FAPE and LRE in Online Learning: Special Education Directors' Perspectives

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Abstract

While the provision of a "free appropriate public education" (FAPE) has contributed significantly to the educational experiences of students with disabilities, little is known about how services are actually provided in an online learning setting. Thus, telephone and face-to-face interviews were conducted with state directors of special education from 16 states to explore their knowledge of and experiences with FAPE in online learning. After interviews were transcribed, researchers reviewed 15 transcripts to identify common experiences and issues. Preliminary findings indicate that additional guidance or information is needed about FAPE and how to provide related services in an online environment.

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Prior to the 1970s, students with disabilities (SWDs) were at a disadvantage when it came to receiving a public education. For the most part, SWDs were often not educated in public schools, and those who were, did not receive education relative to their individual needs (Yell, Katsiyannis, & Hazelkorn, 2007). The authorization of several laws, including the Elementary and Secondary Education Act of 1965 (ESEA), the Rehabilitation Act of 1973, and the Education for All Handicapped Children Act of 1975 (EAHCA), helped facilitate access for SWDs to general education.

FAPE and LRE

At the beginning of the 21st century, the ESEA (1965) was reauthorized and renamed as the No Child Left Behind Act of 2001 (NCLB). A key component of the reauthorization is the greater focus on accountability, in addition to federal support for education (Paige & Gibbons, 2004). In order to increase accountability, states are required to identify academic standards specific to grade level and measure students' progress and attainment of those standards by annual assessments. Furthermore, states must provide achievement data for subgroups of the student population, which means separating data by race/ethnicity, disabilities, and English-language learners (Michelman, 2012). Thus, the progress of students with disabilities on state and district

assessments must be measured and reported as it relates to the content areas of reading and mathematics.

Further support for access and accountability resulted from the EAHCA (1975), which was renamed Individuals with Disabilities Education Act (IDEA) after its reauthorization in 1997 (Turnbull, 2005). While the IDEA of 1997 offers participation of SWDs in the state and district assessments, the amended IDEA of 2004 [known as Individuals with Disabilities Education Improvement Act (IDEIA)] allows for accommodations and alternative testing for SWDs. In 1997, IDEA required that states accepting federal funding for special education adhere to several terms, one of which is schools must ensure that students with disabilities have access to a "free appropriate public education" (FAPE; Apling & Jones, 2002). A greatly misunderstood phrase, FAPE means that students with disabilities must have access to both general education and specialized educational services with no charge to students or parents/guardians. School districts are required to either provide FAPE to qualified students residing within the district or cover the fees associated with finding a program that could offer a FAPE relative to the students' needs (IDEIA 2004, 20 U.S.C. § 1401). Therefore, SWDs should receive an appropriate education and necessary accommodations regardless of whether they attend a public or private school (Turnbull, Stowe, & Huerta, 2007). While FAPE services for those enrolled in a private setting do not have to be offered at the private school, services must be made available and the details regarding how and where is based on a compromise between the private school and district (IDEIA 2004, 20 U.S.C. § 1212). The same can be said for SWDs enrolled in charter schools, as they must be provided special education services if they qualify for them under IDEIA (Turnbull, Stowe, & Huerta, 2007).

Additionally, FAPE ensures that students must receive necessary services in the Least Restrictive Environment (LRE), meaning SWDs are included in educational environments with their nondisabled peers to the greatest extent possible (Crockett & Yell, 2008). Thus, instead of SWDs receiving education in separate classrooms or settings, accommodations and special education services should be implemented to ensure inclusion in several settings: general classroom, sports, clubs, recess, school transportation, etc. (Turnbull & Turnbull, 2000). The extent of inclusion in the various settings is decided after considering individual needs and how best to meet those needs, and any decision lacking in full inclusion must be justified. This range of possible educational settings is referred to as continuum of services, ranging from most to least restrictive, and is represented in Figure 1.

As a result of laws like the NCLB (2001) and IDEIA (2004), more attention has been directed at the education and progress of SWDs. Furthermore, public schools are now able to offer services that better meet the needs of SWDs in the traditional brick-and-mortar classroom. However, public schools are currently faced with a new challenge: with the advent of online learning as a new medium of education, questions about how FAPE and LRE apply to online environments are emerging. Specifically, questions arise regarding who is responsible for FAPE, how online learning falls within LRE, and how FAPE is funded in online environments.

Online Learning

Online learning is a broad term, generally defined as "education in which instruction and content are delivered primarily via the Internet" (Watson & Kalmon, 2005, p. 127). As such, online

learning programs can take several forms: fully online, blended/hybrid, and supplemental. Fully online learning programs indicate that the student is typically engaged in an online school as his/her primary means of education, whereas supplemental means that a student is taking a small number of courses to accompany his/her education at a separate school (Watson, Murin, Vashaw, Gemin, & Rapp, 2012). Horn and Staker (2011) define blended learning as "any time a student learns at least in part at a supervised brick-and-mortar location away from home *and* at least in part through online delivery with some element of student control over time, place, path, and/or pace" (p. 3). Furthermore, online instruction can be delivered as synchronous, meaning student-teacher interaction is occurring in real time, or asynchronous, meaning it is on the student's own time (Lips, 2010).

The most recent Keeping Pace with K12 Online and Blended Learning: An Annual Review of Policy and Practice report identifies three types of *programs* providing online services: single-district online programs, blended programs, and multi-district fully online programs (Watson, Murin, Vashaw, Gemin, & Rapp, 2013). Single-district online programs are created by a single district to serve the students of that particular district, and can encompass either fully online or blended options. The single-district online programs represent the largest venue for online learning options, and continue to grow faster than other venues (Watson et al., 2013). Blended programs are schools in which students participate in both online and traditional classrooms. Lastly, the multi-district fully online programs provide education that is fully online (i.e., no requirements to attend a physical brick-and-mortar setting) and serve students from multiple districts.

