



Successfully Navigating Virtual Education for Students with Individualized Education Programs

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Disclaimer

Although this document is not a substitute for special education laws and regulations, this guidance offers regulatory information to responsible parties to assist in meeting obligations under state and federal laws, regulations, and rules for students with IEPs within the virtual education setting.

Successfully Navigating Virtual Education for Students with Individualized Education Programs

Introduction

Michigan was the first state to require virtual learning as part of graduation requirements. In 2006, in an effort to prepare K-12 students in Michigan for the digital world, the requirement for all students to have an online learning experience was added to the Michigan Merit Curriculum (MMC). The MMC allows for a variety of ways to fulfill the online learning experience, including taking an online course, completing a meaningful online experience of at least 20 hours, or completing the meaningful online experience of at least 20 hours incorporated into the required courses of the MMC. This flexibility was intended to address variations in access to technology and accommodate the diverse educational landscape in Michigan's rural, urban, and suburban communities.

The *Individuals with Disabilities Education Act* (IDEA) is a civil rights law that entitles students with disabilities to a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE). The LRE mandates outlined in [34 CFR §§300.114](#) through [300.118](#) require each public agency to ensure students with disabilities are educated with students without disabilities, to the maximum extent appropriate for each student with a disability. The obligation to provide FAPE and implement IDEA requirements is placed on the public agency through IDEA statute and regulations.

As stated in [34 CFR §300.17\(d\)](#), a FAPE includes “special education and related services [that] are provided in conformity with an individualized education program [IEP] that meets the requirements of [34 CFR §§300.320](#) through [300.324](#).” Consistent with its responsibility for the provision of a FAPE, the public agency (resident district) must safeguard the student’s rights through sound IEP development, substantiation of proper implementation of the IEP, and participation in an annual review to determine continued needs. In Michigan, special education programs and services are provided to students from birth through 25 years of age.

The “public agency,” a term used throughout IDEA, includes the state educational agency ([34 CFR §300.41](#)), local educational agencies ([34 CFR §300.28](#)), educational service agencies ([34 CFR §300.12](#)), nonprofit public charter schools that are not

otherwise included as local educational agencies or educational service agencies and are not a school of a local educational agency or educational service agency, and any other political subdivisions of the State that are responsible for providing education to students with disabilities. [34 CFR §300.33](#).

Understanding the scope of "public agency" is crucial when implementing educational programs, especially those designed for students with IEPs. This broad definition ensures all entities responsible for providing education, regardless of their specific structure or designation, are held accountable under IDEA. It is essential to note the IDEA regulations were drafted and reauthorized before the expansion of virtual education. Therefore, the practical application of these regulations within specific educational contexts, such as the evolving landscape of virtual learning, necessitates a closer look at policies and their impact on service delivery. For example, while federal guidelines set the overarching framework, states like Michigan have introduced specific legislation to address the growing demand for virtual learning options.

While the Michigan Legislature passed [Section 21f of the State School Aid Act](#) in 2013, allowing districts to offer online learning options to students in grades 6–12 through 5-O-D of the [Pupil Accounting Manual](#) (PAM), schools have delivered virtual learning options to learners for over 15 years. The *Michigan Virtual Learning Research Institute (MVLRI)* was designed to define areas of research in blended and online learning through directives received from the Michigan legislature. Each year, MVLRI summarizes these findings in its [Annual Effectiveness Report](#). The report is compiled based on pupil completion and performance data reported by public schools, highlighting enrollment totals, completion rates, and the overall impact of virtual courses on K-12 pupils. This report, along with other research conducted through the Institute, informs educational policy in the state.

Due to program variations, support structures, local policies, and limited research, virtual learning is complex. The educational rights afforded to students with IEPs must not be compromised, regardless of the educational setting. The same nondiscrimination principles outlined in [Section 504 of the Americans with Disabilities Act](#), which apply to traditional schools, also apply to virtual schools. The enrollment requirements for students with disabilities cannot be more stringent than those for students without disabilities, and students with IEPs who are learning virtually must have the same access to general education peers and the general education curriculum. In addition, virtual

education cannot be used as an alternative to suspension without compromising a student’s due process rights.

The purpose of this document is to ensure the rights of students with disabilities who participate in virtual learning options are protected by educating those involved in the construction of the IEP as they navigate FAPE in the LRE through the lens of virtual education.

What is Virtual Learning?

Michigan’s legislative definition of virtual learning, or a “virtual course”, is “a course of study which is capable of generating a credit or a grade and is provided in an interactive learning environment in which the majority of the curriculum is delivered using the internet and in which pupils are separated from their instructor or teacher of record by time or location, or both.” ([MCL 388.1621f](#))

Virtual learning is a method of receiving academic instruction in one or more courses for which the pupil is registered. The course(s) are taken through a computer-based, internet-connected learning environment. Virtual learning is open to all students, including students with IEPs. For various reasons, virtual learning can be an attractive option for parents of students who have experienced difficulties in the traditional brick-and-mortar setting, students who require greater flexibility in their schedules, or students with medical or social-emotional needs.

Michigan is a local control state; therefore, virtual learning options vary from district to district and, in some cases, even from school to school within a district. Virtual learning encompasses participation in one course, a combination of courses, or 100% of courses. The amount or frequency of virtual learning a student receives is categorized in the Michigan Student Data System (MSDS) as full-time virtual, face-to-face virtual, and supplemental virtual. More information about these different virtual educational settings and Cyber Schools can be found under the “Educational Settings” heading below.

