

Chapter Five

Special Topics: Access to Online Education, Data and Privacy, and Graduation

To make online learning more accessible, engaging, and effective for K-12 students with disabilities, the Center has reached out to the education community to make the Center’s projects and activities truly reflective of stakeholder needs.

Center researchers view stakeholders as teachers, parents, students, administrators, online learning product developers, and policy-makers at the program, state, district, and school level. Through its projects and activities, the Center is creating research-based guidance, solutions, scholarly reports, webinars, white papers, issue briefs, research/evidence-based models, prototypes, or enhancements (e.g., embedded analytics) in online products to help stakeholders navigate the changes and fluctuations in online learning. As stated earlier, the Center hopes this publication supports further collaboration among stakeholders as they support the betterment of online education for all learners, but especially those learners with diverse learning needs and disabilities.

As is reflected in the preceding chapters, the Center’s charge has been broad and has highlighted questions from across various stakeholder groups. Over time our research has found that the various questions converge into a shared set of issues that impact each stakeholder group in distinct ways. Specifically researchers have found it important to focus on students with disabilities and their families, the personnel and institutions in which these students are being served, and the digital materials, delivery systems, and practices that support learner interactions within online learning environments. Understanding this focus, throughout the writing of this publication and in conducting the policy scan (see Chapter 2) three important topics emerged that bear further discussion: 1) Access to Online Education, 2) Student Data

and Privacy, and 3) Graduation. The largest part of this chapter will focus on providing more perspective on each of these areas. The chapter will end with a summary and provide some considerations for the future of online education.

Access to Online Education

Does the state have a fully online school? This appears to be a simple question. However, the variance in practices of online education directs a need for much greater attention to what is actually the nuanced nature of this question. State departments of education generally oversee educational components including the specification of curriculum standards, teacher certification, accreditation, textbook adoption, benchmarks of proficiency, and other issues. During the rapid expansion

of online education, state departments of education have faced new challenges. The controls afforded by the states could be compromised by for-profit companies that are making online courses available to K-12 students outside of the state's regulations and protections. A deeper understanding—by all educational stakeholders—of online learning is critical to helping parents and students make informed decisions.

When Center researchers decided to include a response item on the 2015 Center scan that asked if states had fully online schools, the initial rationale was that such information would provide respondents with a foundation from which to respond to the subsequent items. In addition, the Keeping Pace¹ report was a source of initial information as to whether or not a state had a fully online school and helped reviewers locate primary information about online activity in states. Keeping Pace reported that 30 states and one territory had fully online schools in operation. In order to verify the Keeping Pace findings, a secondary source was deemed necessary for confirmation and thus this scan included the item.

Based on scan results, Center reviewers found an additional eight states that offered at least one fully online option. Each of these additional eight states were identified as having fully online options because an independent online vendor was operational in each state. When representatives from states were asked to verify Center scan answers through the state agency check, there were nine states that disagreed with the Center's findings.



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Specifically, some state respondents indicated that they did not consider independent vendors offering fully online options in their states sufficient reason to answer affirmatively to that question. In other words, while vendors offer (and market) a fully online school option in a state, and while students may be attending school in an online setting, state educational agency officials indicat-

ed that fully online education was not taking place in their state (or territory). Thus, a vendor might enroll students in that state, but with no guarantee that the offerings had been approved by state officials. Moreover, as parents are interested in having their children engage with online curriculum, the traditional boundaries of the state education agency may play little or no con-

sideration in their enrollment process. The delivery of education irrespective of state boundaries or borders and the participation of students in online learning activities in locations that state policies do not technically acknowledge provides an emerging and foreseeable complexity for various stakeholders. The Center is concerned these complexities could give rise to a lapse of appropriate educational services and supports being delivered to all students, especially those with disabilities.

The lack of state oversight of vendor-provided online learning could potentially confuse parents who are seeking an online option for their children's schooling. Part of the potential appeal of an online curriculum offered through a vendor is that the standardization does not appear as constraining as it may in a brick-and-mortar school setting. In an online setting, learners can engage with curriculum with—theoretically—increased efficiency (i.e., learners can log on and complete lessons at their own pace, in a physical location of their own choosing).² Online learning may be especially appealing for parents of students with disabilities whose dissatisfaction with the services provided to their children in traditional schools has been well documented.³ In addition, research has also shown growing dissatisfaction of parents of racial, cultural and/or linguistic minority students⁴ and/or students who live in rural areas⁵ with the traditional school setting.

This situation is potentially confusing for parents or other stakeholders when vendors have the technical capability to offer a course but not the endorsement of state educational agencies, who typically have extensive accreditation, review, and monitoring processes not for just schools, but individual courses offered within schools—be they online or traditional. While parents are likely very dedicated to finding education and other services for their children, it is unlikely that they are savvy about the state approval process. After all, when a vendor advertises availability in their state, why would a parent question the vendor's legitimacy in the eyes of the state?

