



Providing High Quality Special Education Services In Virtual Educational Settings:

Recommendations from the
Rural Virtual Academy Charter School



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Executive Summary

The Rural Virtual Academy (RVA), an online charter school, is an instrumentality of the Medford, Wisconsin School District. Formed in 2005, RVA has been steadily and carefully growing. The school accepts students from across the state through Open Enrollment. As of the publication of this white paper, RVA enrolls over 1,500 students. Parents and students express a great deal of satisfaction with RVA's programs. For students with disabilities, RVA has enjoyed an annual re-enrollment rate of 86% since 2017. While state-level administrators expressed concerns about the role of the home mentor prior to the COVID pandemic, the guidance now offered by DPI for schools and parents indicates a clear endorsement of the roles played by RVA's home mentors.

All students at RVA receive a highly individualized educational program, customized to meet their unique learning needs as identified in a very comprehensive enrollment process. Through interview and comprehensive assessment, a learning plan is established for each student. Progress is then measured every 3 weeks, with reporting to home mentors and home school districts. Online assessments are conducted at the start and end of each school year to identify student learning needs, growth, and opportunities for advancement.

RVA follows all applicable state and federal laws pertaining to the identification and education of students with disabilities. They employ a Director of Special Education to oversee programs for the approximately 200 students with disabilities. Two full-time School Psychologists manage programming and evaluate student needs. Eleven special education teachers and therapists provide direct services to students with disabilities. Unlike some other charter schools or virtual schools, RVA is proud to enroll all students with disabilities within normal timelines and class size limits. RVA is also quite proud of the staffing levels listed above representing a remarkable level of support for students with disabilities.

All students with disabilities are welcomed into RVA's programs. For about 2/3 of them, a standard 30 minutes of special education support is planned each week. Because the regular program is so highly individualized, this level of support is effective. In a recent mid-year sample, over 85% of IEP goals were on track for completion. Many students receive more support than is outlined on their IEP. Students at RVA perform as well or better than students from across the state on statewide tests, with lower achievement gaps in math for students with disabilities.

RVA has a remarkable track record of success in supporting the growth of all students, including students with disabilities, while meeting or exceeding all requirements in state and federal laws pertaining to special education.

“What if?”

This paper will ask you to answer that question. What if teachers customized learning for all students? What if there was someone in each student’s home who was deeply involved in their learning? What if parents/guardians were considered customers, whose satisfaction and engagement were critical elements of student success? What if there was a school where students were treated like clients, and if they struggled, were not considered problems but rather were guaranteed to get help? What if there was a school where students with disabilities were making excellent progress, their parents/guardians were highly satisfied, and staff members were meaningfully engaged with every step of their journey? What if that school existed right here in Wisconsin, and was available to any student in the state? Those “what if” questions have been answered in the affirmative by the Rural Virtual Academy.

I. Introduction

In 1993, the Wisconsin Legislature created a charter school program to “provide educational alternatives...” to children and families (Wisconsin Legislative Audit Bureau (LAB), [Report 98-15](#)). Charter schools were considered to offer several advantages over traditional schools: teaching license flexibility, alternative programming, and creative approaches to educating students. Five years after their inception, charter schools educated about 2,000 students (LAB) in Wisconsin. Around that time, there was serious debate about educating students with disabilities in charter schools. According to a Department of Public Instruction (DPI) analysis ([2001 Charter School Report](#)), some charter schools argued that since their organizing bodies were not public school districts (i.e. City of Milwaukee), they were, therefore, not subject to state and federal laws pertaining to the education of students with disabilities and could avoid accepting students with disabilities into their schools. The following year, that debate was resolved under nondiscrimination laws in favor of the positive requirement to educate publicly-funded students with disabilities wherever they may apply and be accepted.

Beginning in 2002, some charter schools began to offer online learning options for their students. This [option has grown](#) from just 4 schools and about 250 students, to 48 virtual charter schools educating about 8700 students in 2019-2020. Virtual

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charter schools offer a variety of options for students from families who either do not want or are unable to attend a traditional school. Families often cite individualized programming, flexibility over scheduling, parental involvement, and the ability to more closely guide their children's nonacademic development as advantages of virtual schooling. Some families who would have otherwise chosen homeschooling, instead use a virtual school to gain access to teacher support, curriculum options, and organized social opportunities for students.

Since its initial charter in 2005, the Rural Virtual Academy (RVA) has accepted and successfully educated students in a virtual setting, including students with disabilities (SwD). RVA has grown from 17 students in its first year, to almost 1100 in 2018-19 ([RVA Annual Performance Report 2018-19](#)). Basic data about RVA's work includes:

- Enrollment growth of about 35% per year, completely due to demand. Expansion has been limited by the ability to hire highly qualified staff who are well-suited to online work with students and families.
- [13% of RVA's students](#) have a disability, compared with the state average of 14% (WI DPI WISEDASH data system).
- Since 2017, an average of 86% of students with disabilities have continued their RVA enrollment from one year to the next.
- Achievement gaps between students with and without disabilities are comparable to statewide averages in ELA and somewhat lower than the state in mathematics (See the appendix for data).

Students enter RVA via one of three routes:

- **Open Enrollment** from another Wisconsin School District. Students from any district in the State may use the Open Enrollment process to select RVA as their school. These students represent about half of RVA's enrollment. Funding to educate these students follows them to RVA from their home district.
- A school district may become an **Affiliated District** by coordinating activities with RVA. In this scenario, students are not required to Open Enroll into RVA and remain members of their home school district. They can then participate more easily and fully with local school district activities and certain classes. Funding to educate these students still follows them to RVA from their home district, but the cost to the home district is reduced to reflect the enrollment and financial stability that comes with the agreement.

- **Invested Districts** have made a long-term commitment to collaborating with RVA, and RVA becomes a school placement within the Invested District. Enrollment is handled internally, again without an Open Enrollment process. The costs to home school districts are reduced even more in this arrangement.