Online Learning Experience and Educational Settings for Students with IEPs

To prepare Michigan students for the digital world, an online learning experience is a mandatory part of MMC graduation requirements. Although there are a variety of ways the online experience requirement can be met, it is important for districts to understand that all other state and federal requirements for students with disabilities extend to those online learning experiences.

The IDEA presumes LRE to be the general education classroom. Specifically, [34 CFR §300.114](#) requires that each public agency must ensure, to the maximum extent appropriate, students with disabilities are educated with students without disabilities. Additionally, this regulation requires special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occur only if 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. The LRE requirements state the public agency must have available a [continuum of alternative placements](#) in accordance with [34 CFR §300.115](#) placement determinations, and students with disabilities must have access to and can participate fully in nonacademic and extracurricular activities. [34 CFR §300.116](#) requires the IEP Team to consider any potentially harmful effects on the student or the quality of services the student needs, and that a student with a disability is not removed from education in age-appropriate general education classrooms solely because of needed modifications in the general education curriculum.

The U.S. Department of Education Office of Special Education Programs (OSEP) developed 18 indicators to help each state measure and report on efforts to educate students with IEPs. Performance on each indicator is reported in the State Performance Plan (SPP) and Annual Performance Report (APR). Each member district's performance is measured in comparison to targets for indicators reported in the APR. Supporting the IDEA LRE requirements, the SPP Results Indicator B-5 (Educational Environments) measures the percentage of students with an IEP, aged five and enrolled in kindergarten through age 21, who are served in general education classes, in public/private separate schools, residential facilities, or homebound/hospitalized placements. B-5a measures the number of students with IEPs who spend 80% or more of the day inside the regular classroom, including students in the virtual environment. Michigan's state target for

indicator B-5a is, greater than 70% of students with IEPs are educated in general education for 80% or more of the day.

Educational environment determinations for virtual learning include consideration of the educational setting and the mode of delivery, which are defined in the [Center for Educational Performance and Information \(CEPI\) Michigan Student Data System \(MSDS\) Collection Details Manual](#). CEPI is the agency responsible for collecting, securely managing, and reporting education data in Michigan. CEPI, MDE, and local districts worked together to develop MSDS for student data reporting. CEPI identifies the following settings for which an entity is authorized to provide virtual instruction.

Virtual School versus Virtual Program

With the requirement for all students to participate in an online learning experience, virtual options have significantly expanded since 2006. Based on data published in Michigan's K-12 Virtual Learning Effectiveness Report 2022-2023, there are over 600 Michigan public schools that reported at least one virtual enrollment, and over 259,000 students opted to take at least one virtual course, totaling more than 1 million virtual enrollments. Educators and administrators must understand the various online learning experiences available in Michigan for all students.

The terms "virtual school" and "virtual program" refer to educational opportunities that utilize online platforms, but they represent distinct concepts and structures within the educational realm.

- Virtual programs refer to specific courses, modules, or sets of courses offered online, which may be part of a larger educational framework. Virtual programs, such as advanced placement courses, enrichment programs, or vocational training, may focus on particular subjects, skills, or interests. Virtual programs can be operated within an existing school. Unlike virtual schools, virtual programs may be more flexible in terms of scheduling and can be taken part-time or as supplementary education alongside traditional schooling. Virtual programs are often non-accredited.
- Virtual schools are complete educational institutions operated by a Local Education Agency (LEA) or a Public School Academy (PSA) that must fulfill the same requirements as a traditional brick-and-mortar school. Virtual schools have their own staff and administration, issue credits, and grant diplomas.

Similarly to how CEPI identifies the settings for which an entity is authorized to provide virtual instruction, CEPI identifies program offerings by entity codes. Virtual programs do not require a separate entity code. A district will receive or must obtain a separate entity code for the virtual option offered when it has its own students, staff, and administration, separate from existing schools. Further information can be found in the [Virtual Option Checklist for Districts](#).

Virtual Education Structures

- **Full-Time Virtual (FTV):** The school has no physical building where students meet with each other or with teachers. All instruction is virtual.
- **Face-to-Face Virtual (FFV):** Virtual with face-to-face options; the school focuses on a systematic virtual instruction program but includes some physical meetings among students or teachers.
- **Supplemental Virtual (Supp Virt):** The school offers virtual courses, but virtual instruction is not the primary means of instruction.

Virtual Modes of Instructional Delivery

Virtual learning is either synchronous or asynchronous.

- **Synchronous instructional delivery:** Provides scheduled, teacher-supervised instruction in a fully virtual/online setting. This model of instruction requires students to attend regularly scheduled virtual classes with a teacher, which occur in real-time.
- **Asynchronous instructional delivery** provides students with access to fully virtual/online and on-demand instruction. This model enables students to access instructional materials and progress at their own pace, without requiring them to attend regularly scheduled virtual classes with a teacher.

Across virtual education settings, the type and delivery of instruction can take several forms. The CEPI Manual defines the following types of Instructional Delivery:

Type of Instructional Delivery

- **Blended:** A hybrid instructional delivery model where pupils are provided content, instruction, and assessment at a supervised educational facility where the pupil and teacher are in the same physical location and part through internet-

connected learning environments with some degree of pupil control over time, location, and pace of instruction. For a course to be considered blended, at least 30% of the course content is delivered online.