An additional source of potential confusion to parents is how they should distinguish among a vendor's offerings. Technical distinctions exist among online schools, online programs, and online courses that state educational agencies and vendors make, but these distinctions are

not readily apparent to parents. The immediacy that a parent feels in seeking a better situation for their child may deter them from asking questions about the courses, curricula, and the provider's legitimacy.

This confusion is exacerbated by the fact that many parent resources found on state department websites deal mostly with issues about technology and preparing their children for the differences in online and traditional learning. Findings from the 2015 Center state and territory scan item affirm the paucity of information about choosing curriculum vendors:

Does the state have documentation or technical assistance established to help districts, teachers, and parents identify support structures for SWDs in fully online, blended, and digital learning settings?

In the scan results, none of the states or territories had documentation or technical assistance established to help districts, teachers, and parents identify support structures for students with disabilities in fully online, blended, and digital learning settings.

More guidance is needed to ensure that parents are able to ask the right questions that help them determine if and how student protections are in place for their children. For example, the International Association for K-12 Online Learning (iNACOL) *A Parent's Guide to Choosing the Right Online Program*⁶ provides a series of checklists for parents to use during the selection process.¹ The parental guide provides contextual information and eight checklists including: Getting Started with Online Learning, Accreditation and Transferability of Credits, Effectiveness, Governance, Curriculum, Instruction, Support Services, and Socialization.⁷ In addition, regional accrediting agencies are cited in an effort to encourage parents to review how their state's accreditation ensures high standards are adhered to in online programs. It is thought that states and vendors should have more transparency with the various items associated with this checklist. For instance, establishing a national database with these (and potentially other) associated checkpoints would be an initial step in supporting greater transparency among all stakeholders.

Student Data and Privacy

The use of student data for decision-making (within a school for tracking student progress and for compliance reporting) has grown steadily with the increase of technological innovation and legislation mandating accountability in schools.⁸ Student data may be obtained from a variety of sources including teachers, academic records, assessment results, demographic information, and student outcomes.⁹ When educators, administrators, and parents work together to ensure that student data is available, complete, relevant, secure, effective, communicative, supportive, and used for continual improvement, a more complete picture of how to support students' learning can occur.¹⁰ The specific nature of student data and who can access these data is gaining national attention as educational options continue to expand, particularly through digital learning.

The digital learning environment adds a new layer of complexity to the use of student data. A growing concern is that student data in these environments does not meet federal or state regulations for security. Thus, data privacy issues have been identified as a major barrier to effective online learning.¹¹

Two major federal laws impact the use of student data: The Family Educational Rights and Privacy Act (FERPA) prohibits the disclosure of education records, and the Children's Online Privacy Protection Act (COPPA), regulates marketing to children under 13 years old (data collected in educational settings has value for commercial ventures). These pieces of legislation quite likely were not written with the digital learning environment in mind: FERPA legislation is 40 years old; COPPA has been in effect for 20 years.

FERPA provides protection of student information, affords parents the right to access their children's student records, and offers certain controls over the disclosure of their students' records to third parties.¹² In efforts to bridge gaps between FERPA and state education policy, in 2014, 110 educational privacy bills were introduced in 36 states.¹³

A widely shared view is that student data still remains

vulnerable.¹⁴ In response to this concern, COLSD researchers asked state department of education staff in 50 states and five territories two questions:

1. Does the state have guidance, documentation, policy, or statutes that reflect how confidentiality/data privacy of records, for all students, should be managed in supplementary/ blended and full time digital learning environments?
2. Is there a policy or procedure for how data for students with disabilities should be managed?

Findings from the two questions are discussed below in their ordered sequence. Center reviewers gathered any evidence that the state or territory included some mention of confidentiality and data privacy of records in guidance, documentation, policy, or statutes associated with digital learning environments.

Findings for question one revealed that no states or territories specifically addressed how confidentiality and data privacy of records for all students, (including students with disabilities) should be managed in supplementary, blended, and full-time virtual digital learning environments.

However, 21 states did include some type of statement on student confidentiality and data privacy of records in online learning environments in guidance, documentation, policy, or statute. Center reviewers documented ways in which states and territories are approaching confidentiality and data privacy in these policies. Five approaches were identified.

Approach 1: The most common approach, which was reflected in the policies of 11 of the 21 states, was to embed a statement (in virtual school policy) mandating compliance with FERPA and/or COPPA regulations. These mandates included language such as "will abide," "will maintain," "must ensure," "shall adhere," and "be in compliance." For instance, Virtual Virginia states that the school will abide by the FERPA mandate and lists five sets of interested parties that are allowed access to student records. See the associated text for example language.



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“Virtual Virginia will abide by the student privacy guidelines set forth by the Family Educational Rights and Privacy Act (FERPA). The following individuals have access to student records: Virginia Department of Education (VDOE) board members, the Virtual Virginia administrative team, the professional staff of the student’s school (teacher/school counselor), and appropriate administrative support staff members and other professionals who have a legitimate educational or legal interest in student records. A final grade report is available to the student’s local school upon completion of their online course(s) or at any time upon the request of the local school and/or student’s legal guardian.”¹⁵

Approach 2: In the second approach, Center reviewers were only able to locate confidentiality and data privacy of records in online learning environments from state legislative documents. The legislation, identified in three states, typically requires school districts and operators to use a process that aligns with FERPA. The Department of Legislative Services from the Maryland General Assembly in 2015 Session House bill 298 offers an example of student data privacy legislation that includes online services. See the associated text for example language.