This paper discusses the provision of special education services to students with disabilities at RVA. In addition to providing background information, it will review RVA's successes and challenges in this arena, providing ideas and suggestions from one of the oldest and most successful virtual schools in the state. It will also directly address a variety of concerns expressed in a February, 2020 letter to RVA from DPI. In the letter the following concerns were brought forth:

- “The level of instruction required to be provided by parents;” and
- “Whether RVA teachers are providing statutorily required instruction;” and
- “Whether RVA is providing a ‘Free and Appropriate Public Education’ (FAPE) in the ‘Least Restrictive Environment’ (LRE).”

DPI cited a review of special education student program plans and concluded that parents were providing specially designed instruction for students with disabilities. They suggested that the special education service in some cases was very limited in time. They identified concerns with the parental role, specifically setting schedules, assisting children, monitoring learning, communicating with teachers, and determining “whether to complete curriculum.”

Interestingly, as COVID guidance was promulgated by DPI in 2019-2020, many of these same concerns about parental roles were suddenly heralded as options for helping students succeed during virtual learning. The chart on the following page compares concerns from the February, 2020 letter from DPI to RVA, with guidance provided by DPI to districts after COVID.

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Prohibited Home Mentor Role/Action	Post-COVID DPI Guidance/Link
Set the student's schedule	<p>“Having a well-thought-out, specific daily schedule is key, and parents can be a huge help not only in building such a plan but also in making sure that it is followed.”</p>
Assist with lessons	<p>Give families feedback about what students can do academically--parents want to help students accomplish their goals.</p> <p>“Do you have learning allies (such as grandparents, siblings, or childcare) who can help fill the gap? Can you block time in your schedule and use flexible hours to support your child?” “As a learning facilitator, keeping the basic cycle of instruction in balance is critical.”</p>
Monitor grades and understanding of concepts	<p>“Many online learning platforms also offer parent portals—be sure to find and explore any tools like this so that you can monitor your child’s progress.”</p> <p>“We (DPI) believe families can support at-home learning in a variety of ways including formative assessment-related activities.”</p>
Communicate with teacher to address assessments	<p>“Parents and other caregivers need to take part in this ongoing dialogue to make sure students stay on-pace and get the appropriate help when it’s needed.”</p>
Communicate with teacher to address challenges and successes	<p>“Be sure that you are aware of what the expectations are for your child, and proactively reach out to their instructors as questions or concerns arise. Don’t forget to share successes as well!”</p>
Determine whether to complete selected curriculum	<p>“Allow for student-led choices for break times to help ‘push the reset button’ at timed intervals or when a specific task is completed.”</p> <p>“Let’s all give ourselves—and each other—a little grace. Parents won’t do a perfect job as stand-in teachers. Children won’t do a perfect job as at-home learners.”</p>

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It's clear that DPI is now offering a remarkable level of flexibility to home mentors who hadn't planned to be in that position. Yet for RVA's home mentors who were ready, willing, and able to take on these roles, it was seen as problematic. In an April, 2020 written response, RVA leaders and staff members reviewed the elements of virtual education programming as required in state law (§118.40(8)(c)). They specified the numerous ways in which RVA meets and exceeds requirements for instructional design, delivery, and assessment. In addition, they responded to the concerns with specific information about parental roles. This paper provides additional details with regard to the evaluation and provision of special educational services for children with disabilities.



II. Legal Background

As stated above, charter schooling was first allowed in Wisconsin in 1993. Virtual charters became a reality a decade later, and special education was clearly spelled out as a requirement for all charter schools around that time. The Individuals with Disabilities Education Act (IDEA), along with state law, requires the provision of FAPE: a Free and Appropriate Public Education. FAPE under IDEA includes the following major requirements for the education of students with disabilities:

1. **Outreach** to parents, community professionals, and educators to identify children who may have disabilities (“Child Find”);
2. **Evaluation** of suspected disability;
3. Specially-designed **instruction** (special education), appropriate to meet the unique needs of a child with a disability, provided in the “Least Restrictive Environment” (LRE). In other words, removing students with disabilities from the regular classroom for services “occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.” (IDEA, 2004)
4. Provision of **related services** necessary for the child to benefit from special education;
5. Annual individualized educational planning (**IEP**), goal setting, and progress review;
6. Triennial **re-evaluation** of needs;
7. **Transition** planning for post-school success;
8. At **no cost** to parents.

For many years, federal courts interpreted the IDEA to require a low level of rigor for special education services (*Rowley vs. Board of Education, 1982*). Numerous cases established that annual IEP planning teams simply needed to design a program that would confer a meaningful benefit to the student with a disability when that program was implemented.

A recent challenge to that approach (*Endrew F, 2017*) established a higher standard. In its *Endrew* decision, the [US Supreme Court](#) determined that an IEP must be reasonably calculated for the child “to make progress appropriate in light of the child’s circumstances.” In other words, schools must provide programs that help children with disabilities make progress commensurate with their abilities and needs. It is under this higher, more rigorous standard that RVA reports, and which parents confirm, excellent results for students with disabilities receiving virtual special education and related services.

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A 2016 [Dear Colleague letter](#) from the federal Office of Special Education Programs (OSEP) clarified other responsibilities of virtual special education programs under the IDEA. In particular, the Letter “highlights issues that OSEP believes are likely to occur when certain key (IDEA) requirements are implemented in a virtual school environment.” First, they reiterated the responsibility of virtual schools to provide special education, “regardless of whether a child is enrolled in a virtual school that is a public school of the LEA or a public school that is constituted as an LEA by the State.” The letter confirms the requirement for policies, procedures, and programs that are consistent with IDEA as implemented in the state. In the case of RVA, as a charter school within the Medford Area Public School District, special education operations follow the district’s special education policies and procedures. In fact, compliance with IDEA and other applicable laws is a requirement of the RVA Charter, “The RVA shall comply with Applicable Law, which may change and include, but is not limited to... Sec. 504 of the Rehabilitation Act of 1974..., and Individuals with Disabilities Education Act...”

RVA works with all students with disabilities who are enrolled by their parents, regardless of type of disability or programs/services needed. Again, the RVA Charter specifies, “The admissions application procedures provide equal access to all interested students and parents.” The responsibility for implementation of state and federal special education law thus falls to RVA upon admission of students who are Open Enrolled into the school. RVA is then required to provide FAPE, i.e. special education services, to any student with a disability. In the case of students who enroll through Affiliated or Invested Districts, those districts remain the FAPE Agency, but through agreement with RVA, ensure that FAPE is provided through RVA’s programs.

