

FAQ about Enrolling and Serving Students with Disabilities in Virtual Schools and Programs



Question:

Can we choose not to enroll students with disabilities in our virtual school or program?

Answer:

No. Students with disabilities must be provided with the same opportunities to participate in virtual schooling as non-disabled students. Further, per the 2008 Virtual Requirements, all approved virtual schools and programs must make special education services available.

Question:

Can we choose to enroll special and general education students within our district and only general education students from outside of our district?

Answer:

No. If your virtual school or program chooses to enroll out-of-district students, then you must allow all students, regardless of disability status, to enroll.

Question:

Can we require students with disabilities to have administrator approval prior to enrolling?

Answer:

Yes and no. Your virtual school or program can require all students to have administrator approval prior to enrolling, but it cannot have a separate requirement just for students with disabilities.

Question:

Can we require students with disabilities to have a letter of recommendation from their current IEP team prior to enrolling?

Answer:

No. Your virtual school or program cannot have additional requirements for students with disabilities that creates a barrier to access not in place for general education students.

Question:

Can we establish an enrollment deadline for students with disabilities that is different than the enrollment deadline for general education students?

Answer:

Yes and no. You cannot set an enrollment deadline for students with disabilities that is earlier than the enrollment deadline for general education students, but you can choose to extend the enrollment deadline for students with disabilities.

Question:

Can we ask the student to provide a copy of his/her IEP during enrollment?

Answer:

Yes. You can ask the student to provide a copy of his/her IEP as a part of your enrollment process.

Question:

Can we ask the student to disclose his/her disability status during enrollment?

Answer:

Yes. You can ask the student to disclose his/her disability status during the enrollment process.

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Question:

If the student does not provide a copy of the IEP or disclose his/her disability status during the enrollment process can that serve as grounds not to enroll the student?

Answer:

No. While you can ask the student to provide a copy of his/her IEP and to disclose his/her disability status, you cannot refuse to enroll the student if they don't. You cannot have additional requirements for students with disabilities that creates a barrier to access not in place for general education students. If the student with disabilities fails to provide some other enrollment documentation, that is also required of general education students, then yes you could choose not to enroll him/her.

Question:

Once a student with disabilities completes our enrollment process, whose responsibility is it to decide whether the student should be admitted?

Answer:

The decision to admit a student into a virtual school or program is the responsibility of the IEP team. Once a student with disabilities enrolls, an IEP team meeting should be scheduled to determine if the virtual setting is an appropriate placement for the student and if the student can be successful in the virtual environment, with or without accommodations.

Question:

Who is responsible for providing special education services to students in our virtual school or program? What if we contract with a service center or outside vendor to administer our virtual school/program?

Answer:

The district that sponsors your virtual school or program is responsible for providing special education services to your students with disabilities, regardless if you contract with a service center or outside vendor to administer your virtual school/program.

Question:

Can we require the student to receive special education services in their resident district?

Answer:

No. It is the responsibility of the district that sponsors the virtual school or program to provide special education services. The district can coordinate with the resident district to provide services, but the resident district is under no obligation to agree.

Question:

What if we participate in a special education cooperative that has decided not to provide special education services to virtual students?

Answer:

The responsibility to provide special education services still rests with the district that sponsors the virtual school or program. The district would need to make other arrangement to provide students with their needed special education services.

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Question:

Can we ask the parent to revoke the student's IEP?

Answer:

No. Parents have a right to revoke consent for all special education services, and may be advised of that right. However, under no circumstances should the parent be asked to revoke their child's IEP.

Question:

What if the student needs a particular special education service that cannot be provided virtually?

Answer:

Every reasonable effort should be made to provide special education services and accommodations virtually. If the service cannot be provided virtually, then the district must make the service available onsite within the district or make arrangements with the resident district.

Question:

Can we require the student to come onsite for all of his/her special education services?

Answer:

No. Every reasonable effort should be made to provide special education services and accommodations virtually. Only those services that cannot be provided virtually should require onsite participation.

Question:

What if the parent refuses to come onsite for a particular service that has been outlined in the student's IEP?

Answer:

If the district has made available an onsite special education service (that was outlined in the student's IEP) and the parent refuses to bring the student onsite, then parent has two options. The parent can choose to revoke consent for all special education services or the parent can enroll in another school or program. The student cannot continue to participate in the virtual school or program and not have all of their IEP services met. *The parent can ask the IEP team to remove the service that requires onsite participation from the IEP, but the IEP team would then have to decide that this service was no longer needed. Considering that it was the IEP team that decided the service was necessary in the first place, this is unlikely.