

Moving Online: Special Education Considerations for Online Learning Programs

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Sources

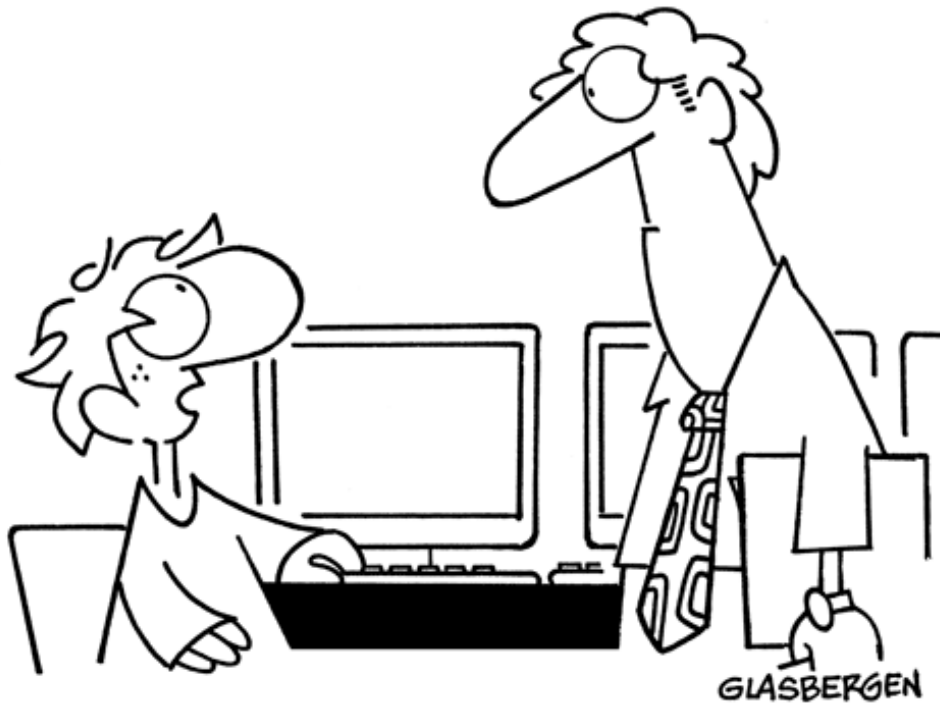
Special Education Law Landscape (IDEA; Section 504; ADA)

Data Privacy Laws (FERPA; MGDPA)

MN State Law (Online Learning Option Act)

MDE (Oct. 2021 FAQ; Conversations with RRM)

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“I won’t be impressed by technology in the classroom until you figure out how to install Google directly in my brain.”

Technology in the Classroom

Technology is a hallmark of modern-day education

COVID-19 has escalated the use of tech and online learning

Accessibility is paramount (ADA and Section 504)

Examples of tools to develop or enhance accessibility

Distance Learning

Specific to COVID-19 peacetime emergency

Peacetime emergency is no longer in place

Requirement to provide distance learning has ended

But online learning remains an attractive option for some schools and students

Online Learning

Minnesota's Online Learning Option Act

Digital Learning

Blended Learning

Online Learning

Full-time vs. Supplemental

MDE has supervisory authority over online learning options

IDEAs dispute resolution procedures apply

Online Learning Providers

school district

intermediate school district

an organization of two or more school districts operating under a joint powers agreement

charter school located in Minnesota

provides online learning to students

approved by MDE to provide online learning courses



Becoming an Online Learning Provider

- Apply to MDE
- Provisional, expedited approval process is in place for online and blended learning during the 2021-22 school year

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Online Learning and Open Enrollment

Students may choose to open enroll in a full-time online learning program offered by another district or a charter school

Students may participate in supplemental online (not to exceed 50% of coursework) and remained enrolled in their current school district or charter school (“enrolling district”)

Enrollment procedures cannot be based on a student’s disability status

Open Enrollment and Free **A**ppropriate **P**ublic **E**ducation

If a student enrolls elsewhere fulltime → that district or charter school is responsible for the provision of a FAPE

If a student participates in supplemental online learning courses, the enrolling district is responsible for ensuring student receives a FAPE

Can a student
be required to
participate in
an online or
blended
learning
option?

No. No student, regardless of disability status,
can be required to participate.

Can a student
be denied
enrollment or
access on the
basis of their
disability?

No. Schools cannot decline to enroll a student or restrict access to an online learning option on the basis of a student's disability.

Section 504 and MHRA prohibit disability discrimination – this applies to online learning options

IEP team is responsible for determining what the student needs for FAPE

But what about FAPE?

Step One – enroll the student (can't discriminate based on disability)

Step Two – ask whether IEP can be implemented with supplemental services to provide the student with a FAPE?

Make the effort, get creative, document attempts/proposals to make it work online

If the answer is no → offer location where services can be effectively provided

Can online learning options be utilized in the context of student discipline?

No. Participation must be voluntary.

It can be *offered* as an alternative education program or interim alternative education placement

Online Learning and Change of Placement

School districts can generally select the location of services so long as the settings and programs are essentially the same

MDE takes the position that online learning programs are not substantially similar to a school program



Data Privacy Considerations & Best Practices

Neutral Backgrounds

Disclosure of Private Data

Parent Presence in the Virtual
Classroom

Selecting an Online Platform

Security Measures

Policies

Keep it Professional

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Assistive Technology

Teams should consider if and how AT needs might change for online learning

Child Find Applies to Online Learners Too

A close-up photograph of two hands shaking, symbolizing agreement or partnership. The hand on the left is dark-skinned, and the hand on the right is light-skinned. The background is a plain, light-colored wall.

Contracting with Online Learning Providers

Virtual Meetings, E-mails, and E-signatures

Cyberbullying

A woman with dark hair tied back is sitting at a desk, looking at a computer monitor. She has her hands pressed against her face, covering her eyes and mouth, suggesting she is crying or feeling overwhelmed. The scene is dimly lit, with the primary light source coming from the computer screen, which is out of focus. The overall mood is one of sadness and helplessness.

Questions or Comments?

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