Enrollment Type	FAPE Agency	Number	% of Total Students
Open Enrolled into RVA	RVA (Medford)	796	53
Affiliated District	Home District	74	5
Invested District	Home District	637	42

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The Letter encourages virtual schools to actively monitor compliance with IDEA. RVA accomplishes this through robust special education leadership and coordination staffing. RVA has a part-time Director of Special Education and two full-time School Psychologists who collaborate to ensure the quality and legal compliance of special education programs in the school. Considering that there are about 150 students with disabilities in RVA, that is a remarkably low ratio, allowing for a great deal of monitoring and support for students with disabilities. Annual performance reporting on accountability measures is also identified as a requirement in the letter. RVA goes a step further, issuing voluntary [Annual Reports](#) covering fiscal, operational, and programmatic details. RVA also reports directly to DPI through Skyward, their student information system. The data collection allows for regular [compliance checks, including audits](#), of RVA's special education programs.

The Letter also suggests adequate qualifications, training, and staff support. To those ends, RVA carefully screens all applicants for appropriate licensure and has never requested emergency licensure for a special educator. In addition, though not required, RVA ensures that all staff hold a valid DPI license for the subject they teach. All teachers including special educators receive regular training, amounting to 13 inservice days per year, and staff meetings every week. That alone is a remarkable amount of staff training. Staff members can request, and are regularly granted permission, to attend conferences related to their roles. Mentors are assigned to all new staff members, are compensated for their time, and meet with new staff no less than once each week.

In alignment with the recommendations in the Letter, mediation and due process are available to all parents of students with disabilities, and strict student record confidentiality rules are in place to ensure privacy. These items and more are covered in the [RVA Special Education Policies and Procedures](#), posted on the website. The letter concludes with some additional requirements, including:

- Child Find procedures to identify children who should be evaluated (referred) for suspected disability. The Letter encourages parent communication, questionnaires for teachers, and regular screening. RVA engages in each of these practices as part of their Child Find procedures. RVA's [Pre-Referral Process](#) specifies information collected from various sources and which may lead to a referral. Information is documented on the [Child Study Form](#). RVA's published [Referral Procedures](#) make clear how referrals are handled, consistent with the IDEA and with the Letter.

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- Carrying out the IEP requirements including those governing IEP content, team participants, parent participation, effective dates, consideration of special factors, the development, review, and revision of IEPs, secondary transition services and participation in State and districtwide assessment programs.
- Implementing the requirements regarding education in the least restrictive environment, including ensuring the availability of a continuum of alternative placements to provide special education and related services. These will also be covered in more detail in the following sections of this document.

In summary, RVA is a virtual charter school providing FAPE to students with disabilities, consistent with state and federal laws. These services are provided with a great deal of parent satisfaction and excellent student progress, issues we will cover in chapters below.



III. Virtual Education Programming at RVA

State law (§118.40(8)(c)) specifies various duties for teachers in virtual charter schools. These duties, along with the roles of RVA teachers and home mentors are described below. More detail about the teacher’s duties at RVA can be found in the DPI Compliance Meeting report of 4/8/2020. As should be clear, the teacher has the professional responsibility for designing and delivering the instruction, where the **home mentor is available to the student to support the instruction and facilitate information-sharing** focused on student success.

Activity under §118.40(8)(c)	RVA Teacher Role	RVA Home Mentor Role
<p>Improving learning by planned instruction.</p> <p>Prescribing content delivery through class activities.</p>	<p>Planning and delivering lessons, providing guidance to home mentor.</p> <p>Setting learning targets.</p>	<p>Uses teacher’s guidance to reinforce learning. Sets the student’s daily schedule to meet teacher expectations for learning targets.</p>
<p>Assessing learning.</p> <p>Evaluating the effects of instruction.</p> <p>Diagnosing learning needs.</p>	<p>Meeting with students to review learning, evaluating student work for mastery, identifying opportunities for differentiation to meet student needs. Develop systems to monitor student progress.</p>	<p>Providing feedback to the teacher about student understanding/skill. Follow teacher guidance to collect information about student learning and report data to the teacher.</p>
<p>Reporting outcomes to administrators and parents and guardians.</p>	<p>Collect, synthesize, and report student learning information.</p>	<p>Review information about student progress with teachers and collaborate to improve student outcomes.</p>

Online instruction at RVA can be synchronous or asynchronous. At times, teachers hold live “synchronous” sessions with their students. At other times, teachers may pre-record a lesson or demonstrations of an activity that students can then complete when their home mentor has scheduled learning time for them. This is an example of “asynchronous” learning. The teachers have scheduled discussion sessions and are available for additional follow-up questions as needed. They also ensure students understand concepts and have had adequate guided practice to establish mastery of skills and concepts. Home mentors work with their students to choose the best learning modality for their situation. Some home mentors are not

able to provide the necessary support for asynchronous learning, and thus select “live” instruction, delivered in 30-minute sessions.

There are a number of advantages to virtual learning that have been identified by RVA students, home mentors, and staff. Teachers and home mentors report fewer distractions, increased focus on learning, and a reduction in anxieties about other students and their reactions to student learning needs and behaviors. Teachers also ensure that each student has engaged with the lessons by monitoring work completion and skill mastery. The challenge in understanding this model for people who are unfamiliar with it appears to be that it’s not passive, and isn’t based on “seat time.” In other words, students at RVA don’t sit back and listen to a lesson/lecture, do a worksheet, possibly memorize some facts, and move on to the next lesson or class. Along with their home mentor, they need to be actively engaged in learning. Their work is monitored closely by both teacher and home mentor. In fact, if they are not successful in this setting, they are asked to find another setting more conducive to their learning needs. They typically “dig into” subjects over longer periods of time, complete lessons and projects, and demonstrate knowledge and skill mastery rather than scattered fact knowledge. Further, for students who want to move along more quickly, they can easily do so as they demonstrate their readiness. It’s this partnership between the student, teacher, and home mentor, along with the mastery focus that appear to make the biggest differences at RVA. Instead of going to school to learn facts and what might seem to them to be meaningless information, students enrolled in RVA see firsthand how important their learning is to everyone involved. They know that if they don’t engage with their learning, they can’t “skate by” until the next, possibly more interesting teacher or better prepared lesson comes along. Instead, they’re held accountable for learning. Again, if they don’t engage, they are asked to find a learning environment that’s better aligned to their needs.