Watson et al. (2013) report that participation in online and blended learning has grown beyond last year's prediction of several million students in the United States. Furthermore, 49 states offer either supplemental or fully online options for students in elementary, middle, or high school settings. Online learning is expected to continue in its expansion, as the number of students participating in online learning is predicted to reach 5 or 6 million by 2016 (Picciano & Seaman, 2009). Today, approximately 310,000 K-12 students are thought to be enrolled in fully online programs, a slight increase from last year's 275,000 (Watson et al., 2013).

Not only is participation in online learning rising, but so is recognition of its benefits. In a meta-analysis of distance education for Kindergarten through adult learners, Bernard et al. (2004) reported distance education was, on average, comparable to traditional classroom learning. However, the authors noted the variability of effect sizes included in their analysis, and discussed differences in asynchronous and synchronous learning. Means, Toyama, Murphy, Bakia, and Jones (2010) conducted a meta-analysis encompassing 50 effect sizes, and concluded that online learning is generally more effective than traditional learning. Furthermore, student outcomes were greater when face-to-face instruction was supplemented with online instruction, in comparison with instruction only offered face-to-face. However, most of the studies included in the meta-analysis were of higher education with a small number of K-12 studies represented; thus, generalizability to K-12 population is limited. That being said, distance education[1] was found to be just as effective for K-12 students as face-to-face instruction in a meta-analysis of 80

[1] In this meta-analysis, studies were included as involving distance education if they used "web-based telecommunications, such that at least 50 percent of the students' participation in the course or program occurred at a physical distance from the instructor" (Cavanaugh et al., 2004, p. 10).

empirical studies (Cavanaugh, Gillan, Kromrey, Hess, & Blomeyer, 2004). Other perceived benefits for students in online learning include a greater variety of classes, increased learning opportunities for at-risk students, additional access to instruction, personalization, and greater flexibility and autonomy (Barbour & Reeves, 2009; Watson, 2007). More global benefits include reduced educational costs and reduced load on taxpayers (Lips, 2010).

Special Education Services in Online Settings

To date, several researchers have investigated the expansion of special education services to online settings, as well as highlighted issues related to the provision of services and funding. Müller and Ahearn (2004) explored the implementation of the IDEA and services to students with disabilities enrolled in virtual schools. As a result, the authors reported variation in the delivery of special education services, with methods related to evaluation, IEP meetings, supports, modifications, and accountability differing by the structure of the virtual school. Furthermore, they concluded that several shortcomings existed in special education policies, two of which include determining what duty local education agencies (LEAs) have for providing services and providing training related to special education services in virtual schools. In a separate study, Müller (2009) reached out to state education agencies to collect information about special education services in state virtual school programs. Most respondents indicated their state offered either guidance or resources related to SWDs in virtual school programs and provided assistive technology (AT) for students with IEPs; however, challenges were noted as well. For example, respondents reported challenges related to the provision of special education services, making curricular changes to provide accessibility, ensuring support from LEAs, and receiving funding for providing services.

Funding seems to pose quite a quandary in providing FAPE to SWDs in both brick-and-mortar and online settings. Bernstein (2013) highlights the discrimination of and failure to appropriately accommodate SWDs in for-profit charter schools, as providing special education for the students is too expensive. While the continuum of placements offers instruction based on full inclusion in general education classrooms to home-based instruction, charter schools may not have the financial resources to offer instruction or services beyond full inclusion in general education classes since many operate as a single LEA rather than as part of a school district (Bernstein, 2013). If charter schools were included in a district with several other schools, they would have the option to offer their SWDs resources or services from the other schools. However, by operating independently, they are required to serve students with special needs, even if it means the resources for doing so are limited and the financial burden is heightened. This is likely to happen in online settings, as well. Brady, Umpstead, and Eckes (2010) speak to funding concerns in *cyber* charter schools, which receive monies from the public school district. Furthermore, the ability to provide special education services in single-district online programs and blended programs may be limited due to available resources and funding; thus, students may be receiving less than ideal special education service in online programs (Watson et al., 2013). As mentioned earlier, multi-district fully online programs enroll students statewide, and therefore, receive funding from the state education agency (SEA). As full-time schools that receive state funding, they are held accountable in the same manner as brick-and-mortar public schools; thus, they must provide state assessments and report the results for all students enrolled (Watson et al., 2013).

Brady et al. (2010) highlight accountability concerns and legislative irregularity in cyber charter schools. It is feared that cyber charter schools will escape state regulations, and may not monitor student progress and ensure quality services as would be expected in the brick-and-mortar sector. Furthermore, as identified in the Keeping Pace report, each state has different ways of handling policies related to online learning, including learning in cyber charter schools (Watson et al., 2013). Charter schools usually fall under state domain, which means the laws and policies governing cyber charter schools vary by state (Brady et al., 2010). Or, in some cases, states do not address online instruction for cyber charter schools, leaving room for interpretation. Furthermore, different schools can adopt different policies, adding additional variability to the structure of the system and implementation of material. The authors of Keeping Pace call attention to the importance of policy in the years ahead, and suggest looking to current regulations with the intent of "simplifying, cutting out archaic underbrush, and establishing common principles" (p. 43). On a similar vein, funding should be addressed when establishing policy, with suggestions that funding be formula-based to ensure adequate resources for FAPE in the LRE for students with disabilities.