- **Online Course:** A course of study that is capable of generating a credit or a grade that is provided in an interactive, internet-connected learning environment, where students are separated from their teachers by time or location, or both.
- **Digital learning:** A course of study generating a credit or a grade and provided in an interactive, internet-connected learning environment without an instructor in the online environment itself. There may be a teacher of record assigned to the course, the teacher does not provide instruction to students through the online environment. For a course to be considered digital instead of blended, all (or almost all) the course content is delivered online.

Educational Entities and Virtual Instruction

Michigan Department of Education (MDE) classifies educational entities into one of seven categories: State Agency, Intermediate School District (ISD), Local Education Agency (LEA), Public School Academy (PSA), Non-Public School, Higher Education Institution, and Other. Virtual instruction applies to all categories.

Local Education Agency (LEA)

LEAs are public agencies responsible for providing free public education to all students and a free appropriate public education to students with disabilities. All LEAs must follow the MMC requirements, including providing for an online learning experience.

As provided in [MCL 380.5\(6\) of the Revised School Code](#), A Local Education Agency (LEA) is a "Public school." Public schools are public elementary or secondary educational entities or agencies whose primary mission is the teaching and learning of academic and vocational-technical skills and knowledge. Public schools are operated by a school district (LEA), intermediate school district, public school academy corporation, strict discipline academy corporation, urban high school academy corporation, or by the department or state board. Public schools also include laboratories or other elementary or secondary schools controlled and operated by a state public university, as described in sections 4, 5, or 6 of [Article VIII of the State Constitution of Michigan of 1963](#).

LEAs are public schools operating in accordance with the MDE's statutes, regulations, and policies. An LEA may include any grade configuration and educational settings (including alternative education, special education, career, virtual, and technical education) and may also provide virtual learning options.

Public School Academy (PSA)

Pursuant to the Michigan Revised School Code, also known as [Public Act 451 of 1976](#), a PSA is a state-supported public school under the state constitution, operating under a charter contract issued by a public authorizing body ([MCL 380.501\(1\)](#), [MCL 380.552](#)). PSAs are LEAs and are commonly referred to as charter schools. PSAs may include grades K-12 or any combination of those grades. PSAs may not charge tuition and must serve anyone who applies to attend up to enrollment capacity, which means they may not screen out students based on race, religion, gender, disability, or test scores. To ensure a student with a disability enrolled in a public school academy receives special education programs and services, the public school academy is considered a local school district under [MCL 380.1701a](#).

Organization Structure of a PSA

A PSA is a public school within the jurisdiction of an ISD, and it is bound by the same federal and state requirements as other districts within the state and under the general supervision of the ISD.

PSAs operate under a contract with an authorizer, which can be a public university, community college, intermediate school district, or a local traditional school district. Under [MCL 380.502\(4\)](#): “An authorizing body shall oversee or shall contract with an intermediate school district, community college, or state public university to oversee each public school academy operating under a contract issued by the authorizing body. The authorizing body oversees compliance by the board of directors with the contract and all applicable laws. A list of the authorized PSAs is available by visiting [Public School Academies by Authorizer](#).”

Cyber Schools

Cyber schools are a type of PSA that offers full-time virtual instruction. [Section 5-0-C of the PAM](#) defines Cyber Schools as “100 percent online schools.” A cyber school must provide a minimum of 1,098 hours of instruction during a school year to students throughout the state through online learning or otherwise on a computer or other technology, for which instruction and learning may be remote from a school facility.

Pursuant to [MCL 380.556\(7\)](#), a cyber school authorized by a school district or ISD shall prioritize enrollment to students who reside in the school district or ISD, which is the authorizing body.

LEA/PSA Obligations

Throughout this document, the term LEA or districts includes PSAs. The district operating a virtual school or program is responsible for compliance with the IDEA and Michigan Administrative Rules for Special Education (MARSE) requirements. Regardless of governance, federal and state regulations related to students with IEPs apply to students enrolled in virtual programs and students attending virtual schools to the same extent as students with IEPs attending traditional brick-and-mortar schools. This includes providing an individual FAPE in the LRE and ensuring discipline protections are provided. Additionally, FAPE consists of the provision of specially designed instruction by qualified personnel. Michigan requires all LEA educators to be certified according to State standards, with the exception of special education personnel, which must meet the IDEA requirements of [34 CFR §300.156](#).

Students attending an LEA/PSA, either virtually or in-person, must be assessed annually as part of the Michigan Student Test of Educational Progress (M-STEP) and are subject to other state-mandated assessments such as the Michigan Merit Exam (MME). Policies and procedures must be in place to ensure students with disabilities attending virtual LEAs and virtual schools that are part of an LEA are:

- Included in all general State and district-wide assessment programs (including assessments described in section 1111 of the [Elementary and Secondary Education Act of 1965](#)).
- Receive appropriate accommodations and alternate assessments, where necessary and as indicated in their respective individualized education programs ([34 CFR-§300.160](#)).

Virtual Requirements and Guidance

All legal requirements under the IDEA and MARSE apply in the virtual context for a student with a disability as defined in [MARSE R 340.1702 Rule 2](#).

In 2016, the U.S. Department of Education issued a “[Dear Colleague Letter, \(OSERS/OSEP 2016\)](#)” addressing the application of the IDEA norms to virtual schools.

