

## **SERVING STUDENTS WITH DISABILITIES IN VIRTUAL & HYBRID LEARNING PROGRAMS**

Education in an independent study program may be provided in an online virtual setting or through a hybrid of learning programs which may include a combination of online and in-person instruction.

Charter schools that offer virtual learning opportunities, and other hybrid learning programs through independent study must enroll all students who meet the enrollment requirements set in their charter agreement, including both students with and without disabilities.

### **Independent Study**

Independent study is provided as an alternative instructional strategy, not an alternative curriculum. In independent study programs, students work independently, according to a written agreement and under the general supervision of a credentialed teacher(s). While independent study students follow the LEA-adopted curriculum and meet the LEA graduation requirements, independent study offers flexibility to meet individual student needs, interests, and styles of learning.

The Independent Study Written Agreement (also known as the Master Agreement) outlines the course of study for each independent study student. A written agreement may include the following information:

- LEA name
- Student personal information
- Duration- length of the agreement that include a beginning and ending date of the agreement
- Objectives- subjects/course(s) and course value/credits that will be earned
- Method(s) of study- the student activities selected by the supervising teacher that the student will complete in order to meet the course objectives/outcomes
- Methods of evaluation that will be used to determine if the student met the subject/course objectives
- Information about the students requirements to report to their teacher(s)- frequency, location, and manner of reporting
- Resources for the student to accomplish subject/course objectives
- Policies on assignment completion and deadlines
- Statement to demonstrate that independent study is a voluntary program opportunity, and the quality and quantity; rights and privileges; resources and services for students that attend an independent study program

This written agreement must be agreed upon by the student, parent/caregiver/guardian, supervising teacher, and any other assisting person(s) responsible for the students program. A sample independent study written agreement developed by the California Department of Education can be found at <http://www.cde.ca.gov/sp/eo/is/>.

### **Independent Study Compared to Home School, and Home- Hospital Instruction**



The following chart depicts and defines common terminology that is mistaken for independent study.

| <b>Home- Based Instruction (Independent Study)</b>   | <b>Schooling at Home (Home School)</b>  | <b>Home-Hospital Instruction</b>   |
|--|---|--|
| When a parent is a member of the educational team and facilitates the implementation of the master agreement. Teacher of record at the LEA serves as the instructor. | All instructional needs met solely by the family and independent of a LEA. Parent serves as the instructor. | Temporary service provided to help students maintain continuity of instruction during a period of temporary disability. District of residence provides general education instruction and Charter LEA provides special education instruction. |
| Follows the guidelines of the LEA's independent study and master agreement.  | Parent(s) must file a "private school affidavit" with CDE.  | Instruction provided to a student in a hospital, health facility, or in the student's home.  |
| Independent Study=YES  | Independent Study= NO   | Independent Study= NO  |

### **Equal Enrollment for Students with Disabilities**

Federal and state law prohibit any public school, including charter schools, from denying admission to any student on the basis of a disability, or the nature of or extent of a disability. To ensure legal compliance, it is recommended that the LEA adopt policies and procedures to address admissions of a student with a disability in an independent study program. These policies may include, but are not limited to, the following information:

- Specific information pertaining to the independent study written agreement
- Educational opportunities offered through independent study
- The maximum length of time which may elapse between the time an independent study assignment is made and the date by which the student must complete the assigned work
- An explanation that the student will have access to the same services and resources of the LEA in which they are enrolled, as is available to other students enrolled in the LEA
- The provisions of independent study and restrictions for providing independent study as an alternative curriculum, as program for temporarily disabled, and the exclusive method of course offerings for high school graduation
- Procedures to address the enrollment process for students with disabilities and the need for an IEP team decision for placement in an independent study program for a student with exceptional needs

For a sample independent study policy, please refer to the Charter SELPA SEIS document library at [www.seis.org](http://www.seis.org).

Because it is required by law that an LEA enroll all students with disabilities, and independent study placement is an IEP team decision, it is recommended that when a student with an IEP applies to enroll in a virtual or hybrid charter schools, as their own LEA for Special Education, that the LEA enrolls the students. Then, during the 30 day interim IEP process (please refer to the interim placement section of the procedural guide), the IEP team reviews the IEP to determine whether or not independent study in a virtual or hybrid learning program is an appropriate offer of a free and appropriate public education (FAPE). If the IEP team determines that independent study is not an appropriate offer of FAPE, then the student will remain enrolled in the LEA and the LEA is responsible for funding an appropriate alternative placement. If the IEP team agrees, and



determines that the independent study program is the appropriate placement for the student, it must be written into the IEP document and consented to by the parent/guardian of the student.