Recently, Burdette, Greer, and Woods (2013) conducted a study in which 46 special education directors completed a survey about online learning for K-12 students. Special education directors were asked to respond to a variety of items: 1) what they viewed as primary drivers to offering more online instruction, 2) guidance related to online education, 3) tracking of SWDs and services in online settings, and 4) issues in providing FAPE to SWDs in online settings. While directors of 27 states reported offering guidance, only 17 had guidance information related specifically to offering special education services in online settings. Furthermore, only 11 had data on SWDs who were engaged in online learning, and only four had data on whether SWDs received services in online setting. Common issues in providing FAPE online as reported by the directors included providing related services and accommodations to SWDs in addition to the monitoring of those services. Based on their findings, the authors concluded that uncertainty exists in terms of how SWDs should receive special education and services in online settings. In considering the previous studies, variability and uncertainty exist in the offering of special education services to SWDs in online settings. The researchers of this paper hoped to expand upon the work of Burdette, Greer, and Woods (2013) by focusing explicitly on FAPE and least restrictive placements in online settings and using an interview method to elicit more information from state directors.

Current Study

While laws like IDEIA (2004) have contributed significantly to the education of students with disabilities, a preliminary literature search reveals sparse information regarding FAPE and determining placement in online settings. Additionally, existing research on providing services to SWDs in online settings suggests ambiguity. Therefore, researchers from the Center on Online Learning and Students with Disabilities organized a study to interview state directors of special education. The purpose of the study was to provide preliminary data on how states were providing FAPE and determining placement in online settings.

Method

Participants

Researchers chose 20 states to participate in this study. States were chosen based on the size of their K-12 student population. Seven states were selected because they had the largest number of K-12 students in the United States, and 12 states were selected because they had the smallest number of K-12 students. By involving states with the largest and smallest number of K-12 students, researchers hoped to obtain a greater representation of experiences. One additional state was included in this survey due to its interest in providing FAPE in online learning environments. The state directors of special education for all 20 states were identified and asked to participate in the survey. Sixteen individuals chose to participate.

Measure

Researchers created a semi-structured interview protocol that included 10 questions related to students with disabilities in online settings. The questions covered such topics as state policies, the allocations of funds for support services, and tracking procedures. Questions also covered challenges faced by the members of individualized education program (IEP) teams, and the IEP team members' knowledge about online learning and assistive technology[2]. All questions are reported in the Results section.

Procedure

The executive director of the National Association of State Directors of Special Education (NASDSE) sent a letter describing the purpose of the study to the special education directors in the 20 states chosen to participate. The letter invited the directors to participate in the study, and asked them to contact the initial researcher by e-mail in order to schedule interviews. After one week, the initial researcher contacted each director by e-mail in order to schedule interviews, offering the option of a phone or face-to-face interview. Twelve interviews were completed by phone by the initial researcher, three were conducted face-to-face by an additional researcher, and one was completed by e-mail due to scheduling conflicts. The phone and face-to-face interviews were recorded and transcribed. Due to an incomplete transcript resulting from recording issues, 1 of the 16 interviews was dropped from the study, resulting in 15 interviews for analysis.

In order to analyze the responses, two researchers separately analyzed each transcript and coded responses. Then the researchers met to cross-reference initial codes. Based on the identified codes, themes emerged from the interviews.

Results

The first question asked, "Has your state drafted policy or regulations with regards to providing services to students with disabilities in online settings?" Fifteen state directors said no. However,

[2] As part of a FAPE, students have the right to assistive technology devices. Such devices are identified as "any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities" (IDEIA 2004, 20 USC § 1401 Sec. 602). The appropriateness of these devices is determined when developing each child's IEP (Smith, Kelly, & Kapperman, 2011).

one of those directors indicated the existence of a guidance document, while another reported an initiative on accessibility within virtual schools.

The second question on the survey asked, "Within your state, which of the following educational entities are legally responsible for providing FAPE (special education services) to students who have active individualized education program (IEPs) enrolled in fully online schools?" Options for answers included the LEA where the student resides, the online school where the student is enrolled, the LEA where the online school is located, or a separate entity. Most directors said that the LEA where the student resides was responsible for providing FAPE (see Figure 2). However, several directors reported instances in which other entities were responsible. For example, if the student was enrolled in a full-time virtual school, the responsibility belonged to the virtual school. In another case, responsibility could vary depending upon the structure of the program.

The third question on the survey asked, "Given the responsibility you just talked about [who is responsible for providing FAPE], how does the redistribution or allocation of funds take place to support services or programs for student with disabilities enrolled in online schools?" Responses to this question varied greatly. Five directors said that the funds followed the student to his/her placement, two said that funding for online enrollment hadn't been determined yet, and another said that he didn't know. Other directors indicated the following:

- There was no funding for support services because online schools acted as private, brick-and-mortar schools (e.g., "But online school right now is treated just like brick and mortar school that is a private school, and so there is no distribution of state funds to those schools.").
- Funding was based on an agreement between the district and online school.
- Parents paid for support services because funding was not offered for online services.
- There was no incentive for districts to offer special education services because they didn't receive more funding for the services.
- Funding depended on where the online school was located.
- Funding came from IDEA.
- Funds were distributed from the state special education office.

The fourth question on the survey asked the following: "Within your state, do you track or monitor the placement of students with disabilities enrolled in online schools/courses?" Fourteen of the 15 directors disclosed that their states did not track the placement of students with disabilities enrolled in online schools or courses (see Figure 3), and only two of those 14 planned to do so in upcoming years. Three directors noted that the idea of tracking SWDs in online settings had been previously discussed, but they believed tracking should take place at a district level rather than a state level. One state director mentioned that the state would track SWDs in online settings if required by law, while another commented that tracking would only be beneficial if outcomes were tracked. Commonly cited benefits to tracking SWDs in online settings included keeping track of student progress, meeting student needs, and ensuring FAPE. However, directors also recognized funding, staffing, and technology as limitations to doing so.