“This bill requires an operator of specified websites, online services, online applications, and mobile applications designed primarily for a preK-12 public school purpose operating in accordance with a contract to (1) protect covered information from unauthorized access, destruction, use, modification, or disclosure; (2)

implement and maintain reasonable security procedures and practices to protect covered information; and (3) delete covered information upon request of the public school or local school system. In addition, an operator may not knowingly (1) engage in targeted advertising based on the data collected through the website, online service, or application; (2) except in furtherance of a preK-12 school purpose, use information to make a profile about a student; (3) sell a student's information, except as provided; or (4) disclose covered information, except as detailed in the bill. Operators may use aggregated or de-identified information under certain circumstances. The bill does not apply to general audience websites, online services, online applications, or mobile applications, even if a login is created.”¹⁶ (The bill takes effect July 1, 2015).

Approach 3: The third approach was evident in three states' application processes to be completed by an online provider. States embedded confidentiality and data privacy requirements in the online provider applications. The Arizona State Board of Education Application for Arizona Online Instruction (AOI) Schools and Programs for the 2014-2015 school year includes two confidentiality and data privacy criteria that the applicant must address in order become an approved provider. See the associated text for example language.

“7. Describe the availability of private individual electronic mail between pupils, teachers, administrators and parents in order to protect the confidentiality of pupil records and information.

Evaluation Criteria:

The extent to which:

- *The AOI school/program has an internal email communication system available within the CDS that is only available to the student and any staff, parent, guardian or other stakeholder that plays an integral part in monitoring and supporting the success of the student.*
- *Any communications between staff, student, and parents is logged and secure.”¹⁷*

Approach 4: In the fourth approach, COLSD reviewers were unable to find publicly available policy or guidance on confidentiality and data policy on state and territory websites. Instead, reviewers relied on a secondary source for the information. For these three states, the existence of student data and security laws with service vendors was indicated through information published by the Software and Information Industry Association (SIIA) Education Division.¹⁸ The published information included an overview of data privacy and security policies passed in the 2014 legislative session.

Approach 5: The fifth approach was used by one state and was focused on the students' demographic and personal identifier information. Other student data were not referenced in the related policy. The Washington Superintendent of Public Instruction Digital Learning Department ensures that contact information and other personal information is shared only with the online course provider of the specific course in which the student is enrolling. See the associated text for example language.

“When schools register students for online courses through the DLD, the DLD collects information—including contact information such as phone numbers, mailing addresses, and email addresses—about the student, the student's parents, and the school staff

member (“Mentor”) working with the student. This information is shared only with the course provider offering the specific course for the purposes of registering the student for the course.”¹⁹

Consistent with the Center state and territory scan findings presented in Chapter 2, policy and guidance statements on confidentiality and data privacy in online learning environments vary greatly in nature as is reflected in the five approaches from states and territories.

Additional complications with confidentiality and data privacy in online learning environments can arise when a student with a disability participates in digital learning. Students with disabilities have educational records (such as an IEP) that contain goal statements and other sensitive data protected under IDEA and FERPA. States are also prohibited from reporting to the public any information that indicates any personally identifiable or student performance information.²⁰ There has been growing concern that the data generated by and about these students makes them vulnerable to commercial exploitation as well as discrimination.²¹ Importantly, while there is concern that these practices are taking place, there is also no found evidence indicating that such practices currently occur.

The second question Center researchers asked in the area of confidentiality and data privacy includes how data for students with disabilities should be managed in the context of online learning. This question was designed to gain a greater understanding of how stakeholders are currently addressing this topic in an ever-changing educational setting.

Center reviewers were unable to find any states or territories that had a policy or procedure for how data for students with disabilities should be managed in online settings. There were, however, two states that addressed confidentiality and data privacy for students with disabilities that can be directly applicable to online environments.

First, Center reviewers found that Idaho made an addition to the Idaho Special Education Manual for 2015 to include a statement to ensure student data protection.

The updated manual included a statement that requires districts to protect the personally identifiable information of students with disabilities. Although this statement does not specifically reference online settings, it could be implied. See the associated text for example language.

“Added that districts must have a policy to protect personally identifiable information from security risk resulting from unsecured data transmittal or storage.”²²

The second policy statement comes from the Oklahoma State Department of Education Special Education Handbook. The statement mandates that charter and virtual charter schools have policies, procedures, and practices that align with six listed federal mandates, including FERPA. See the associated text for example language.