Student assessments consist of evaluation of completed work as well as discussions with teachers. At times, home mentors provide background and context to teachers as the teacher assesses learning, diagnoses any learning problems, and identifies what worked and what needs to change in the instruction for that student and others. In addition to these assessments, RVA, like most brick and mortar schools, uses standardized, online reading and math assessment tools to identify student learning needs and to evaluate student learning. For reading, RVA uses the Diagnostic Online Reading Assessment (DORA), and for math the Adaptive, Diagnostic Assessment of Mathematics (ADAM).

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In addition to these enrollment assessments, lengthy home mentor and student interviews are performed, and records are reviewed in detail. This information is used to create a profile of each student's unique needs and strengths. The profile, along with student and home mentor preferences for learning are used to create a program for each student. Pieces of the "learning puzzle" are brought together in such a way as to proactively plan for a student's success. Every student's progress is then evaluated every week and formal checks are performed every 3 weeks, based on progress toward curriculum goals and student grades. This level of progress monitoring is rare among schools, but reflects the nature of learning at RVA. Again, it's focused on active engagement and close monitoring of progress and success, not seat time.



IV. Special Education and Related Services Programming at RVA

A. Introduction

No matter the setting, special education (SPED) programming takes many forms including direct instruction, providing learning supports, differentiating instruction/curriculum, consultation, along with supplementary aids and services. At RVA, those same services are provided to all students! Recall from the prior description of special education, is that it is defined as “specially-designed instruction to meet the unique needs of the child with a disability.” Now recall that RVA creates learner profiles and designs instruction specific for each student. This is accomplished in part through the unique partnership with the home mentor who helps the teacher identify whether the student has encountered any challenges to learning. RVA’s commitment to progress monitoring for all students, including formal reporting every 3 weeks, is also indicative of their nuanced approach to learning for all students, including students with disabilities.

Related Services are those services required for a child with a disability to benefit from their special education program. For instance, if a child is getting services for a disability related to writing, but can’t hold a pencil or type, the related service of Occupational Therapy could be indicated as a way to allow the student to begin making progress in written expression. Other common related services include Speech/Language, Physical Therapy, and Counseling. At RVA, each of these is provided virtually, as is the case in many traditional schools during the pandemic.

B. Home Mentor Interviews

Upon interview, home mentors reflected their positive experiences with RVA’s instructional model for students with disabilities. Nikki, the sister and home mentor of an RVA student who lives with Down’s Syndrome, described their experience with the special education services at RVA. She explained that the special education program in their home district provided little in the way of meaningful instruction for her brother. He had languished, making little to no progress for years. For example, he was very reluctant to speak to unfamiliar people and his use of language was limited and brief. He literally “kept his head down” and was disengaged socially. She pressed for clinical speech services, because she felt he could do more. Indeed, he made good progress in a clinical setting. However, after starting with RVA, there was greater accountability for success. If he missed a session due to illness for example, it was rescheduled rather than just skipped. Remarkably, he has made excellent progress. He was directly taught to make eye contact, use social language, and smile. The key factor here

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appears to be that quality of instruction, especially for students with disabilities, can be easily monitored by home mentors. If educational services don't pass the "sniff test," parents can choose another school. Not surprisingly, they rarely do.

Another home mentor, Gina, is the parent of a student with a visual impairment. This child had been bullied for years at his brick and mortar school, mostly because of his thick glasses. He had frequent migraine headaches, was cited for truancy for avoiding school, needed counseling and medication, and dreaded going back to school each fall. They worked hard to get him enrolled at RVA, and at first, his special education services at RVA were intensive. The Teacher of the Visually Impaired (TVI) spent many hours getting a laptop setup to the student's specifications. Adjustments were made until everything he needed was in place. Now, his IEP indicates that he gets 30 minutes of special education per week. Like many students at RVA, he's doing remarkably well. The headaches are much reduced, he enjoys school, and he advocates for his needs with the TVI any time something in the regular class needs adjustment. Like most RVA students who have disabilities, the regular program is designed in such a way as to accommodate his unique needs. The instruction is also implemented and then monitored in close collaboration between the learner, mentor, and teachers, both regular and special education. The student is successful with the program as it is designed and implemented.

One final example of RVA's success with students who have disabilities involves a boy with significant disabilities. His mom, Sam, described a traditional school program where her son spent a great deal of time in a cross categorical classroom, with aide support. He spent some time in the regular education classroom, but he was supposed to sit and be quiet, which was unrealistic for him in light of his needs. He had instruction from the special education teacher amounting to about 15-20 minutes/day. Their focus was on play-based instruction, but there was little to no structure and there was no formalized curriculum. Anecdotally speaking, this is very common for children with significant disabilities, especially in light of the LRE requirement. However, let's reconsider this boy's program in light of the Endrew Standard requiring progress commensurate with a child's circumstances.

At RVA, this boy's teacher plans his lessons carefully. They are structured and systematically focused on skill development aligned to his needs. The teacher pre-records the lessons, then reviews them with Sam, who waits until her son is ready for instruction. This might occur at any time of the day. When he's ready, Sam springs into action using the curriculum that the teacher has prepared and which she has reviewed in advance. Then, as he is able to circle back through

the activities at different times, Sam is there, ready with reinforcement and opportunities to re-engage. In summary, it's the level of flexibility and rigor that adds a unique element to the RVA special education program. Sam would not stand for repeated unsuccessful lessons that attempted to teach her son to identify colors or shapes. Yet, that was the bulk of his program in the brick and mortar school. Sam is not the teacher, but she is the quality control specialist, reinforcer, and akin to a closely supervised aide in the home classroom, ready to engage whenever her son is ready to learn.

The reason most students with disabilities appear to be so successful at RVA is that their programs and services are closely aligned to their needs and closely monitored for impact and quality. Many have 30 minutes/week of direct special education services in their IEPs because that is what's needed for them to be successful. It is similar to a guided Study Hall for students with disabilities in traditional schools, a common model for student support.