The researchers then asked, "Based on your experience, what do you think are the primary factors an IEP team considers in making decisions about FAPE in online settings?" The most frequent response to this question was "support of the student" (n=7).[3] As a follow up to this question, directors were asked what they considered the primary challenges IEP teams face when making decisions about a FAPE in online settings. The most frequent response to this question was determining LRE/services (n=6).[4] More specifically, directors indicated confusion with or disbelief in the ability to provide such services to students enrolled in online schools. For example, one director asked, "How do you treat special ed[ucation] instruction when you're not physically with them…?" Another stated the challenge as figuring out "how to effectively deliver the services to student's needs." A few directors from smaller states indicated that concerns surrounding this decision did not arise frequently, due to the low number of students involved in online education.

The sixth question on the survey asked for the directors' opinions. Specifically, this question asked, "Do you think the average IEP team has the knowledge of online education to make decisions about FAPE in online settings?"[5] The predominant response to this question was "no" (see Figure 4). Directors thought that most team members needed more training, experience, and guidance on online education, as well as more information on accessible resources. Of the three directors who felt that IEP teams did have the knowledge necessary to make these decisions, two were from large states and one was from a small state.

The seventh question on the survey contained two parts. The first part asked, "Do you think the average IEP team has the knowledge on assistive technology (AT) to make considerations and suggestions relative to assistive technology?" Six directors responded "yes," while three said that the teams had some knowledge. Two directors answered "no," one responded "I don't know," and the other three didn't directly respond to the question. A few directors thought this knowledge would vary by district. The second part of the question asked if the directors thought IEP teams had the AT knowledge "relative to providing access to these devices, systems, or services in online settings." Here, the directors' confidence levels dropped. Two directors reported yes, six responded no, and three reported that it varied by district. For the four remaining directors, it was unclear if their responses referred to fully online or blended settings.

The eighth question asked, "Does your state provide guidance to LEAs, specifically IEP teams, related to placement options and other issues associated with online learning?" Thirteen directors responded "no" to this question, one said "yes," and another said "on a case-by-case basis." Directors often reported that it was the districts' responsibility to provide guidance in this area. The director who responded "yes" offered material on the guidance provided by the state, but this information was never received.

The ninth question on the protocol was "Within your state, are online placements considered

[3] Other responses included accessibility (n=3), accommodations (n=3), available staff (n=2), student needs (n=1), technology (n=1), nature of instruction (n=1), and monitoring of progress (n=1).

[4] Other responses included funding (n=3), the support of student (n=2), understanding of online education (n=2), access (n=2), parental preferences (n=2), evaluation (n=2), lack of guidance/access to teacher (n=2), and if student was new to online environment (n=1).

[5] "Average IEP team" was defined as a team that did not include an online education specialist.

within the least restrictive environment (LRE) continuum?" Responses to this question varied greatly. Seven directors reported that online placements were not considered within the LRE continuum (although two indicated the IEP team or parent could determine otherwise). Four responded "yes," three stated that either they didn't know or it hadn't been discussed yet, and one said that fully online placements were not an option but did have blended online learning. As a follow-up question, the directors were asked if they viewed online education and LRE as interrelated. Again, responses varied. Some directors responded "yes," but others said that they didn't know and that this was an area to explore and redefine.

The last question on the protocol was, "Within your state, are online schools required to have various LRE options within the online environment for students with disabilities?" (see Figure 5). Four directors responded "yes," and seven responded "no." Three other directors said they didn't know, and another indicated he or she could not answer because the state had no online schools. Of the seven directors who responded "no," one specifically reported that the LEA would be responsible for determining LRE, and another suggested that an online setting might be an option for LRE, but various LRE options were not typically provided within online environments. As a follow-up question, directors were asked if they saw inclusion as an issue within online environments. While seven directors reported no issues, three reported "yes," one of which likened online placement to a step backwards for SWDs as they would be relegated to the home environment. One responded unsure, and four respondents were not asked this question due to the display logic of the interview protocol.

Discussion

Based on the findings from this study, additional guidance or information is needed about FAPE, what it means to provide LRE options, and how to provide related services in an online environment. None of the state directors in the study indicated that their state had a policy or regulation for providing services to SWDs in online settings. Written regulations that relate to training, professional development, access, accommodations, LRE, and funding could go a long way in making sure that online environments are truly suitable for SWDs. Furthermore, only one of the 15 directors interviewed reported tracking or monitoring SWDs in online settings, meaning there is no way to track student outcomes or ensure that student needs are being met in the other states. Tracking SWDs enrolled in online settings would provide the ability to monitor progress and the effectiveness of interventions to assist in IEP development, placement decisions, and meeting student needs. Not only could this benefit student achievement, but it is consistent with IDEIA (2004), in which it is indicated that states establish performance indicators (20 U.S.C. § 1412 Sec. 612), collect data on graduation and dropout rates (§ 1412 Sec. 612), review IEPs annually to determine progress of goals (§ 1414 Sec 614), report the progress of SWDs as it relates to goals identified by the state (§ 1412 Sec. 612), and identify interventions based on scientific evidence that will aid in access to and progress in general education (§ 9567b Sec .177).

Moreover, further attention should be focused on the decision-making process within IEP teams. State directors cited funding, understanding online learning, access, meeting students' needs, and determination of LRE as challenges when making decisions about FAPE in online learning.