“The educational rights and protections afforded to students with disabilities and their parents/guardians under IDEA must not be diminished or compromised when students with disabilities attend virtual schools. If a virtual school is a school of an LEA, the LEA is generally responsible for ensuring the requirements of the IDEA are met by the virtual school for students with disabilities participating in the virtual program.”

Child Find and Virtual

Each SEA must have Child Find policies and procedures in place to ensure all students with disabilities are identified, located, and evaluated, including those enrolled in virtual schools and programs. Child Find for students attending school virtually may present unique challenges. Students enrolled in a virtual school or participating in a virtual program generally may not have the same degree of face-to-face interactions and in-person contact with teachers or other school staff as students attending brick-and-mortar schools. Regardless of the degree of face-to-face interactions, the Child Find obligation remains unchanged. An LEA or PSA, must still identify, locate, and evaluate students suspected of having a disability and must still fulfill the obligations by conducting a comprehensive evaluation in all areas of suspected disabilities using a variety of assessment tools, including observations, as outlined in 34 CFR §300.301-300.306 and 34 CFR §300.310. The evaluation may be completed virtually, in person, or a combination of virtual and in-person.

Free Appropriate Public Education (FAPE)

FAPE is an individual entitlement for each student with a disability, regardless of whether they are learning in a traditional brick-and-mortar school or in a virtual space. According to [34 CFR §300.17](#), eligible students must receive a FAPE, which means special education and related services:

- Are provided at public expense, under public supervision and direction, and without charge.
- Meet the standards of the SEA, including the requirements of IDEA.
- Include an appropriate preschool, elementary school, or secondary school education.
- Are provided in conformity with an IEP that meets the requirements of [34 CFR §§300.320 through 300.324](#).

The requirements for FAPE are outlined under [34 CFR §300.101](#), as follows:

- A FAPE must be available to all eligible students residing in the State, including students with IEPs who have been suspended or expelled from school, as provided for in [34 CFR §300.530\(d\)](#).
- Each state must ensure the obligation to make FAPE available to each eligible student residing in the State begins no later than the child’s third birthday and an IEP is in effect for the student by that date, per [34 CFR §300.323\(b\)](#).
- Each State must ensure FAPE is available to any individual child with a disability who needs special education and related services, even though the child has not failed or been retained in a course or grade and is advancing from grade to grade, per [34 CFR§300.101\(c\)](#).

Determining the Responsibility for FAPE

As subrecipients of IDEA funds, ISDs have the general supervision responsibility to ensure the provision of FAPE and all IDEA requirements are implemented for each student with a disability in their jurisdiction. For purposes of general supervision, the ISD is the LEA because they are the sub-recipient. When a virtual school is a member district or part of a member district within the ISD, it is treated the same as any other brick-and-mortar school within the ISD's jurisdiction.

- If the virtual school operates as part of an LEA in which the student resides, the LEA is responsible for the provision of FAPE.
- If the virtual school is associated with an LEA where the student doesn’t reside but has enrolled under school of choice, the virtual school and ultimately the LEA is responsible for the provision of FAPE.

- If an LEA where the student is enrolled contracts with a third-party vendor or management company to operate the programs and services with a virtual school, program, or service to provide an online course, the LEA in which the student is enrolled retains the responsibility for the provision of FAPE.

This is not an exhaustive list, and each situation should be reviewed carefully based on the unique circumstances and needs of the student.

Least Restrictive Environment (LRE)

Under IDEA, students with disabilities have a right to be educated in the LRE, which is where they would be educated if they did not have a disability, regardless of learning in a traditional brick-and-mortar school or in a virtual space. The LRE requirements, as outlined in [34 CFR §§300.114 through 300.117](#) indicate the following:

- Each public agency must ensure:
 - To the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, are educated with students who are nondisabled.
 - Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment only occurs if 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.
- Per [34 CFR §300.115](#), each public agency must ensure a continuum of alternative placements is available to meet the needs of students with disabilities for special education and related services and must include:
 - Alternative placements are listed in the definition of special education under [34 CFR §300.39](#).
 - Provision for supplementary services, such as resource room or itinerant services, to be provided in conjunction with regular class placement.

In determining the educational placement of a student with a disability, including a preschool child with a disability, each public agency must ensure the following per [34 CFR §300.116](#):

- The placement decision is made by a group of persons, including the parents and other persons knowledgeable about the student and the meaning of the evaluation data, and is made in conformity with the LRE provisions.
- The student's placement is determined at least annually based on the student's IEP and is as close as possible to the student's home.
- In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services the student needs; and
- A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

LRE also includes nonacademic settings, per [34 CFR §300.117](#). In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in [§300.107](#), each public agency must ensure that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child. The public agency must ensure each child with a disability has the supplementary aids and services determined by the child's IEP Team to be appropriate and necessary for the child to participate in nonacademic settings.

The range of possible educational environments is referred to as a continuum of alternative placements, ranging from least restrictive to most restrictive, and is represented in the [Least Restrictive Environment \(LRE\) Continuum](#). The continuum of alternative placements is not dependent on a physical location and does apply to virtual schools and virtual programs. Placement decisions cannot be made based on a district's available resources or the ability of the school to hire and recruit qualified staff ([71 Federal Registry, page 46558](#)). A district's needs, program structure, or available resources, including budgetary considerations and difficulty recruiting and hiring qualified staff, do not relieve the district of its obligation to ensure a continuum of alternative placements are available and to offer a full range of services to meet the needs of students with disabilities. The obligation to have a continuum of alternative

placements "available" does not mean a district is required to create special schools, residential programs, or other specialized placements for students with IEPs.