“B. Rights of Charter or Virtual Charter School Students and Their Parents A charter school student is a public school student. Students with disabilities who attend charter schools and their parents have all of the same rights granted to students who attend other public schools. These rights are provided under the IDEA; the Elementary and Secondary Education Act (ESEA), reauthorized as the No Child Left Behind Act (NCLB); Section 504 of the Rehabilitation Act (Section 504); the Americans with Disabilities Act (ADA); and the Family Educational Rights and Privacy Act (FERPA). Oklahoma law specifically states that charter schools cannot discriminate against any student on any basis prohibited by federal, State, or local law. Under Oklahoma law, the charter of an authorized charter school outlines

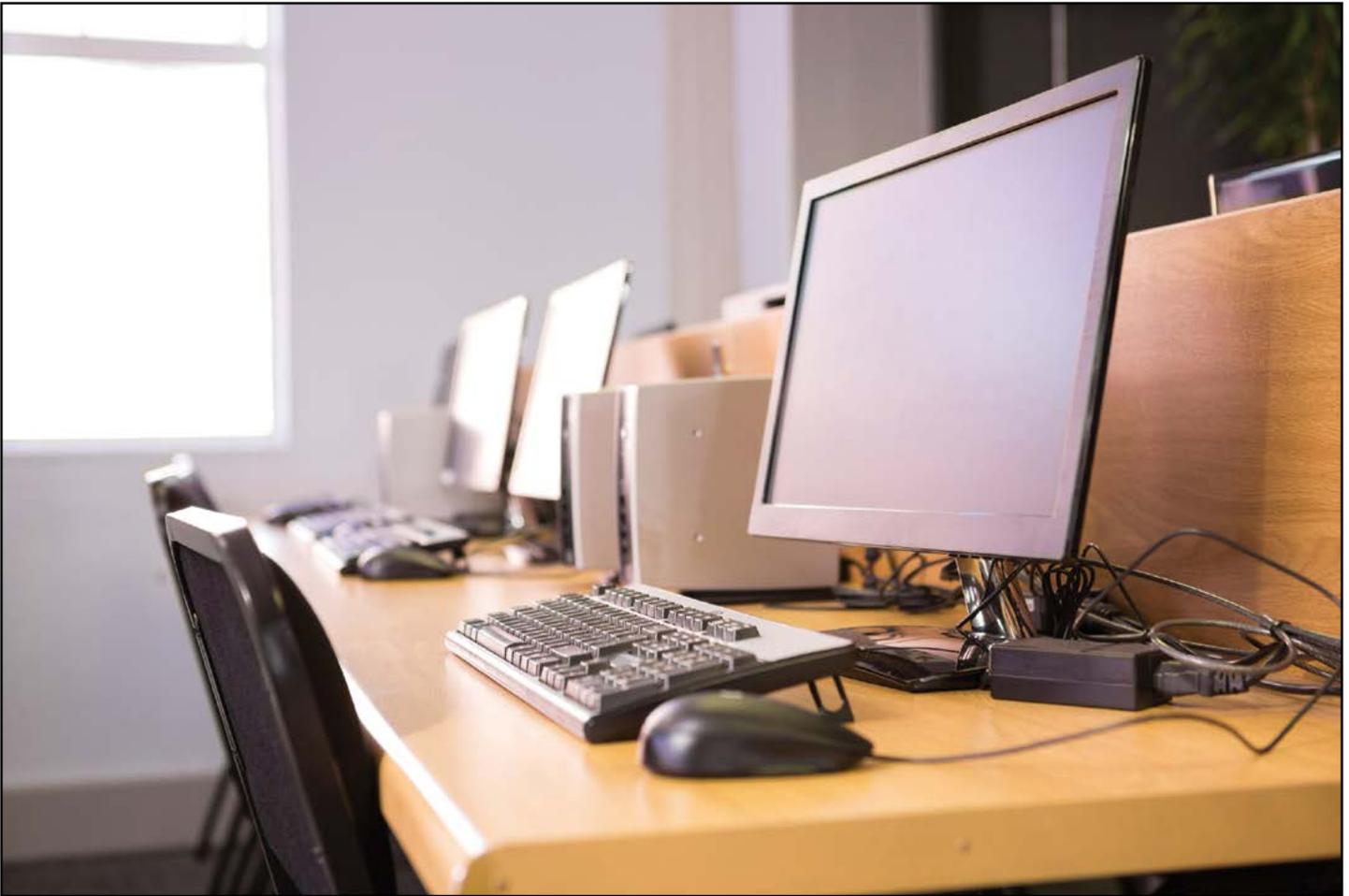


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specific mission statements, policies and procedures or practices. Pursuant to Oklahoma State law, charter schools are required to comply with all federal and State laws relating to the education of students with disabilities in the same manner as a school district.”²³

As has been discussed, there is a large volume of data inherently available in these online systems. This information could potentially be turned into knowledge used to support student learning. Nonetheless, the Center has found it difficult to access the people, sites, and data in online learning environments to permit building that knowledge. Multiple reasons explain the presence of these barriers. Because of the rapid adoption and deployment of online environments and the attendant instabilities, decision makers and implementers at the state, district, and school levels are often reluctant to respond to requests for information, and even more reluctant to share data for research purposes.