A final endorsement of the quality of RVA's special education program comes from re-enrollment data: the vast majority of students with disabilities return from year to year. Since 2017, an average of 86% of students with disabilities have continued their enrollment from one year to the next. That's a remarkably strong endorsement of RVA's success with students whose parents can choose to enroll them in RVA or seek enrollment elsewhere. It was made very clear to RVA administrators one year how easily this important number can be reduced when staff are not adequately engaging with students. A number of years ago, a special education teacher was hired who was unable to make an adequate adjustment to virtual teaching, even with a good deal of support. That year, RVA lost many of her students to other virtual schools or back to their original schools. It was a powerful testament to the importance of teacher skill/engagement, and is one reason why RVA is so proud of the string of very high re-enrollment rates for students with disabilities.

C. IEP Content, Effectiveness, and Implementation

The fundamental reason students with disabilities are successful at RVA appears to be that their regular education instruction is highly differentiated, their special education services are closely aligned to their needs, and all instruction is actively monitored for impact by RVA staff and home mentors. In that context, almost 2/3 of RVA student's IEPs are written with 30 minutes/week of direct special education services in their IEPs. RVA SPED staff set up regular weekly meetings for all students with IEPs. Not surprisingly considering the active progress monitoring, this baseline expectation is strongly correlated with student success. Demonstrating that conclusion, a November, 2020 analysis (the

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mid-quarter progress reporting period) examined all IEPs in the school for two variables. Each IEP for all 210 students with disabilities was analyzed, along with the number of IEP goals reported to parents as “on track.” The number of minutes of direct, special education services per week was also derived from each IEP. Our conclusions include:

- Of 591 total IEP goals, 511 (87%) were on track for completion by the end of the annual IEP.
- Of 210 students with IEPs, 63% (132) had 30 minutes/week of direct, special education services in their IEP. Only 8 students had less than 30 minutes per week, and 49 students had more. The remaining students were on variable schedules.
- Of the 210 students with IEPs, 182 students were present (not absent, whether excused or unexcused) during the reporting period. This equates to less than a 5% absence rate. Of those 182 students who were present:
 - 110 students (60%) got the number of minutes of special education service listed in their IEP.
 - 29 students (16%) got more than the number of minutes of special education service listed in their IEP. Of those 29 students, 20 students received more than 15 minutes of additional support and 13 students received more than 30 minutes of additional support.
 - 43 students (24%) got less than the number of minutes of special education service listed in their IEP. Of those 43, only 9 students (5%) missed more than 15 minutes of the special education service listed in their IEP. RVA leadership is analyzing the data and working to remediate any deficits in IEP minutes, and is developing a system to monitor IEP minutes to ensure compliance.

Why don't IEPs for most students at RVA include special education services every day? Because the regular instruction is highly specialized. Because the home mentors are highly engaged and closely monitor quality. Because regular education teachers are highly accountable for differentiation and accommodation. Because students with IEPs are making strong progress, consistent with the Endrew Standard, every day, with the services they are getting. **The standardization and alignment of IEP services is an artifact of the organization of a virtual environment.**

D. Comparing Special Educational Services in Traditional Settings and RVA

This chart compares and contrasts various services provided to students with disabilities in a brick and mortar school and those provided virtually through RVA.

Domain	Brick and Mortar SPED	RVA SPED
Specially-Designed Instruction.	In most schools, the teacher presents the material and SPED staff follow up, re-teaching and supporting work completion.	At RVA, teachers present the lesson, the home mentor reinforces and schedules practice, and transmits anecdotal information to teachers for response.
Instruction provided by licensed SPED teachers.	In many schools, SPED staff are working under emergency licensure. DPI Data for 2018-19 indicates more than 11% of all teachers statewide have provisional or emergency credentials. It is likely that the rate for SPED staff is much higher.	All RVA staff are licensed for the field in which they are working.
Collaboration between regular and special education staff members.	While many IEPs include collaboration, it is often haphazard/unplanned, and for small amounts of time.	At RVA, collaboration is required and is planned. It has to be--people don't see each other in the halls of the school. Many RE/SE teacher teams meet daily, all meet at least weekly.
Differentiation	Differentiation in general education settings in traditional classrooms is usually the exception rather than the norm. Most assignments are offered to students the same way, with minor changes.	At RVA, each student has an individual learning plan that is aligned with their needs. Differentiation is built into the system.
IEP Goal Progress Monitoring	Reporting on IEP Goals as often as nondisabled children, typically every 4-5 weeks.	Reporting every 3 weeks.

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Domain	Brick and Mortar SPED	RVA SPED
Parent Communication	As needed. If parents don't respond, instruction continues.	Scheduled at least weekly. If parents don't respond, progress can be difficult.
Equal access to standards (usually Common Core State Standards).	In some cases, the same standards are used for students with disabilities, in some cases they are modified. However, coverage is often based on seat time and a pacing guide, or is left to teacher discretion.	At RVA, students move from standard to standard based on mastery of the knowledge and skills associated with each standard.
Direct, Explicit Instruction: highly structured and carefully sequenced teaching	In most schools, this happens rarely and usually in small increments.	At RVA, most instruction is highly explicit as it's transmitted virtually, closely monitored by home mentors, and measured for impact.
Scaffolding: the process of building on prior knowledge when teaching new skills to a group.	Traditionally, lessons are aimed "to the middle," and then adapted to students after the lesson.	At RVA, lessons build on prior knowledge by design, since the expectation is mastery, the starting point is better adapted to student readiness.
Differentiation: before designing a lesson, teachers include individual student background knowledge to ensure lessons are aligned with skills.	In many schools, differentiation is an afterthought.	At RVA, the "entry point" for lessons is guided by prior knowledge and skill. Teachers plan ahead for student needs.
Mastery: comprehensive understanding and demonstrated skills.	Many IEPs in traditional settings allow for students with disabilities to complete fewer problems than their peers, reducing skill attainment.	At RVA, the goal is mastery. Students and home mentors don't move on unless the student demonstrates adequate skill and knowledge to meet the learning goal.

