional LEA.
Local Education Agency (LEA)	A local education agency (LEA), also known as a school district, is a public institution or agency having administrative control and direction of a public elementary or secondary school system that typically serves a distinct geographic region.
National Assessment of	The National Assessment of Education Progress (NAEP),

Education Progress	conducted since 1969, is the only nationally representative and continuing assessment of what American students know and can do in various subject areas. Students with disabilities participate according to NAEP criteria. (For a copy of the criteria, see http://nces.ed.gov/nationsreportcard/about/criteria.asp).
Qualified Personnel	Under IDEA, qualified personnel means personnel who have met SEA-approved or SEA-recognized certification, licensing, registration, or other comparable requirements that apply to the area in which the individuals are providing special education or related services. The NCLB Act also defines highly qualified teachers for those who teach core academic subjects.
Related Services	Related services means transportation and such developmental, corrective and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training.
Special Education	Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals, institutions and in other settings, related services, travel training, vocational education and instruction in physical education.
State Education Agency	Agency primarily responsible for the state supervision of public elementary and secondary schools.
Synchronous Instruction	Instruction that occurs with both student and teacher at the same time. Also known as live or real-time instruction.
Teletherapy	Therapy provided online from a different location (e.g., speech therapy delivered via a webcam)
Universal Design for Learning	A framework for designing an academic program that enables all individuals to gain knowledge, skills, and

enthusiasm for learning. UDL provides supports for learning and reduces barriers to the curriculum while maintaining high achievement standards for all. Universal Design for Learning calls for:

- multiple means of representation, to give learners various ways of acquiring information and knowledge;
- multiple means of expression, to provide learners alternatives for demonstrating what they know; and
- multiple means of engagement, to tap into learners' interests, offer appropriate challenges, and increase motivation. (http://www.cast.org /).

Virtual School: A comprehensive educational program delivered primarily through distance learning that may include a continuum of means of delivery of content.