Center researchers have heard from many education agencies that they are overwhelmed, and often there is a lack of clarity (or ownership) of who maintains oversight of existing data sets. At the same time, developers (both commercial and state-based) have a great deal of data about the quality of their products’ implementation and effectiveness, but often have been reluctant to share that information because there are: 1) concerns about student privacy, 2) concerns that data may not provide positive results, 3) developers who lack the incentives to share, 4) developers who lack an understanding of why it would be beneficial to share their data, or 5) developers who view student usage data as their intellectual property.

Until there is a shared acknowledgement that the benefits of analyzing student demographic, achievement, and system usage data can yield information about student learning that is otherwise impractical or impossible to attain, and that these analyses can benefit everyone involved, educators and digital learning system developers will continue to silo their data sets. Such an

acknowledgement could lead to one or more privacy- and property-compliant strategies for sharing data sets in order to improve the process of education for all learners, especially those with disabilities.

Ironically, information about students with disabilities—including such things as who these students are, what they are doing, where they are doing it, how they got there, how long they stayed, and where they went—is readily available in traditional school settings. When combined with achievement information, moment-to-moment data commonly available in online environments can provide a relatively clear picture of what design configurations and practices are working and what is not. Overlapping these data with special education services mandated by a student’s IEP would provide a comprehensive understanding of appropriate service delivery. Unfortunately, in current practice, once a student engages in online learning (full time or part time), these data becomes disaggregated, diffuse, and is often unavailable. As a consequence, neither educators, parents, administrators, nor curriculum developers can associate instructional activities to student outcomes with any meaningful accuracy.

The lack of purposeful and transparent acquisition, analysis, and use of data from online education tools by the education system is of growing concern to Center researchers. These data have the potential to transform the education system by providing near real-time feedback and more informed decision making. The current lack of data collection, existing data silos, and other concerns associated with data usage hinder the progress of the education system. The lack of open research and discussion across these data issues have various unintentional consequences including things such as the ability for an online system to be marketed as an appropriate solution for all students when in reality there may be little to no data to support that claim. This lack of independent research also has the potential to provide inequity across learners. Specifically, the process of school systems making acquisition decisions (or parents independently enrolling students) in the absence of objective of outcome data has the potential to perpetuate inequitable outcomes across learners; outcomes that

could be avoided by more open data sharing and better research in online education.

Overall, Center researchers encourage more open research across and within online education entities and education stakeholders. Center researchers also encourage more open and privacy-compliant sharing of data being collected and used by both private and public online education providers. This sharing could be provided through cooperative, incentivized or legislated efforts with independent researchers who can publicly report data-based findings on issues related to meeting privacy standards, designing accessible learning materials, and supporting the needs of all students, especially those with disabilities.

Graduation

In traditional school settings, students with disabilities are at higher risk than their non-disabled peers for dropping out of high school altogether and/or not attaining a regular diploma.²⁴ The risk of non-completion is higher for students with significant cognitive disabilities,²⁵ and students with disabilities who are also from families with low incomes, or are from minority groups.²⁶

Scholars have also found that the disparity between graduation rates for students with disabilities vs. those without increased during the No Child Left Behind (NCLB) era (2002-2015) and continues to do so.²⁷ This disparity persists despite the intentions of NCLB to include students with disabilities in general education classrooms (with highly qualified teachers), and to assess the academic achievement of these students against general academic standards. It was also during this time that expectations for graduating with a regular diploma increased in many states.²⁸

In most states, a high school diploma is attained by completing a certain number of credits and certificates of attendance/completion, and/or by successfully passing a “high stakes” test or series of tests prior to graduation. States continue to determine their individual graduation requirements—some specifying a specific number of hours, some not. In short, many students with disabilities have historically left high school early, leaving with neither a standard diploma nor a certificate.



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The emerging requirement for graduation—beyond the standard accumulation of a certain number of credit hours—for mandated participation in online courses may emerge as problematic for some students with disabilities. The Center state and territory scan identified five states (Alabama, Arkansas, Florida, Michigan, and Virginia) that have an online course high school graduation requirement. Center reviewers looked at the five states’ distance learning requirements and the policy or guidance associated with this requirement to determine if and how the variable needs of students with disabilities were addressed.

Alabama

The Alabama Department of Education’s Administrative code Chapter 290-3-1 Supp. 6/30/15 3-1-1 addresses the online technology graduation requirement and notes that exceptions can be made through IEP graduation modifications. See the associated text for example language.

“3. Distance Learning. Effective for students entering the ninth grade in the 2009-2010 school year, Alabama students will be required to complete one on-line/technology enhanced course or experience prior to graduation. Exceptions through Individualized Education Plans will be allowed.”²⁹

An Alabama State Department of Education April 2014 memorandum outlines graduation options for students with disabilities that include two pathways: a general education pathway option and the essential skills pathway option (which includes non-accredited courses). Students can choose either pathway or work with the IEP team to build a graduation plan that includes classes associated with both graduation routes. The memorandum does not, however, address the online course graduation requirement.