V. Screening and Formal Academic Progress Measurement at RVA

As mentioned previously, RVA uses standardized, online reading and math assessment tools to identify student learning needs and to evaluate student learning. According to the publisher, the **Diagnostic Online Reading Assessment (DORA)** is a K-12 measure that provides objective, individualized assessment data across eight reading measures that profile each student's reading abilities and prescribe individual learning paths. The **Adaptive, Diagnostic Assessment of Mathematics (ADAM)** is a K-7 evaluation that is fully aligned with the Common Core Standards, and assesses 44 constructs within five instructional strands identified by the National Council of Teachers of Math. Students are administered the DORA and ADAM assessments upon enrollment and twice each year thereafter. Rather than collecting the data and not responding meaningfully, RVA teachers and administrators review the data thoroughly and use it to make large-scale adjustments to programming, as well as to adjust individual student programming and to monitor the impact of their decisions.

Like all public schools, RVA is also required to use the Wisconsin Student Assessment System (WSAS). The WSAS consists of the Forward Exam, the ACT Aspire Exam, the ACT Exam, and the DLM Assessment for students with significant intellectual disabilities. Students are assessed using the WSAS in grades 3-8, 10, and 11. Testing in the WSAS can take multiple days due to the extensive nature of the exams which cover numerous topics in depth. While RVA's student achievement data compares favorably with the rest of the state's (see the appendix for data), the number of RVA students who participate in WSAS testing is low because of parental opt-out. Under state law (Wis. Stats. 118.30(2)(b)3), a parent request for student opt-out must be granted if the student is in grades 4, or 8-11. If the student is in another grade, the decision to grant the request is at the discretion of the school board. Parental opt-out for the WSAS is a challenge for many schools, one that is even bigger for RVA due to logistical and data usability issues. Since the DORA and ADAM data are extensive, and because parents get an easily understood report after each assessment window, there is little perceived need for additional confirmation of the progress parents are already well-informed about. In addition, while students in traditional schools can walk down the school hallway to a spare classroom or testing center, RVA students must travel across the state to take the WSAS tests. In some cases, the testing requires overnight stays and significant family disruption. The RVA team has worked hard to incentivize and reduce the burden of WSAS assessments. They hold the assessments at resorts or water parks, provide lodging, meals, family activities, and travel assistance/reimbursement. One wonders why more parents/guardians don't take advantage of the free family

vacation? The answer appears to lie in the level of disruption and the lack of utility of the WSAS data. While there may be bureaucratic and compliance reasons for attempting to increase test participation, the state testing system offers little advantage to the parents/guardians who are the ultimate decision-makers for their children's assessment program. With RVA's commitment to a robust, useful, and parent-friendly assessment system, parents are unlikely to see additional value to missing work and family time to complete more testing.



VI. Child Find and Special Education Evaluation at RVA

Child Find is a legal requirement that schools find all children who have disabilities and who may be entitled to special education services. At RVA, like all other public schools, parents and community members are encouraged to inform the school if they have concerns about a student's development or learning. The following Child Find policy is posted on the RVA website, and defines the initial steps in the evaluation (referral) process when a child may have a disability.

Upon request, the Rural Virtual Academy is required to evaluate a child for eligibility for special education services. A request for evaluation is known as a referral. When the district receives a referral, the district will appoint an Individualized Education Program (IEP) team to determine if the child has a disability, and if the child needs special education services. The district locates, identifies, and evaluates all children with disabilities who are enrolled by their parents in private (including religious) schools, elementary schools and secondary schools located in the school district.

A physician, nurse, psychologist, social worker, or administrator of a social agency who reasonably believes a child brought to him or her for services is a child with a disability has a legal duty to refer the child, including a homeless child, to the school district in which the child resides. Before referring the child, the person making the referral must inform the child's parent that the referral will be made.

Others, including parents, who reasonably believe a child is a child with a disability may also refer the child, including a homeless child, to the school district in which the child resides.

Referrals must be in writing and include the reason why the person believes the child is a child with a disability. A referral may be made by contacting Samantha Penry, Director of Special Education at sam.penry@ruralvirtual.org.

While the school offers formal notification of their Child Find responsibilities on the website, it also takes a number of important steps with parents and teachers to ensure referrals are made when appropriate. First, all parents are informed about the special education referral process upon enrollment. Next, at the orientation, administrators make it very clear that no child should be struggling to learn, and that supports are available, including special education. Finally, the Director of Special Education reinforces this message through an annual mailing to all parents that includes information about Child Find and the policy copied above.

With teachers, the school takes a proactive approach to ensuring that students get referred for special education whenever appropriate. Teacher notification follows a similar model to that provided for parents: at hiring, at the annual fall meeting,

and periodically throughout the year. The school also uses ADAM and DORA data to identify students who are falling behind and who may need additional support. Importantly, the school uses a rigorous “Child Study” process where, consistent with federal law and regulation, interventions designed to remediate learning difficulties are attempted where appropriate and progress is closely monitored. If, after an appropriate time, a student does not respond positively to the interventions, the team meets and discusses next steps, which can include referral for special education evaluation. Of course, a referral can be initiated at any time, say if a child has an emergent impairment (an injury, for example), that may need special education.

The referral process at RVA runs just like that at any other public school. RVA employs two full-time school psychologists who coordinate the process, ensuring that parents have the information they need to understand timelines, testing, etc., and that all relevant data are collected and analyzed prior to the evaluation team meeting. Interestingly, during COVID, many districts were in the same situation as RVA, with limited direct contact between school staff and students. Recent [guidance from WI DPI](#) clarifies a variety of ways to collect data and provide interventions including:

- Observing the child during a whole class virtual instruction live or recorded;
- Providing parents with a behavioral data collection tool and coach them how to use it;
- Provide student with a behavioral self-monitoring tool and coach them how to use it;
- Present information to the student from the assessment virtually;
- Conduct parent and teacher checklists, questionnaires, and interviews via phone, mail, or online;
- District staff may deliver interventions virtually if the intervention can be delivered with fidelity; and
- If in-person observations are not safely possible, then conducting observations virtually may be considered.