Limited funding poses challenges for districts in offering services to students with disabilities in online settings, which is noted in this study and previous literature (Brady et al., 2010; Watson et al., 2013). If cyber charter schools, single-district online programs, and blended programs are limited in the provision of services due to budgetary concerns, SWDs may not receive the necessary accommodations to excel in online settings or those with severe disabilities may be turned away due to the high costs associated with serving these students. This possibility was noted in this study, with one director commenting, "a district has no real incentive to provide special education service…because you get the same amount of funding and you are providing more services." In some cases, then, it seems as though some programs may receive the same amount of funding, but be expected to stretch it more to offer SWDs the services they require as a part of FAPE. Though this information was gathered via informal interviews, it is alarming is that some programs are reported to receive no state funding for support services, and in other states, parents/guardians may have to assume these costs. However, according to IDEIA (2004) a *free* appropriate public education (FAPE) including special services should be provided to SWDs at *no cost* to the parents, which causes concern for how to provide these services when students are enrolled online (20 U.S.C. § 1401 Sec. 602).

Additionally, from the state directors' perspectives, the average IEP team could benefit from additional knowledge about online education and AT in online settings. However, based on findings in this study, IEP teams are generally not offered guidance regarding online education and issues, and no guidelines exist regarding various LRE options in online placements. Under IDEIA (2004), it is suggested that a SEA receiving state funds could provide professional development for teachers, administrators, and other personnel in several areas, some of which include the use of technology, effective instructional strategies, implementing IEPs, and academic needs of students (20 U.S.C. § 1454 Sec. 654). By increasing knowledge on the online environment and FAPE in online settings, educators, administrators, and others involved in IEP construction might feel more confident in making decisions regarding FAPE and LRE placement in online environments. Furthermore, this knowledge might inform decisions about appropriate accommodations and support for SWDs in these settings. Online learning is a promising academic venue for SWDs and their families; thus, training and resources should be offered to those involved in this area. Educators could benefit from information about the online environment to make sure goals can be met in relation to the student's IEP, as well as their state standards and the general education curriculum, to ensure accessibility, accountability, and meeting the intent of IDEIA.

An additional topic emerged during interviews in relation to decision-making: parental choice and preference in placing the child in an online course or program. Based on what some state directors shared during the interviews, IEP teams can, and do, offer suggestions regarding accommodations and education within online instruction, but placing a child in an online course is ultimately the parents' choice. However, the parents and the rest of the IEP team can differ about how to meet the needs of the student. One state director highlighted this by saying, "The main challenge people are dealing with now, in a situation where the online school isn't any better for the student, but it is the parents' insistence that they are in that setting." This raises a noteworthy question in relation to who covers the educational expenses for the student. Limited information exists for how to address this issue in online placement; however, in a traditional private-school placement, the LEA is not required to pay for the education if the parent enrolled

the student voluntarily (Turnbull, Stowe, & Huerta, 2007). However, the LEA must still provide special education services to the student either on-site or in conjunction with another school. On the other hand, if the LEA failed at providing an adequate education with appropriate services to the student, the parent could seek reimbursement for the private education. Lastly, if the LEA seeks out a private school placement for the student in order to ensure appropriate services, the parents are not accountable for the cost. State directors might be interpreting online placements as similar to private placements. For example, one director stated that "…online school right now is treated just like a brick and mortar school that is a private school…" With this in mind, questions arise regarding whether online placements would operate similarly to private placements, or if additional courses should be considered.

A resonating view that the researchers found interesting from the analysis of the interview responses was the impact that federal law has on data collection, reporting, and practices. When discussing making decisions about FAPE in online settings, one director stated, "Because we are so much focused on what the law requires, and online is not a requirement, I don't think it comes up much." Another director referred to the lack of federal regulation as a reason why his/her state does not monitor or track the placement of SWDs in online settings. This idea can be highlighted by the comment: "I'm not really sure we have a reason to (track SDWs in online settings) now. If it was a federal requirement, we would." By reflecting upon online learning in policy and guidance, there would be an increased awareness and subsequent attention to training and support for SWDs in online learning settings. For example, in this study, IEP teams were viewed as having adequate knowledge of AT. It is possible that because AT is a required component of providing FAPE, educators have acquired more AT training and experience. Also, one should consider the influence of social desirability in responses to this question, since AT is written into the law. By addressing FAPE and LRE for online learning environments via regulation and policy, more attention might be directed towards training and accountability in online education for SWDs.

Encouragingly, many state directors felt confident in IEP teams' overall knowledge of AT and reported the availability of supports on this topic. Furthermore, most felt it would be beneficial to track/monitor SWDs in online learning, and some disclosed either plans or discussions to do so. The state directors seemed aware of the limited knowledge of online learning and its implications for FAPE. Additionally, they conveyed openness to the idea of guidance and training.

Limitations

The first limitation of our study included the use of purposive sampling in recruiting participants. States were selected, and directors identified, based on their identification as having a significantly large or small student population and one other state volunteered, which did not allow for random selection. Furthermore, this sampling method resulted in a smaller sample size and lack of representation of middle-sized states. It should be noted that small states provided a larger representation in the study than larger states (11 small states and 4 large states).

Conclusion

Most of the state directors of special education who participated in the study were aware of issues related to FAPE in online environments, as indicated by ongoing discussions within their states and initial steps to strengthen involvement in this subject. However, level of awareness was not consistent across all states. The apparent lack of consensus concerning offering FAPE in online settings and the absence of direction in addressing surrounding issues translates into a need for guidance and professional development in this area. As a result of this study, researchers recommend that more information and regulation be offered in relation to (a) making well-informed decisions about FAPE in online settings, (b) deciding placement options associated with online learning, (c) determining LRE and inclusion in online settings, and (d) discerning funding in online placements.