Arkansas

Arkansas House Bill 1785 mandates that students must take one digital learning course to graduate. The bill does not address provisions for students with disabilities. Center reviewers could not locate publically available special education graduation guidance. See the associated text for example language.

“Beginning with the entering ninth grade class of the 2014-2015 3 school year, each high school student shall be required to take at least one 4 (1) digital learning course for credit to graduate.”³⁰

Florida

Florida House Bill 7198 (passed in 2011) requires that one online course be completed for graduation. The Florida Department of Education issued a memorandum in December 2012 that provides exemptions for meeting the online graduation requirement for students with IEPs if it is determined that an online course would not be appropriate or that a student has only been enrolled in a Florida high school for one year or less. See the associated text for example language.

“... requiring at least one course required for high school graduation to be completed through online learning; creating s. 1003.498, F.S.”³¹

“Governor Rick Scott signed House Bill 7063, Digital Learning, into law with an effective date of July 1, 2012. One of its provisions amends section 1003.428(2)(c), Florida Statutes (F.S.), relating to the online graduation requirement for the 24-credit general requirements for high school graduation option, to do the following:

- Provide exemptions for meeting the online course graduation requirement for students who have*

individual educational plans (IEPs) that indicate an online course would not be appropriate or for students who have been enrolled in a Florida high school for one year or less.”³²

In addition, Florida offers four high school diploma options that are only available for students with IEPs: Standard Diploma, Standard Diploma with Florida Comprehensive Assessment Test (FCAT) 2.0 Waiver for Students with Disabilities, Special Diploma (with two options). The Florida online graduation requirement applies only to students who are meeting the standard diploma requirements.

Michigan

The Michigan Merit Curriculum law requires Michigan students to complete one online course, with technology and access provided by the student’s school or district. Students can enroll with the Michigan Virtual School or the Michigan Connections Academy. See the associated text for example language.

“What the Michigan Merit Curriculum Law Says:

1278(1)(b) Meets the online course or learning experience requirement of this subsection. A school district or public school academy shall provide the basic level of technology and internet access required by the state board to complete the online course or learning experience. For a pupil to meet this requirement, the pupil shall meet either of the following, as determined by the school district or public school academy:

- (i) Has successfully completed at least 1 course or learning experience that is presented online, as defined by the department.*
- (ii) the pupil’s school district or public school academy has integrated an*