A district can satisfy this requirement by either operating the special education program or by contracting with another ISD/Regional Educational Service Agency (RESA) and/or another LEA consistent with [MCL 380.1751b](#). When determining LRE, consideration must be given to any potential harmful effect on the student or on the quality of services the student requires. All educational setting decisions, including those resulting in a reduction of time with peers without disabilities, must be explicitly stated and documented in the student's IEP [34 CFR §300.116\(d\)](#). The consideration of potential harmful effects is an important topic and worthy of an in-depth conversation when it comes to an IEP Team's determination of whether virtual learning can support the unique needs of a student with a disability and provide a free appropriate public education. In the event a potential harmful effect is identified, the member district must indicate in notice the district's steps to mitigate the impact of the potential harmful effect noted.

In summary, a continuum of alternative placements must be available; however, districts have the option to either operate the program directly or contract with another entity to provide it. The requirements outlined above represent the overall continuum of alternative placement options for delivering special education programs and services, which include both virtual and in-person options. The placement and provision of services must be made on an individual basis by the IEP Team to provide a student with a FAPE.

Discipline Protections in the Virtual Setting

As with LRE and FAPE requirements, virtual schools must comply with all state and federal statutes and regulations regarding discipline protections. For students suspected or identified as having a disability, this includes the implementation of procedural safeguards, such as accurately counting removals, determining patterns of behavior, conducting a manifestation determination review, providing general and special education services, and documenting these services.

Disciplinary removals in a virtual setting may include:

- A pattern of disciplinary removals, extended time excluded from instruction (e.g., removed access to the instructional platform), or extended restrictions on privileges (e.g., Access to discussion boards).
- Regularly limiting instructional access or restrictions in privileges, even for short periods of time; or
- Repeatedly excluding student access to instruction with a condition for return, such as a risk assessment or psychological evaluation.

In general, using informal or formal removals to address a student's behavior, if implemented repeatedly throughout the school year, could constitute a disciplinary removal from the current placement. Therefore, the IDEA Discipline Requirements 34 CFR §§300.530 through 300.536 would generally apply unless all three of the following factors are met:

- The student is afforded the opportunity to continue to appropriately participate in the general curriculum.
- The student continues to receive the services specified on the student's IEP.
- The student continues to participate with students without disabilities to the extent they would have in their current placement.

When examining a change from in-person instruction to virtual instruction or from virtual synchronous instruction to virtual asynchronous instruction, closely examine the type of services and interaction with peers in the new setting. The more significant the differences between the two settings are, the more likely a change of educational placement has occurred.

Refer to the 34 CFR §300.116 and the following MDE OSE Guidance Documents:

- [Determining a Change of Placement.](#)
- [Individuals With Disabilities Education Act \(IDEA\) Discipline Requirements.](#)
- [Conducting a Manifestation Determination Review.](#)

Least Restrictive Environment (LRE) in the Context of Virtual Education

Virtual schools, like all other school districts, must have policies and procedures in effect to ensure all eligible students with IEPs receive FAPE in the LRE. FAPE is an entitlement for each student with a disability, regardless of enrollment in a brick-and-mortar school, virtual program, or virtual school, and may never be compromised for LRE.

The IEP Team meeting serves as a communication vehicle between IEP Team members, enabling them to make informed, joint decisions regarding the development of each student's individualized programming. Just like IEP Teams from brick-and-mortar schools, IEP Teams from virtual schools and virtual programs must determine LRE on a case-by-case basis. The IEP Team plays a critical role in analyzing individual student data to identify the student's unique needs and determine the appropriate supplementary aids and special education services required to enable the student to make reasonable gains toward goals identified during the construction of the IEP. After the development of the student's IEP goals and services, the IEP Team determines the LRE where the student can receive the necessary supports to address the student's individual needs. Consistent with [34 CFR §300.116](#), placement decisions must also include the student when they have reached the age of majority. When the student reaches the age of 18, the student can make their own educational decisions unless a legal guardian has been appointed by court proceedings to make educational decisions, or the student has granted another person power of attorney to make educational decisions. Educational placement is based on the student's present levels of academic achievement and functional performance (PLAAFP), strengths, and needs, and is only determined after the special education services and supports the student requires have been identified.

Special education services and supports enable a student with a disability to:

- Be involved in and make progress in the general education curriculum.
- Make progress toward meeting academic and/or functional annual goals and objectives.
- Participate in other extracurricular or nonacademic activities with peers without disabilities.

Virtual Learning: Intentional Considerations for Determining LRE

All students have access to virtual learning options by way of a free public education. For students with IEPs, though, an IEP Team must ensure the student has access to a

free appropriate public education in the least restrictive environment, which means looking at student needs and engaging in intentional conversations and considerations to determine whether virtual learning is appropriate and would allow for a student to have access to and make progress in the general curriculum. Considerations may include, but are not limited to:

- What opportunities exist for students with IEPs to access grade-level content and participate with peers without disabilities?
- What opportunities exist for all students to socialize and participate in extracurricular activities?
- What procedures and policies are in place to ensure students with disabilities receive the supplementary aids and services/programs outlined in their IEP?
- What accommodations, modifications, and/or other supports have been attempted in the student's previous/current educational environment, and what have the results been?