While these findings are preliminary, they shed light on the opportunity for growth in relation to FAPE and LRE in online settings. Policies, regulations, and guidelines, of which FAPE in the LRE is a part, seem to be trailing behind certain practices within online learning, and will continue to do so as the development of online learning continues. Future research could expand upon this study by obtaining greater representation of states, discussing these topics with educators in special education and members of IEP teams, and considering the impact on SWDs in online settings. Overall, more information is needed on providing a FAPE and determining LRE in online environments in order to assist IEP teams, including teachers, administrators, and parents/guardians in making decisions that will impact student placement, accommodations, and outcomes.

References

Apling, R., & Jones, N. L. (2002). The Individuals with Disabilities Education Act (IDEA): Overview of major provisions. *Congressional Research Service.* Retrieved from http://www.law.umaryland.edu/marshall/crsreports/crsdocuments/RS20366_01112002.pdf

Barbour, M. K., & Reeves, T. C. (2009). The reality of virtual schools: A review of the literature. *Computer & Education* 52: 402-416. doi:10.1016/j.compedu.2008.09.009.

Bernard, R. M., Abrami, P. C., Lou, Y., Borokhovski, E., Wade, A., Wozney, L., … & Huang, B. (2004). How does distance education compare with classroom instruction? A meta-analysis of the empirical literature. *Review of Educational Research, 74,* 379-439.

Bernstein, M. D. (2013). Whose choice are we talking about? The exclusion of students with disabilities from for-profit online charter schools. *Richmond Journal of Law and the Public Interest, 16*(3), 487-525.

Brady, K. P., Umpstead, R. R., & Eckes, S. E. (2010). Unchartered territory: The current legal landscape of public cyber charter schools. *Brigham Young University Education and Law Journal,* 191-273.

Burdette, P. J., Greer, D. L., & Woods, K. L. (2013). K-12 online learning and students with disabilities: Perspectives from state special education directors. *Journal of Asynchronous Learning Networks, 17*(3), 65-72.

Cavanaugh, C., Gillan, K. J., Kromrey, J., Hess, M., & Blomeyer, R. (2004). *The effects of distance education on K-12 student outcomes: A meta-analysis.* Naperville, IL: Learning Point Associates.

Crockett, J. B., & Yell, M. L. (2008). Without data all we have are assumptions: Revisiting the meaning of a free appropriate public education. *Journal of Law & Education, 37*(3), 381-392. Retrieved from http://nichcy.org/wpcontent/uploads/docs/journals/Crockett_Yell_2008.pdf

Horn, M. B., & Staker, H. (2011). The rise of K-12 blended learning. *Innosight Institute.* Retrieved from www.leadcommission.org

Individuals with Disabilities Education Improvement Act of 2004 (IDEIA). (2004). Retrieved from http://nichcy.org/wp-content/uploads/docs/ PL108-446.pdf

Lips, D. (2010). *How online learning is revolutionizing k-12 education and benefiting students.* Washington, DC: The Heritage Foundation. Retrieved from http://www.heritage.org/research/reports/2010/01/how-online-learning-is-revolutionizing-k12-education-and-benefiting-students.

Means, B., Toyama, Y., Murphy, R., Bakia, M., & Jones, K. (2010). *Evaluation of evidence-based practices in online learning: A meta-analysis and review of online learning studies.* Technical Report. Washington, DC: U.S. Department of Education.

Michelman, B. (2012). The never-ending story of ESEA reauthorization. *An Information Brief from ASCD: Policy Priorities, 18*(1). Retrieved from http://www.ascd.org/publications/newsletters/policy_priorities/vol18/num01/The_Never-Ending_Story_of_ESEA_Reauthorization.aspx

Müller, E. (2009). *Serving students with disabilities in state-level virtual K–12 public school programs.* Alexandria, VA: Project Forum, National Association of State Directors of Special Education. Retrieved from www.nasdse.org

Müller, E., & Ahearn, E. (2004). *Virtual schools and students with disabilities*. National Association of State Directors of Special Education. Retrieved from http://nasdse.org/DesktopModules/DNNspot-Store/ProductFiles/222_0fc44829-b3fd-42bb-ad1e-8f8c38a37d39.pdf

Paige, R., & Gibbons, J. (2004). *A guide to education and No Child Left Behind. U.S. Department of Education.* Retrieved from http://www2.ed.gov/nclb/overview/intro/guide/guide.pdf

Picciano, A. G., & Seaman, J. (2009). *K-12 online learning: A 2008 follow-up of the survey of U.S. school district administrators.* The Sloan Consortium. Retrieved from http://www.calvin.edu/~dsc8/documents/K-12-OnlineLearningFollowUp.pdf

Smith, D. W., Kelly, S. M., & Kapperman, G. (2011). *Assistive technology for students with visual impairments: A position paper of the Division on Visual Impairments Council of Exceptional Children*. Arlington, VA: Council for Exceptional Children. Retrieved from http://higherlogicdownload.s3.amazonaws.com/SPED/d2199768-679e-41f6-aa2a-e9d3b5b748c8/UploadedImages/Position%20Papers/DVI%20Position%20Paper%20on%20Assistive%20Tech.pdf

Turnbull, H. R. (2005). Individuals with Disabilities Education Act reauthorization: Accountability and personal responsibility. *Remedial and Special Education, 26*(6), 320-326. Retrieved from http://people.ku.edu/~gmdebarthe/portfolio/courses/ELPS_760/assign_9/idea_2004_files/turnbullonidea_1.pdf

Turnbull, H. R., Stowe, M. J., & Huerta, N. E. (2007). *Free appropriate public education: The law and children with disabilities* (7th Ed.). Denver, CO: Love Publishing Company.

Turnbull, H. R., & Turnbull, A. P. (2000). *Free appropriate public education: The law and children with disabilities* (6th Ed.). Denver, CO: Love Publishing Company.