These strategies have been used at RVA for years, contributing to a valid and meaningful evaluation process that routinely leads to student qualification for special education. In the 2019-2020 school year, 17 initial evaluations, evaluations were completed by one school psychologist, including 5 for students suspected of Emotional/Behavioral Disability and 6 for potential Specific Learning Disability.

Students suspected only of Speech and Language disability were not included in this count.

The assessment process at RVA works very similarly to traditional schools, but mostly through virtual contact. In many cases, a specialist will meet online with a student to administer assessments. They will often use a system with two cameras, one focused on the student, and one of the student's work. Staff members report that it is a very reliable and effective system, allowing them to gain information easily and thoroughly. In addition, virtual assessment can in some cases work better because the student is in their home, a familiar environment. As with other aspects of RVA instruction, they eliminate the social and environmental variables of school to focus academic issues. Most of the needed assessment data can be collected virtually: academic achievement, articulation, expressive and receptive language, behavioral observations during instruction, visual-motor integration, and parent survey data. Of the many types of student assessment data, only a few cannot be collected virtually. These exceptions can include some types of cognitive problem-solving data, strength and agility tests, hearing and audiological tests, and others.

One significant challenge faced by many schools during the pandemic has been the issue of completing evaluations for students suspected of having a specific learning disability (SLD). The evaluation protocol specified in state administrative rule requires the implementation of rigorous interventions. Unfortunately, Wisconsin's [overall reading proficiency rate is less than 40% for children in 3rd grade](#), and has been at that level for decades. Even [the most successful elementary schools in the state](#) have about 60% reading proficiency, a number that has been declining. In that context, the state's rule for identifying learning disabilities requires the use of interventions designed to raise achievement quickly, along with weekly progress monitoring to determine whether the child is making good progress.

RVA's implementation of the "SLD rule" follows a model similar to that in many other schools. Teachers gather regular screening data about student skill. In the case of RVA, they use the DORA and ADAM tests. The data from those tests are used to inform home mentors about any concerns, and to differentiate the instruction provided to the student. Using their Child Study process (described above), RVA staff initiate a series of interventions aligned to student needs. Involvement of home mentors can be significant, with directed practice during intervention at times being provided by the home mentor under the guidance of a certified teacher. As with all virtual interventions, implementation of the intervention consistent with its design is a challenge. A weekly meeting between the intervention coordinator and home mentors helps ensure that interventions are

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being used consistently and accurately. Progress monitoring during intervention often uses AIMSweb, a highly-regarding and widely-used assessment tool that provides accurate data. Teachers are responsible for collection of weekly progress monitoring data.

In the case of the youngest students, these interventions are focused on discrete, specific pre-reading and early math skills. At later ages, the interventions are typically more generally-focused on repeated skill practice using for example Achieve 3000 at the HS level. This is one area in which RVA, like many schools, is planning for additional student support. A staff member whose sole focus will be interventions for students with learning needs is a planned hire for the 2021-2022 school year.



VII. Conclusions

In conclusion, there are a number of critical facts to emphasize:

- 1. RVA is a virtual charter school**, legally-formed and operated as an instrumentality of the Medford School District.
- 2. RVA follows all applicable state and federal laws** pertaining to the identification and education of students with disabilities.
- 3. RVA has been steadily and carefully growing**, with parents and guardians showing significant demand for virtual alternatives that meet the needs of their children.
- 4. Parents express a good deal of satisfaction with RVA's programs.** Among students with disabilities, RVA has enjoyed an annual re-enrollment rate of 86% since 2017.
- 5. Students at RVA perform as well or better than students from across the state on statewide tests**, with lower achievement gaps in math for students with disabilities.
- While state-level administrators expressed concerns about the role of the home mentor prior to the COVID pandemic, the **guidance now offered by DPI for schools and parents indicates a clear endorsement of the roles played by RVA's home mentors.**
- 7. Special education programming for RVA's students with disabilities is highly effective**, with over 85% of IEP goals on track for completion in a recent mid-year sample.
- 8. All students at RVA receive a highly individualized educational program.** Students with disabilities receive a standard 30 minutes of special education support each week, with additional planned support provided to about of students.
- 9. Students with disabilities consistently get assigned services.** Of students with IEPs, only 4% missed more than 15 minutes of their special education programming in a recent 2-week sample.

VIII. Frequently Asked Questions

- Do parents have to teach at RVA? No. Parents or home mentors help support students in their learning, but are not expected to be the teacher. RVA's teachers benefit from regular communication with home mentors, so they can more actively and accurately guide the student's learning. Home mentors ensure that learning times are identified, help students get oriented to lessons and stay organized, share information with teachers about what is going well for the student and the challenges they may be facing, and help students identify when they need breaks. Home mentors are critical players in the success of RVA students, but are never expected to be teachers.
- Are there any services or supports that require in-person meetings? In some cases, when a student is referred for special education assessment, school staff may need to meet with the student in person at a time and location amenable to the staff member, the student, and the home mentor. However, these cases are limited. RVA offers regular social engagement opportunities for students.
- Can RVA terminate enrollment if a home mentor is not engaged with the school? RVA makes enrollment decisions on a case by case basis. When there are communication and coordination challenges, RVA works to support the student and home mentor to resolve the issue. However, if a student is not making progress and there is little or no communication from the student or home mentor, RVA has made the difficult decision to return the student to their home district.
- What are the requirements for resident districts whose students open enroll into RVA? Home districts and RVA coordinate support for students in a variety of ways to meet the unique needs of each student and home mentor. In some cases, there is little need aside from administrative coordination and information sharing. RVA shares progress information with the home district as is necessary for the home district to ensure compliance with state enrollment requirements. In some cases, students visit support centers offered by resident districts in coordination with RVA. In all cases, RVA coordinates special education programming with home districts to ensure that state and federal requirements are met. This includes participation of local school district staff in special education evaluation meetings as well as annual IEP planning meetings.
- How are financial arrangements made between RVA and resident districts? What if a student has a disability? For students who open enroll from districts that are not otherwise affiliated with RVA, the home district transfers the regular Open Enrollment amount to RVA to cover the cost of the services. In [2020-2021](#),

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that amount was \$8,125 for nondisabled students, and \$12,977 for students with disabilities. Some students with significant disabilities are funded on the basis of prior year actual costs up to \$30,000. Districts that affiliate with RVA for a longer term are charged at lower rates agreed to by the RVA Board and local school districts. These amounts are negotiated annually.



