

Crucial Steps for Navigating Virtual Education

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Roadmap

- MOCAP
- Educating Special Education Students Virtually
- Student Misconduct in the Virtual Setting
- FERPA Considerations
- Employee Misconduct in the Virtual Setting
- Student Attendance and Engagement
- Removal from Virtual Education
- Legislation



MOCAP



MOCAP

• **What is MOCAP?**

- MoVIP was the previous virtual education program which MOCAP replaced, pursuant to §161.670, RSMo.
- Based on the MOCAP statute, school districts are *required* to approve students' requests to enroll in virtual courses or programs
 - if they meet eligibility requirements; *unless*
 - the class or program is not in the student's "best educational interest."



MOCAP



- To be eligible, the student has to be
 - enrolled full-time in the district and
 - have attended a public school at least one semester immediately prior to enrolling in the online course
 - *unless* a medical condition or disability prevented attendance.

MOCAP

- "Best educational interest" is an individualized determination, but can include the following considerations, at the district's discretion:
 - The student's attendance.
 - The student's grade point average.
 - The student's technological abilities.
 - The student's self-motivation.
- Whether the virtual course has appropriate rigor compared to the district's current course in the same subject.
- Whether the student has been successful taking virtual courses in the past.



MOCAP

• **Does our district have to let students take MOCAP courses?**

- If a student meets the eligibility criteria and the class is in the student's "best educational interest," as decided by the district, the district must allow the student to enroll.
- If the eligibility and "best educational interest" criteria are not met, the district has discretion to allow the student to take the course, under the understanding that such a decision could set precedent for future requests.



MOCAP



- If students' requests to enroll in MOCAP courses or programs are denied, those students have the right under the law to appeal that decision to the Board, and then on to DESE.
- There is no requirement that districts allow students to enroll in virtual courses or programs that are not approved by MOCAP.
- There is also no requirement that districts pay for virtual courses or programs that are not MOCAP-approved.

MOCAP

• **Can our district allow students to take virtual courses that aren't MOCAP-approved?**

- Yes! Under § 162.1250, RSMo., a district can create a cooperative agreement with a vendor or a school district who sponsors or that has developed online courses or programs to provide virtual education to students.
 - Creating this agreement is the district's *option*.
 - The district does not have to offer or approve virtual courses or programs that are not MOCAP-approved.



Virtual Courses



- **Can students take virtual courses or enroll in virtual schools and pay for that coursework themselves?**
 - Yes! If a student chooses to take a virtual course or enroll in a virtual school, they can do that without receiving approval from the District.
 - Once the student completes the course or program, the District would then need to consider how the student's credits transfer within the District based on its procedures for awarding credit to transfer credits.

Virtual Learning for Special Education Students

- Students with disabilities need to be provided equal access to virtual programming.
- Ultimately, moving to virtual education is a change in placement that needs to be determined by the IEP or Section 504 Team.
- This may not look like other students' virtual programming.
- The District is still on the hook to ensure the student is providing FAPE.
- Most virtual vendors are not providing special education to students and may be limited as to what modifications and accommodations they provide.
 - This should be a consideration when doing the "best educational interest" determination within an IEP team meeting to determine appropriate placement.



Distance Learning



Distance Learning for Special Education Students

- Ensure that Form G includes all possible distance learning possibilities.
- Ensure that a Form G is developed if a student's placement is changed (such as if moving from virtual to in-seat).
- Consider student transportation needs during distance learning, if smaller cohorts may attend in-person on certain days.
- Form G distance learning can be used during student quarantines, but that should be clearly indicated in the Form G.

Student Discipline for Online Conduct During Remote Instruction

- Clear notice of the rules as applied in the remote context
- Impact of remote learning on disciplinary consequences
- Applying Safe Schools Act in the remote environment may be different
- Implicit Bias/Discriminatory Impact in Remote Learning
 - In the remote learning environment, educators and administrators may have implicit biases about why students may exhibit certain behaviors.

Additional Concerns Related to Virtual/Distance Learning



Family Educational Rights and Privacy Act (FERPA)/Confidentiality

- Protects student "education records" from disclosure
 - To disclose must have written parent consent (or consent of student over 18)
- Any Personally Identifying Information (PII) protected
- Need to ensure teachers are properly trained not to release any PII from student education records during virtual learning.
 - This is especially true when service providers are providing services remotely to students with disabilities.
 - May need to obtain parent consent to release information if someone other than a parent will be supervising the student.