Watson, J. F. (2007). *A national primer on k-12 online learning.* Retrieved from http://www.inacol.org/cms/wpcontent/uploads/2012/11/iNACOL_NationalPrimerV1_2007.pdf

Watson, J. F., & Kalmon, S. (2005). *Keeping pace with K–12 online learning: A review of state-level policy and practice*. Naperville, IL: Learning Point Associates. Retrieved from http://www.kpk12.com/cms/wp-content/uploads/KeepingPace_2005.pdf

Watson, J., Murin, A., Vashaw, L., Gemin, B., & Rapp, C. (2012). *Keeping pace with K-12 online & blended learning: An annual review of policy and practice.* Evergreen Education Group. Retrieved from www.kpk12.com

Watson, J., Murin, A., Vashaw, L., Gemin, B., & Rapp, C. (2013). *Keeping pace with K-12 online & blended learning: An annual review of policy and practice.* Evergreen Education Group. Retrieved from www.kpk12.com

Yell, M. L., Katsiyannis, A., & Hazelkorn, M. (2007). Reflection on the 25th anniversary of the U.S. Supreme Court's decision in *Board of Education v. Rowley. Focus on Exceptional Children, 39*(9), 1-12. Retrieved from http://www.westga.edu/documents/pubs/000359_188.pdf

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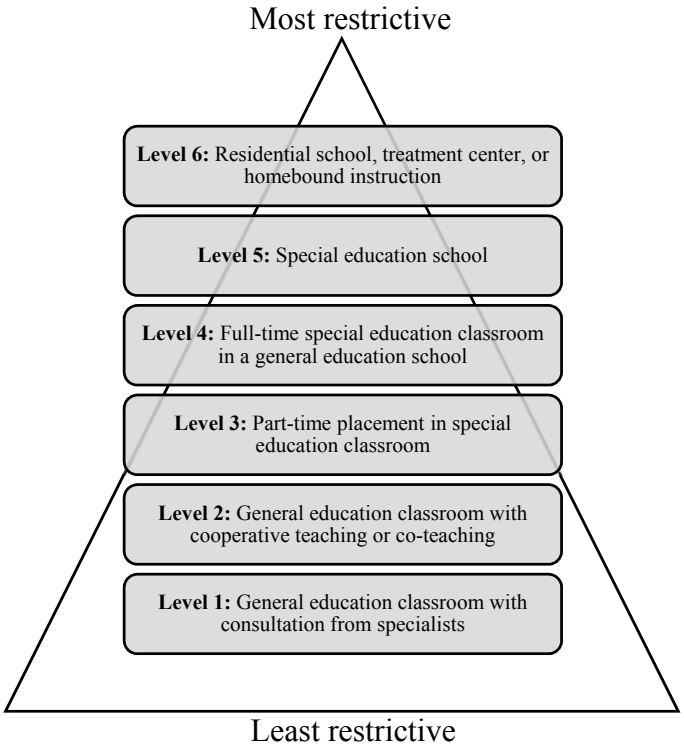
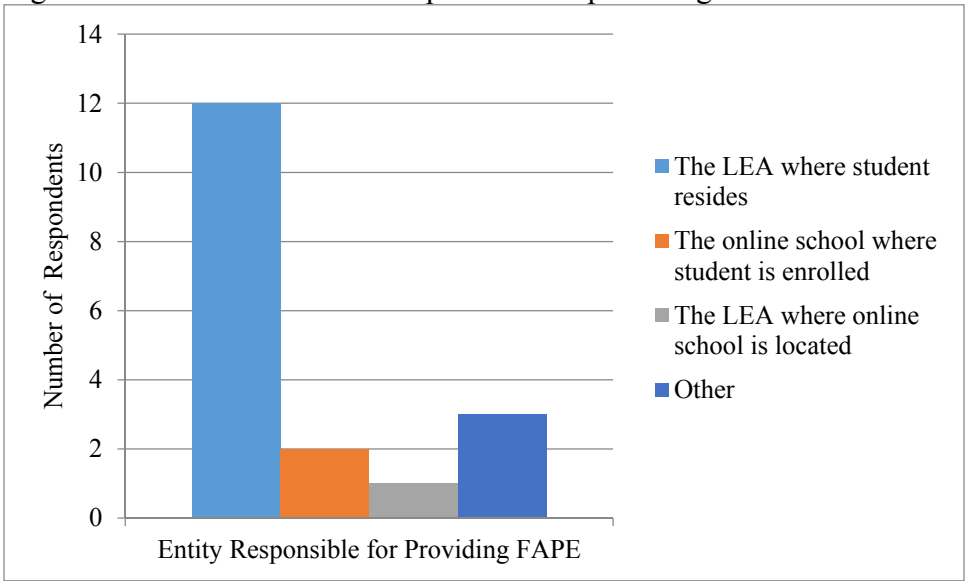
Figure 1. Continuum of Least Restrictive Environment



Note: Adapted from Vaughn, S. R., Bos, C. S., & Schumm, J. S. (2011). *Teaching students who are exceptional, diverse, and at risk in the general education classroom* (5th Ed.). Upper Saddle River, NJ: Pearson Education Inc.

Figure 2. Educational entities responsible for providing FAPE.



Note: Responses exceed n=15 because participants had the ability to indicate multiple options. "Other" category included the following responses: there is no legal responsibility, there is no fully online school in the state, it's the responsibility of the Department of Education.

Figure 3. Does the state track or monitor placements of SWD in online settings?