Virtual Learning Continuum

There are various instructional delivery methods within virtual learning. Virtual learning varies in relation to the modality of the instructional delivery with respect to the level of interaction afforded to participating students. There is a continuum with varying levels of restrictiveness related to the degree of interaction with general education peers and exposure to the general education curriculum.

Provision of Special Education Programs and Services

When developing an IEP, special education programs and related services are determined based on the student's individual needs described in the PLAAFP. Whether virtual or in-person, the IEP Team determines the type, frequency, duration, and location of services based on the unique needs of the student. The student must participate with general education peers to the maximum extent appropriate for the student and be able to make appropriate progress in light of the student's circumstances, in the general education curriculum, and IEP goals.

LRE placement decisions must be based on each student's unique needs. Regardless of the educational environment determined appropriate by the IEP Team, when a student receives virtual instruction rather than in-person brick-and-mortar instruction, the mode

of instructional delivery should be indicated in the IEP. Additional considerations, including the potential harmful effects of instruction in virtual versus brick-and-mortar settings, are critical conversations that must be documented to ensure the offer of FAPE meets the student's unique needs, allowing the student to make appropriate progress in light of their circumstances.

Virtual Instruction in the Home for Students Who Attend a Brick-and-Mortar School

An IEP team may only consider instruction within the home for a student enrolled in a brick-and-mortar school when the student meets criteria for homebound/hospitalized or is placed in an interim alternate education setting (IAES) for disciplinary reasons.

Homebound/Hospitalized

A student with a disability meets eligibility requirements for homebound/hospitalized services under [34 CFR §340.1746](#), when:

- The student's attending physician (Either M.D., D.O., or a licensed physician assistant) provides written certification that the student has a medical condition that requires hospitalization or confinement to the home during regular school hours that is expected to extend for a period longer than five school days.
- The IEP Team reviews and considers the physician's written certification and the impact the student's medical condition has on the student's ability to attend school and benefit from special education and services, and subsequently, the IEP Team determines the student requires homebound/hospitalized services.

When an IEP Team determines a student requires homebound/hospitalized services, the IEP Team must then determine the frequency, duration, and type of services that will be provided to the student. In no case can the district provide less than two nonconsecutive hours per week. The IEP Team may consider the provision of services through virtual means; however, the IEP Team must consider a variety of options to meet the unique educational needs of the student, which may include virtual instruction and in-person instruction in the home.

Interim Alternate Education Setting

When a student is placed in an IAES due to suspension or expulsion, the district must follow discipline procedures to ensure the student is afforded discipline protections under the [IDEA Discipline Requirements](#). The district will report the student as “home-based services” due to suspension or expulsion for the corresponding General Collection.

When an IEP Team determines placement in an IAES due to disciplinary reasons, the team must determine the frequency, duration, and type of services to be provided to the student to ensure the continuation of FAPE. The IEP Team may consider the provision of services through virtual means if determined appropriate for the student's unique needs.

Unilateral District Placement of Students in Virtual Learning

Virtual learning cannot be used as an alternative to discipline for any student with a disability without the provision of discipline protections.

Consistent with [34 CFR §300.114\(a\)](#), a student with a disability can only be placed in special classes, separate schooling, or removed from the regular educational environment if the nature or severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

The IEP Team must consider the use of positive behavioral interventions and supports, as well as other strategies, before removing a student from the general education setting. At no time may a district unilaterally move a student to a virtual environment based solely on behavioral concerns. Nor may a district move a student to a virtual environment in lieu of suspension or expulsion, without first providing discipline protections as outlined in the IDEA. Discipline protections include a manifestation determination review, a functional behavior assessment as necessary, the development, review, or revision of a positive behavior support plan, and, when appropriate, the determination of placement in an IAES by the IEP Team.

Guidance for Notice

The provision of Notice does not change in the virtual context. Notice is written information given to the parent to explain an action the district is proposing to take or is

refusing to take, with a student who has a disability ([34 CFR §300.503](#)). Notice is required when an activity for a student with a disability relates to identification, evaluation, educational placement, and the provision of FAPE, whether in a virtual setting or a traditional brick-and-mortar school. The IEP Team’s documentation of the offer of a FAPE must provide specific information to support the team’s determination. Written notice is required in the following examples related to proposing or refusing educational placement:

- Any change of placement, including graduation, disciplinary changes of placement, or changes from in-person to virtual placement.
- A change in the continuum of placements.
- The provision of a requested special education program.
- Additional information regarding Notice can be found within MDE OSE’s [Guidance for Notice](#).

Legislation and Virtual Education in Michigan

All federal regulations and State laws governing brick-and-mortar schools also apply to virtual education. The following State statutes must be followed, but they do not supersede federal statutes and regulations.

Curriculum and Instruction

Public Acts 123 and 124 (Michigan Merit Curriculum)

In 2006, a rigorous new set of statewide graduation requirements, known as the Michigan Merit Curriculum (MMC), was signed into law. The new graduation requirements required students, starting with those entering 8th grade in 2006, to take an online course, participate in an online experience, or have the online learning experience incorporated into each of the required credits of the MMC. This law applies to all students, including students with IEPs.