## **IEP Team Considerations**

When developing an IEP for a student in a virtual or hybrid learning program, the IEP shall clearly demonstrate that the IEP team has considered the students individualized needs, alternative placement options and how the independent study program is able to provide the student with a FAPE in the least restrictive environment (LRE). The IEP placement recommendation should reflect the independent study virtual/hybrid learning educational program. The LEA shall consider the following information when developing the student's IEP:

- Assessments and the individual student needs including:
  - Social emotional
  - Behavioral
  - Social skill development of the student including needs for: social interaction, peer modeling, and generalization of skills learned with peers
  - If face to face assistance is required and how much
  - Accommodations and/or modifications
- IEP goals based on the students individual needs including progress on IEP goals which are individually monitored
- Services and supports that are required to meet the students' needs within the independent study program. This includes all related services such as, but not limited to, specialized academic instruction, occupational therapy, speech and language services, ERMHS services, behavior intervention services, assistive technology services, etc.
- Where and how special education services will be delivered- including the frequency, duration, how and where service minutes will be accessed by the student
- Assistive technology needed to access curriculum.
- Transportation (see transportation section of the procedural guide for additional guidance)
- Progress monitoring and program review to ensure that the independent study program continues to be appropriate and the student continues to receive educational benefit

It is important that the IEP team carefully investigate and identify student needs for socialization, language pragmatics, and emotional regulation to ensure all of the students' needs are being addressed in the independent study program. It is equally important that the IEP team have a discussion with the parent about parent responsibilities and level of parent involvement required for their child in the independent study program (for information on parent responsibilities refer to Chapter 7: Home-Based Independent Study section of the CA Dept. of Education Independent Study Manual located at <http://www.cde.ca.gov/sp/eo/is/documents/chapter7.pdf>).

## **Accommodations and Modifications**

There are some basic accommodations and modifications not automatically provided to all students in traditional schools environments that are often characteristic of education provided in a virtual or hybrid learning program may be:

- Extended time on lessons and tests;
- Flexibility in start and end dates;
- Continuous means of communication;
- Parent communication of progress;
- Prepared notes/reviews;
- Clear rubrics;
- Appropriate placements by skill level;
- 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.

The IEP team shall consider which accommodations and modifications are necessary for the student to receive educational benefit. Curricular adaptations may be required in an independent study virtual and hybrid learning program for a student to access and make progress in their grade level curriculum to meet standards.

For additional information on accommodations and modifications, please refer to the curriculum adaptations section of the procedural guide.

### **Assistive Technology**

In virtual education, the use of computer technology may increase the need for assistive technology. The following are a list of some assistive technologies that virtual programs may need to consider and document in the student's IEP:

- On-screen key boards
- 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
- Voice recognition systems

### **Continuum of Special Education Services**

An LEA is required to provide a continuum of special education, related services, and placement options for students with IEP's. If an IEP team determines that an independent study program in a virtual school or hybrid learning program is **not** an appropriate placement for a student, the LEA must take steps to ensure that the student receives FAPE by being placed in the appropriate educational setting. This setting may be at an LEA-run program or provided by an outside service provider at cost to the charter LEA. These settings may be a local or district program, non-public school or residential facility. The student will remain enrolled in the Charter LEA and the Charter LEA will contract with the appropriate program through a master contract and individual service plan.

Charter schools are cautioned to use careful consideration when determining whether or not an independent study virtual learning or hybrid program is an appropriate placement for students with disabilities. Children with disabilities must not be placed in separate schools merely because of the availability of placement options, administrative convenience, or institutional barriers to providing related services rather than because of their individual needs (Letter to Johnson, OSERS 1988).

### **Virtual IEP Meetings**

Parents are required members of the IEP team. LEA's have the obligation to provide a parent with the opportunity for meaningful participation in an IEP meeting. The LEA shall keep a record of attempts to arrange a mutually convenient IEP meeting and attempts to convince the parent to attend the IEP meeting. This record can include detailed logs of telephone calls or e-mails, IEP



notice of meeting, copies of correspondence sent to the parents and any responses received, detailed records of visits made to the parents' home and the result of those visits.

The law dictates who must attend an IEP meeting, but does not prescribe where the meeting must be held. If the LEA has a central office that is geographically proximate to the student and convenient to the other team members of the IEP team, then the IEP meeting may be held in person at the central office. However, if this is not the case the LEA is responsible for providing capabilities for all IEP team members to meaningfully participate in the meeting, including making reasonable accommodations for parents' special needs under section 504 or the ADA.

Virtual IEP meetings can be held using computer software programs and services that allow attendees to log-in/call into the meeting from wherever they are located. Examples may include, but are not limited to, video conferencing (ie. Skype) or conference calling using a shared conference call phone line. If the parent is not comfortable with the technology, then the virtual school may need to send a staff member to the student's home to help the parent meaningfully participate in the virtual IEP meeting.

For additional information regarding independent study in virtual schools or hybrid learning programs for a student with an IEP, please contact your SELPA program specialist

For more information about independent study in California schools, refer to the Independent Study webpage on the California Department of Education's website at <http://www.cde.ca.gov/sp/eo/is/>.