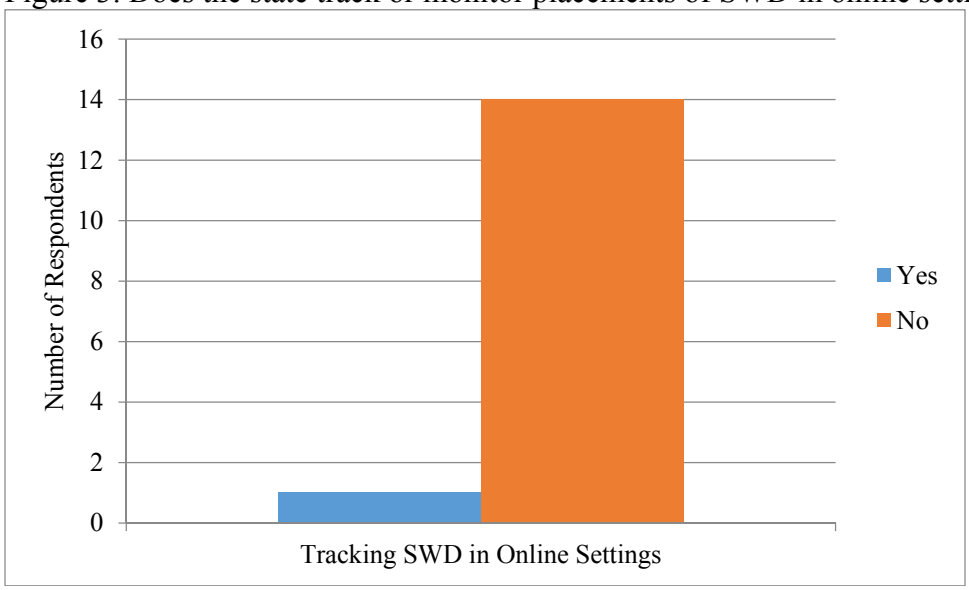
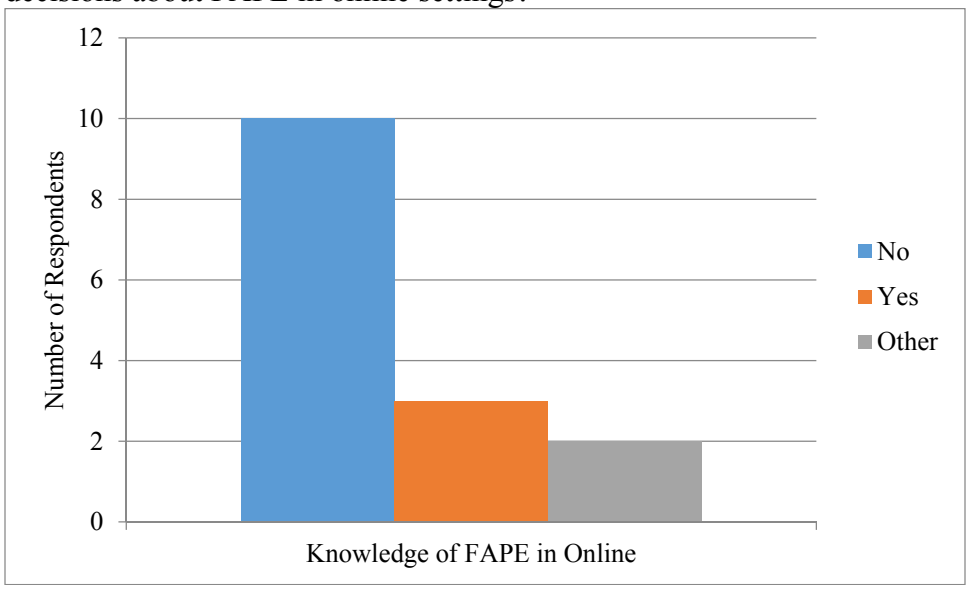
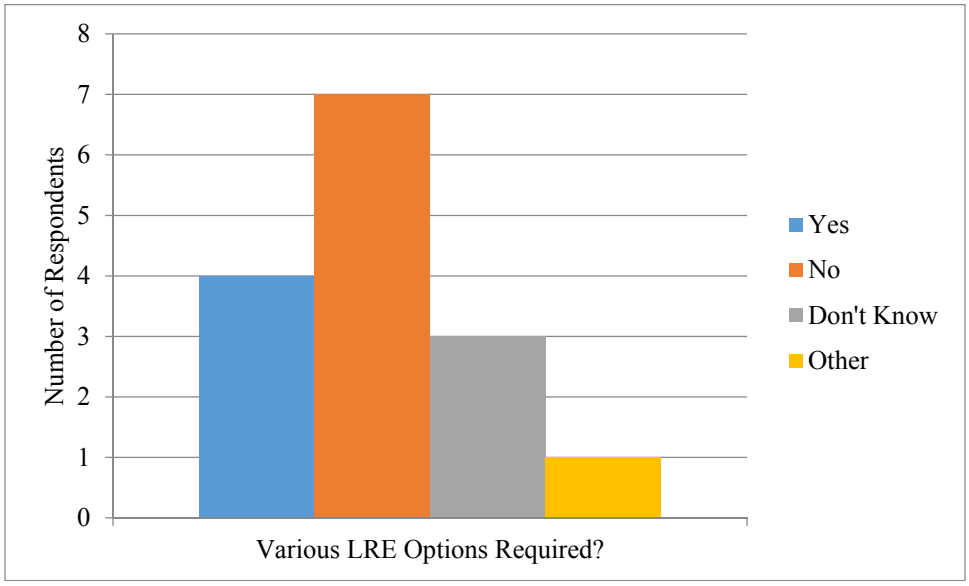


Figure 4. Do you think the average IEP team has the knowledge of online education to make decisions about FAPE in online settings?



Note: "Other" responses included "I don't know" and "Everyone could learn more."

Figure 5. Are online schools required to have various LRE options within the online environment for students with disabilities?



Note: "Other" response was that "online placements are not an option."