Enrollment, Attendance, and Participation

All students have an equal opportunity to participate in virtual programs and instruction. The enrollment requirements for students with disabilities cannot be more stringent than those for students without disabilities. Enrollment, attendance, and participation guidelines are published in the [Pupil Accounting Manual](#) (PAM). The PAM

incorporates IDEA regulations outlined in [34 CFR §300.323 \(e\)\(f\)](#), [MCL 388.1621f\(5\)](#), and other statutory guidance as stated in Section 5-O-D.

According to the National Center for Education Statistics (NCES), [Every School Day Counts: The Forum Guide to Collecting and Using Attendance Data](#) correlates attendance with student performance. Traditional brick-and-mortar models of attendance typically use seat time as the sole measure of attendance. Virtual programs have the option to count the number of meetings, completed assignments, or two-way interactions with instructional staff as a means of attendance. Virtual settings require well-defined attendance policies, including what it means to be truant in a virtual setting. The State of Michigan has a [Compulsory Attendance Act](#) that requires a parent, legal guardian, or other person having control or charge of a student to send that student to public school for education for the entire school year from the age of 6 to the child's sixteenth birthday. Local boards of education have the authority to adopt attendance policies addressing absences.

Each district has the ultimate responsibility to enforce the Compulsory Attendance Act and inform students/parents of their responsibilities for the education of their students. For a student who is already eligible under the IDEA and whose truancy adversely affects learning, the duty to address the absences in the IEP may exist regardless of whether they stem from a disability and irrespective of whether the student is enrolled and expected to attend virtually or at a brick-and-mortar school. The IDEA regulations at [34 CFR 300.324\(a\)\(2\)\(i\)](#) require a district, in the case of a student whose behavior impedes the student's learning or that of others, to consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.”

Pupil Accounting Manual Section 5-O-D

Individuals responsible for reporting enrollment, attendance, and participation at the district level should familiarize themselves with Section 5-O-D of the [Pupil Accounting Manual](#). As explained in 5-O-D, a district may not establish additional requirements that would prohibit a pupil from taking a virtual course. If a pupil is denied enrollment in a virtual course, the district shall provide written notification to the pupil, including the reason or reasons for the denial and a description of the appeal process.

Enrollment in a virtual course may only be denied for any of the following reasons:

- a) The district determined that the enrollment is inappropriate for a pupil who is enrolled in grades K-5.
- b) The pupil has previously gained the credits that would be provided from completing the virtual course.
- c) The virtual course is not capable of generating academic credit.
- d) The virtual course is inconsistent with the remaining graduation requirements or career interests of the pupil.
- e) The pupil has not completed the prerequisite coursework for the requested virtual course or has not demonstrated proficiency in the prerequisite course content.
- f) The pupil has failed a previous virtual course in the same subject during the two most recent academic years.
- g) The virtual course is of insufficient quality or rigor. A district that denies a pupil's enrollment request for this reason shall enroll the pupil in a virtual course in the same or a similar subject that the district determines is of acceptable rigor and quality.
- h) For a course selected from the statewide course catalog, the cost of the virtual course exceeds the amount allocated to a course under Section 21f (6.67% of the target foundation allowance for the current fiscal year as calculated under Section 20 of the State School Aid Act ([MCL 388.1620](#))), unless the pupil or the pupil's parent or legal guardian agrees to pay the cost that exceeds that amount.
- i) The virtual course enrollment request did not occur within the same timelines established for enrollment and schedule changes for regular courses.
- j) The request for a virtual course enrollment was not made in the academic term, semester, trimester, or summer preceding the enrollment. This does not apply to a request made by a pupil who is newly enrolled in the district.
- k) The course has reached capacity, and the district has restricted enrollment to resident applicants.
- l) The district does not support enrollment in more than two (2) virtual courses in an academic term, semester, or trimester.

Districts must also consider the requirements for IEP implementation during virtual instruction. Issues related to curriculum, instruction, assessment, materials, methodology, and technology all need to be addressed to ensure the required supports are in place to allow students with IEPs access to any required special education programs and supplemental aids and services necessary to meet the specially designed

instructional supports designated in the student’s IEP. Michigan Virtual developed an [Online Learner Readiness Rubric](#) as a resource to help identify specific areas of consideration where students may need additional support to ensure better success. [Appendix A](#) provides additional considerations for IEP Teams.

Education Record Maintenance and Confidentiality

Regardless of whether it is a traditional brick-and-mortar school district, a virtual school, or a program, States and public agencies are required to maintain records to demonstrate compliance with program requirements under the [Education Department General Administrative Regulations \(EDGAR\)](#). EDGAR is a regulation governing all federal grants awarded by the United States Department of Education (USDOE). Student records must be maintained and accessible to the district and all relevant parties in accordance with the EDGAR regulations. Neither the IDEA nor its implementing regulations specifies the required documentation to be maintained to demonstrate compliance with the IDEA requirements. Therefore, districts must document the implementation of the IEP with sufficient detail, consistent with [34 CFR §300.323\(c\)\(2\)](#).

Confidentiality of Records

[The Family Education Rights and Privacy Act \(FERPA\)](#) provides confidentiality protections for parents and students regarding educational records. FERPA makes no distinction between electronic and other records. FERPA governs all records maintained by schools regarding students, written on paper, captured in film, photographs, audio tape, or otherwise, and governs them similarly. Each school must ensure that “reasonable methods” are used to protect all student records, preventing unauthorized access to education records, and maintain student records so they are available upon request by authorized individuals, as FERPA defines that term.