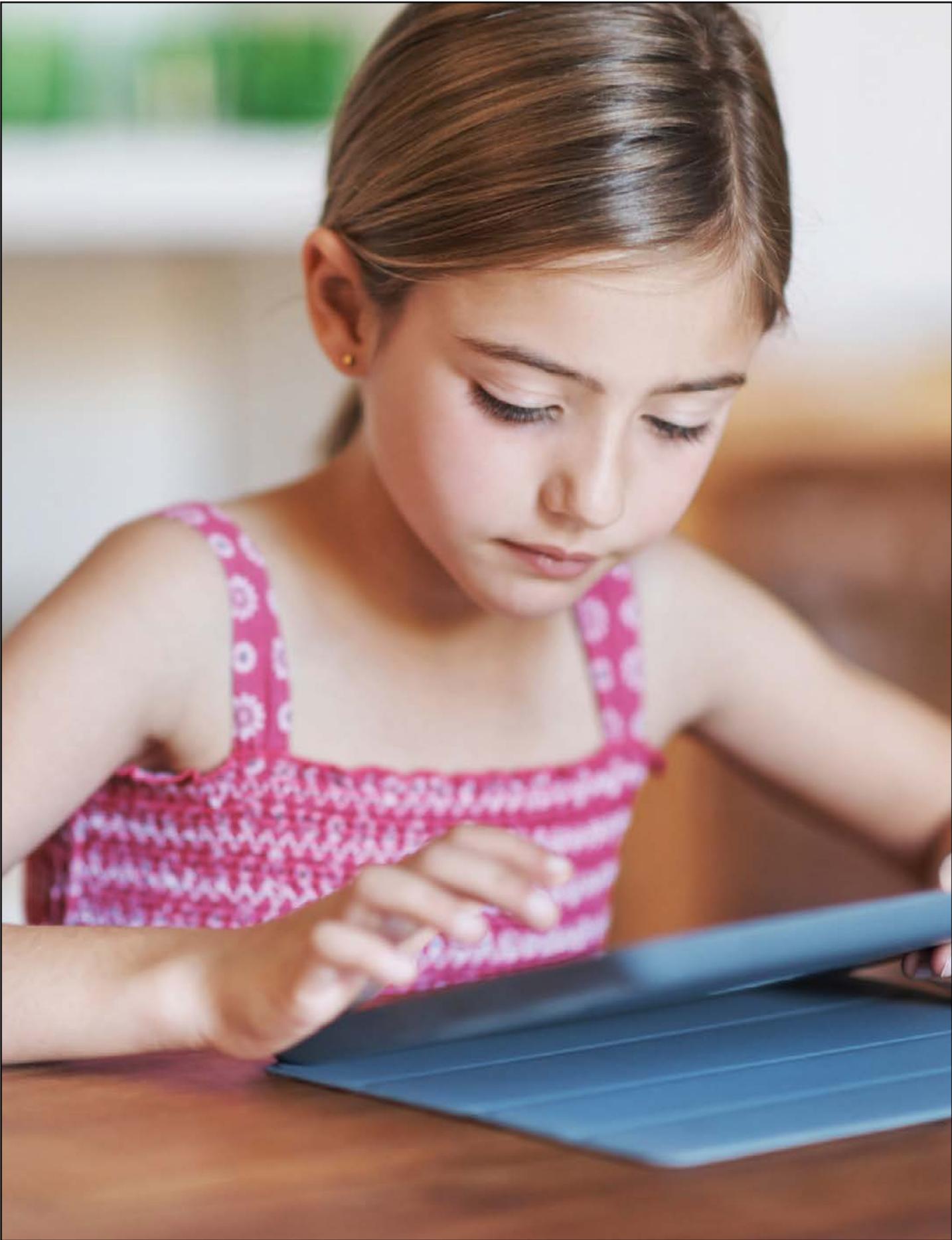


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online experience throughout the high school curriculum by ensuring that each teacher of each course that provides the required credits of the Michigan merit curriculum has integrated an online experience into the course.”³³

Michigan Department of Education also offers an alternative graduation plan that provides flexibility for students who may need accommodations or modifications to support their enrollment. Accommodations and modifications are not specifically referenced in association with the online course requirement. See the associated text for example language.

“Option for a student’s parent to request a personal curriculum for the student which is developed with the high school counselor or other designee selected by the high school principal. The personal curriculum is for that small percentage of students who seek to exceed the requirements of the MMC or for students with disabilities who need special accommodation and modifications.”
(p. 47) *“According to state law, a PC’s may be developed in order to:*
· *Go beyond the academic credit requirements by adding more math, science, English language arts, or world languages credit. * modify the mathematics requirement. * modify, if necessary, the credit requirements of a student with an Individualized Education Plan (IEP).”*
“For a student with an IEP: A documented need requires modifications because the student’s disability affects access to and/or demonstration of

proficiency in the curriculum. Lack of progress on the MMC despite documented interventions, supports, and accommodations.”
(p. 49) *“Students eligible to take classes at MVS include gifted and talented students, special needs students, students who need to “make up” credit, public and non-public school students, and home-schooled students.”³⁴*

Virginia

Virginia requires that all students complete an online course, credit-bearing or non-accredited, prior to high school graduation. Students with disabilities are expected to complete a virtual course as a part of their standard diploma requirements.³⁵ The 2015-2016 Virtual Virginia Mentor Handbook notes that it is the course instructor’s responsibility to provide course “adjustments” for students on IEPs or 504 plans, but no additional guidance is provided.³⁶ See the associated text for example language.

“Beginning with the 9th grade class in 2013–14, the graduation requirements to earn a standard or advanced studies diploma include the “successful completion of one virtual course. The virtual course may be a noncredit-bearing course.”
“HB 1061 and SB 489 in the 2012 General Assembly eliminated the Modified Standard Diploma and directed the Board of Education to make provisions in its regulations for students with disabilities to earn a Standard Diploma. On June 28, 2012, the Board approved emergency amendments to 8 VAC 20-131-50 of the Regulations Establishing Standards for Accrediting Public Schools in Virginia indicated its intent to establish

guidelines for credit accommodations for this purpose. On March 28, 2013, the Board of Education approved Guidelines for Standard Diploma Credit Accommodations for Students with Disabilities. As such, the Modified Standard Diploma will no longer be an option for students entering the ninth grade for the first time in 2013-2014 and beyond. Students with disabilities may be eligible for Standard Diploma credit accommodations in certain subject areas as noted in footnotes in previous sections of this document.”

“Credit accommodations provide alternatives for students with disabilities in earning the standard and verified credits required to graduate with a Standard Diploma. Credit accommodations for students with disabilities may include:

- Alternative courses to meet the standard credit requirements*
- Modifications to the requirements for locally awarded verified credits*
- Additional tests approved by the Board of Education for earning verified credits*
- Adjusted cut scores on tests for earning verified credits*
- Allowance of work-based learning experiences through career and technical education (CTE) courses”³⁷*

Much of the research on completion data for students with disabilities in online learning environments has focused on course completion rather than on graduation. Allday and Allday³⁸ analyzed data from more than 345,000 students in a virtual school from one state with the purpose of comparing the pace requests and final grade outcomes of students with disabilities to that of

their peers without disabilities. They found that students with and without disabilities both make similar pace requests and complete courses in the same amount of time. Research findings demonstrated that extended time in completing a course correlated to lower final grades—this in light of the fact that the most often used accommodation in special education is extended time.³⁹ These findings suggest that extending time in online courses does not translate into enhancing course completion. When courses are not completed, progress towards graduation is not made.