Employee Misconduct During Remote Instruction

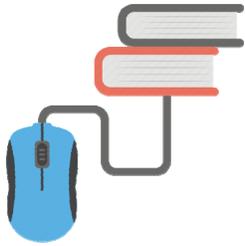


- Handle just like any other staff misconduct.
 - Staff conduct and other board policies apply.
 - Best practice is to provide training on policy application in the remote learning context.
 - Try to observe teachers in virtual settings to ensure you have a full picture of staff performance for evaluations.

Student Engagement & Removal



Attendance



- Many districts are experiencing issues of possible truancy or even educational neglect with students who are attending school virtually.
- Consider how your district evaluates attendance for in-seat students.
- How can that translate to virtual education students?
- What factors should the District Consider?
 - Check-ins
 - Daily work?
 - What will constitute an "absence"?
 - At what point are parents notified?
 - At what point is Children's Division or the Juvenile Office notified?

Removal

- Is the student attending through MOCAP?
- Is the student attending an in-District program?
- Is the student a special education student?



MOCAP Removal

Section 161.670, RSMo.

– The department shall monitor student success and engagement of students enrolled in their program and report the information to the school district or charter school. Providers and the department may make recommendations to the school district or charter school regarding the student's continued enrollment in the program. The school district or charter school shall consider the recommendations and evaluate the progress and success of enrolled students that are enrolled in any course or full-time virtual school offered under this section and may terminate or alter the course offering if it is found the course or full-time virtual school is not meeting the educational needs of the students enrolled in the course.

MOCAP Removal

- If the District determines that the course or program isn't meeting the "educational needs" of the student, the student can be removed.
- Clearly document the information you have that shows the student's educational needs aren't being met.
- Ensure that decisions are made consistently.
- There is some risk involved, as this hasn't yet been litigated by a court and the statute is silent (at this point) regarding how students can be removed

In-District Virtual Removal

- The District will have more leeway to make a decision with regard to its own students in its own program.
- If students aren't meeting requirements the District set forth for virtual programming, or it's clear a student isn't making progress in virtual, the student can be removed.
- Clearly document what issues you're seeing (attendance, completion, mastery, engagement, etc.) in case a MOCAP request is submitted.



Special Education Removal



- Virtual education is a placement decision made by the Section 504 or IEP Team.
- If a student isn't making adequate progress, especially compared to the progress the student made while in-seat, it is likely that a change in placement is appropriate.
 - Data will be key.
- The team should consider data regarding progress and make a determination as to whether a change in placement is warranted, in order to educate the student in the least restrictive environment.
- If the student is a MOCAP student, it may be appropriate to provide both notice of removal from the MOCAP course, as well as appropriate prior written notice required by the IDEA

Legislation



Legislation – SB 95

- Changes:
 - Virtual school programs would become attendance centers, so full-time enrolled students would no longer be included in the resident district's attendance.
 - Parent has final "best educational interest" decision-making authority.
 - Virtual schools can remove students if the provider believes the course isn't in the student's BEL.
 - Full-time virtual schools notify parents of lack of engagement.
 - DESE creates the required policy, not districts.
 - \$100/day civil penalty and attorney's fees for not notifying parents of right to MOCAP.
- Status:
 - Education Committee hearing held on February 2, 2021.

Legislation – SB 55

- Changes Related to Virtual Education:
 - MOCAP becomes "MCAVSP"
 - If the district withholds a portion of the cost invoiced by the vendor, DESE has to withhold the difference from state aid.
 - Full-time students participate in state assessments through the vendor, and performance is assigned to the attendance center of the full-time program.
 - DESE adopts a policy related to enrollment of full-time students, including continuous enrollment throughout the school year.
 - Parent has final decision-making authority regarding BEL.
 - Virtual schools monitor progress and remove students if not in BEL.
 - Virtual school can unenroll due to lack of student engagement.
 - Civil penalties/attorney's fees for failure to provide information in an impartial manner regarding MOCAP.
- Status:
 - After debate on February 23, 2021, the virtual education changes were removed from the bill by the Missouri Senate, but the bill has not yet passed in the Senate.