APPENDIX: Forward Exam Data and Achievement Gap Comparisons

In order to obtain reasonable group sizes, we have combined data from three years in ELA to obtain a group of 35 students with disabilities, and two years in math for a group of 47 students with disabilities.

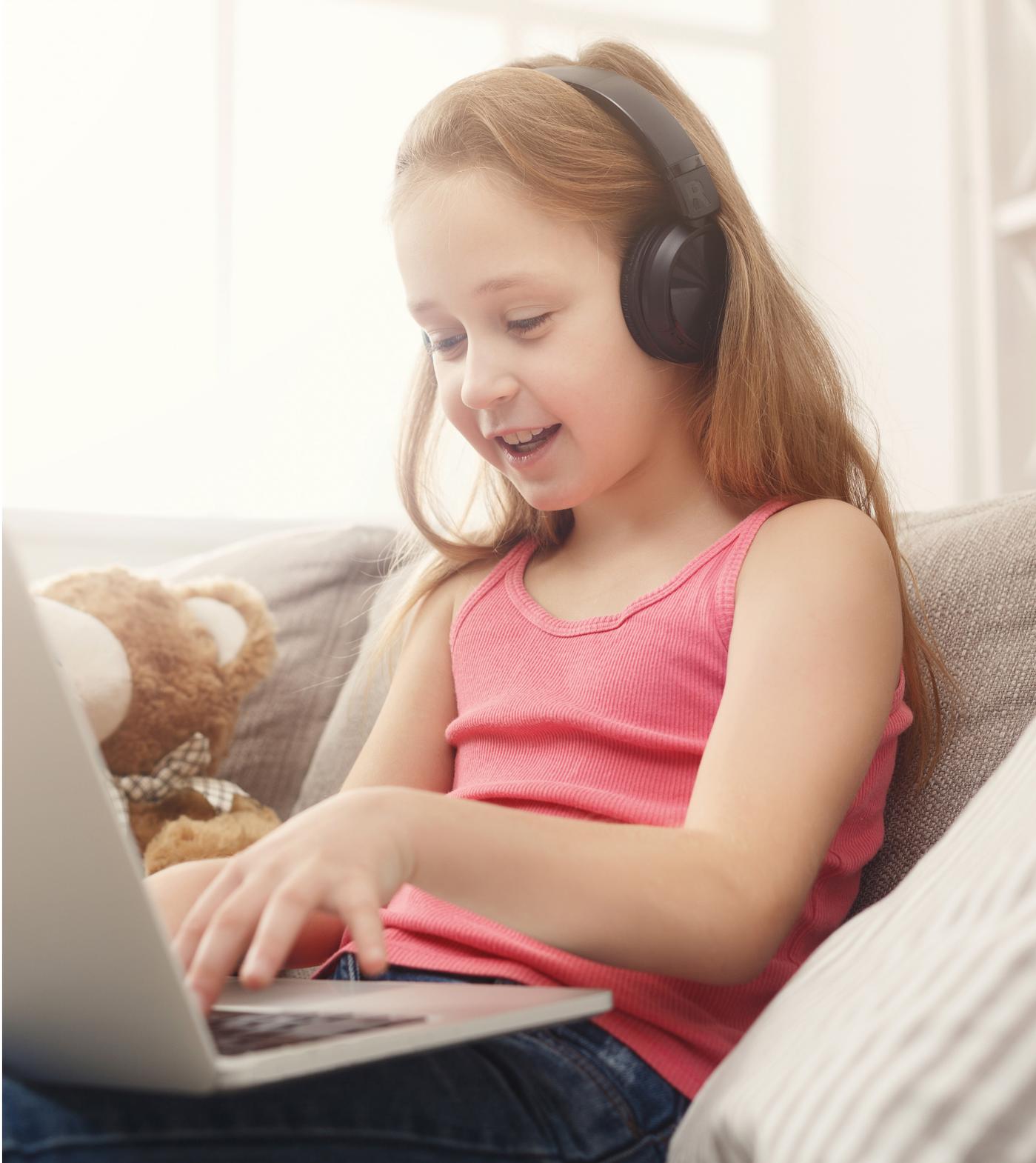
English/ Language Arts (ELA)	2017 RVA	2018	2018	2019	2019
		Statewide %	RVA Students	Statewide %	RVA Students
Students w/out Disabilities	Proficient	47%	34 Students	46%	41 Students
	Not Proficient	52%	25 Students	53%	42 Students
Students with Disabilities	Proficient	12%	3 Students	12%	1 Student
	Not Proficient	84%	7 Students	84%	9 Students
Gap Score	25/60=42% 4/15=27% Gap=15%	47%-12%= 35%	34/59=58% 3/10=30% Gap=28%	46%-12%= 34% Gap	41/83=49% 1/10=10% Gap=39%

- 2017, 2018, 2019
- State % Gap = 35, 34, 36 so ave = 35%
- RVA TOTAL
- SwD: $25+34+41/35+25+41+\text{proficient}=110/211=52\%$
- SwD: $4+3+1/15+10+10=8/45=18\%$
- Gap 36%
- **Combining the data from 3 years for ELA results in a finding that RVA's achievement gap students with for disabilities is 36%, about the same as the state average of 35%.**

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Mathematics	2017 RVA	2018	2018	2019	2019
		Statewide %	RVA Students	Statewide %	RVA Students
Students w/out Disabilities	Proficient	48%	19 Students	48%	31 Students
	Not Proficient	51%	40 Students	51%	52 Students
Students with Disabilities	Proficient	15%	3 Students	14%	2 Students
	Not Proficient	82%	34 Students	82%	8 Students
Gap Score	25/60=42% 4/15=27% Gap=15%	48%-15%= 33% Gap	19/59=32% 3/37=8% Gap=24%	48%-14%= 34% Gap	31/83=37% 2/10=20% Gap=17%

- Combining the data from 2 years for mathematics results in a finding that RVA's achievement gap for students with disabilities is 24%, significantly better than the state average of 34%.



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