When Rice and Carter⁴⁰ interviewed teachers in a large virtual school program, their participants described the spring season as chaotic because prospective graduates were hurrying to finish coursework. The teachers’ anecdotal logs and their personal impressions indicated that many of the students who were unable to finish the courses and ultimately graduate were students with disabilities. The teachers attributed this failure to self-pacing difficulties. These findings, when considered along with Allday and Allday’s, suggest that students with disabilities are often not receiving appropriate support in making progress towards graduation. This circumstance deserves attention because students with disabilities have historically been funneled into alternative diploma programs that have negative consequences for their future employment and educational opportunities.⁴¹

When these course completion targets are unmet, students with disabilities (like all students) have limited choices: 1) drop out, 2) remain in the online environment and continue to work to pass courses, 3) return to the brick-and-mortar environment and continue to work to pass courses, 4) leave the high school and enroll in a technical and career education program (e.g., Job Corps), or 5) enroll in a graduate equivalency degree (GED) program through their school district or a local educational institution. The concern that students with disabilities often lack the support to be successful in online education is of interest in light of the fact that online courses are often considered a solution to credit recovery challenges.⁴² For various reasons, including the aforementioned lack of data sharing, there is no known research base that investigates students with disabilities’ participation and success with initial online coursework in progressing towards graduation or credit recovery.

Summary

As referenced in this publication, researchers at the Center have conducted various investigations across the field of online education during its first three years of operation. While this publication has only highlighted a limited number of these studies, we are beginning to gain a better understanding of online education for students with disabilities. Clearly, online education is reshaping the education system for all students and has potential consequences for all stakeholders but especially those students with disabilities.

For instance, one finding that has been threaded throughout much of the Center's research findings are the newly emergent roles of both teachers and parents in online learning environments. These role differences are especially notable in full-time virtual learning environments. In these environments, the role of a teacher is often one that is primarily focused on designing instruction, providing consultation, and supervision to paraprofessionals or parents rather than direct instruction to students. Alternatively, depending on the online system, these teachers may be doing very little instructional design and simply using the default commercially designed system. On the other hand, parents are often the primary providers of instruction and are expected to deliver or supervise most of their child's instruction, adjust instruction as necessary, maintain contact with professional teachers, make instructional choices, and conduct ongoing evaluation.

In blended classes or supplemental courses, parents are not typically the primary providers. Instead of acting in consultation to parents, teachers often have a direct consultative role to students. In this role, the primary sequence of instruction is provided by the online delivery system. Teachers oversee student progress and adjust or adapt sequences as warranted, often consulting with students about their progress and preferences, and sometimes providing supplemental groups or tutorials to address gaps in instruction. While there is great variance in teacher roles, the tendency is for the teacher to be more supplemental and adaptive, acting as a designer and direct facilitator when necessary. These shifts in roles have perceived but unknown implications on the field of practice as well as to the parent-child relationship. Further research is needed across how these new roles within education impact student outcomes.

We have also found that actual policies across online learning are varied and inconsistent (see Chapter 2). Existing policy differences are consequential, affecting nearly every aspect of online learning: what students can enroll, who is found to have a disability, how such determination is made, who may use online data, who is qualified to teach, who administers the program, who is eligible for accommodations, what outcomes can be appropriately measured, etc.

The emergent system of online education has precipitated a highly complex policy environment that, in turn, has generated barriers to implementing, researching, and evaluating online learning. The work at the Center has found that nearly every state and district has its own unique policies regarding the way that online learning is provided, financed, administered, evaluated, or assessed, making it very difficult to identify consistently effective approaches. The lack of data access or interoperability impedes analyses that would sharpen everyday academic practices and interventions. The achievement and outcome data for students in full-time virtual elementary and secondary schools is concerning. A recent data analysis of online charter schools in 17 states found that the academic achievement of approximately 70% of enrolled students was below that of their peers in both brick-and-mortar public and charter school settings. Even more compelling, this study's findings indicated that attending a charter school, per se, was not a factor negatively impacting achievement, but that negative achievement outcomes were specifically associated with the online component.⁴³ Study findings also reported that enrollment in an online charter school reduced the negative academic achievement impact of having an IEP—compared to non-IEP students in the same setting—but the overall result of online charter school enrollment for students with disabilities was negative when compared to similar students in public brick-and-mortar schools.⁴⁴

The Center's findings, along with the findings of others, with respect to online learning and students with disabilities, raise questions and identify areas of needed additional research relevant to all students engaged in full-time virtual, blended or supplemental learning. Because students with disabilities present the widest sensory, physical, cognitive and behavioral variabilities,

these students challenge the education system to become more flexible, responsive, and effective. Students with disabilities offer a unique opportunity for designing learning systems that can address their learning variabilities from the outset, not as an afterthought, and,

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in doing so, more effectively encompass the needs of all learners—those with disabilities, and those without. The Center researchers encourage stakeholders to work together to research and design better online learning environments for all learners.

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