For more information regarding FERPA, please visit the US Department of Education's [FERPA | Protecting Student Privacy](#) website.

Additionally, [34 CFR §300.611–300.625](#) of the IDEA contains confidentiality provisions apply to personally identifiable information (PII) related to students with disabilities who are referred to or who receive special education services.

The [IDEA Part B Confidentiality Checklist](#) was designed to aid in identifying policies, procedures, and practices necessary to meet confidentiality provisions.

Guidance for Meeting IDEA Mandates

When providing for the education of students with disabilities within its jurisdiction, each district offering virtual learning opportunities should have policies and procedures in place regarding virtual instruction. The following information is recommended to be included in policies and procedures, but is not limited to:

- Child Find as it pertains to the virtual setting.
- How to identify and support the unique needs of each individual student with a disability in a virtual setting.
- LRE considerations as they pertain to a virtual setting.
- How to individualize and document the type and frequency, location, and duration of educational settings, programs, and services appropriate for each individual student.
- Discipline protections for a student with a disability.
- How the virtual school will be monitored for compliance with the IDEA requirements.
- How to collect and report timely data.
- Personnel qualifications under the IDEA.
- Dispute resolution procedures for a student with a disability.
- Confidentiality requirements as they pertain to the intersection of IDEA and FERPA in a virtual setting.
- Ensuring all students with a disability participate in state and district-wide assessments.
- All students with disabilities are provided the opportunity to access and participate in “nonacademic and extracurricular services and activities...” per [34 CFR §300.117](#).

Considerations for IEP Compliance

All legal requirements under the IDEA apply to virtual programs. IEP content for all students must include:

- A statement of how the student’s progress will be measured [34 CFR §300.320\(a\)\(3\)](#).
- How the student’s progress on annual goals will be measured as part of the virtual program and how progress reports (concurrent with the schedule for issuance of report cards for students without disabilities) will be generated and provided to the parent/guardian.
- A statement of the special education services (i.e., specially designed instruction) provided to the student through the virtual program. [34 CFR §300.320\(a\)\(4\)](#).
- Review of the student’s IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved [34 CFR §300.324 \(b\) \(1\) \(i\)](#).
- Revise the IEP as appropriate to address any lack of expected progress toward the annual goals described in [34 CFR §300.324\(a\)\(2\)](#)), and in the general education curriculum, if appropriate; the results of any reevaluation; Information about the child provided to, or by, the parents, the child’s anticipated needs; or other matters.

[Appendix A](#) provides additional considerations for IEP Teams.

Monitoring in the Virtual Context

MDE OSE, in collaboration with ISDs, is required to monitor LEAs, PSAs, and ISDs for compliance with the IDEA and MARSE. This applies to all virtual learning options, including cyber, hybrid, and traditional brick-and-mortar settings. ISDs, as subrecipients of the IDEA grant, have a general supervision obligation to ensure the provision of FAPE for all students within their jurisdiction. Integrated monitoring is an integral component of an effective general supervision system, which each ISD must establish. Under the general supervision system, ISDs are reminded to include virtual schools in general supervision activities to ensure compliance, just as they must for all brick-and-mortar schools within their jurisdiction. The following pertinent special education requirements identified in the IDEA Part B are specifically monitored on an annual basis:

- The provision of a FAPE in the LRE.

- Disproportionate representation of racial and ethnic groups in special education and related services, to the extent that the representation is the result of inappropriate identification.
- State exercise of general supervisory authority, including Child Find, IEP development and implementation, and effective monitoring.
- The use of resolution sessions, mediation, voluntary binding arbitration, and a system of transition services.

Based on these areas, MDE OSE reviews and analyzes data to develop criteria for identifying districts that require additional monitoring activities. This may include procedure and/or monitoring reviews, which are comprised of on-site or virtual monitoring. ISDs must also regularly monitor their member districts, including virtual schools, for compliance with requirements.

Resources

MDE OSE Information Line 1-888-320-8384

[Frequently Asked Questions for Successfully Navigating Virtual Education for Students with Disabilities](#)

[2024-25 Pupil Accounting Manual](#)

[Center on Online Learning and Students with Disabilities – Quality of Life, Learning and Performance](#)

[Dear Colleague Letter, \(OSERS/OSEP 2016\)](#)

[Education Department General Administrative Regulations](#)

[Family Matters Nonpublic and Home Schools Fact Sheet](#)

[FAPE and LRE in Online Learning: Special Education Director's Perspectives](#)

[FAQs for Section 21f of the State School Aid Act](#)

[FAQ on Special Education Legal Fiscal and Data Reporting Requirements During COVID-19](#)

[Guide to Virtual Course Implementation: Under Section 21f of the State School Aid Act | Michigan Virtual](#)

[Individualized Education Program \(IEP\) Development: Special Education Programs and Services](#)

[IDC Online Learning and IDEA Educational Environments \(Ages 6-21\)](#)

[Learning at a Distance Guidance](#)

[Michigan Charter Schools Questions and Answers](#)

[Michigan Department of Education 2023 Graduation Rates](#)

[Michigan Legislature - Section 388.1621f](#)

[Online Learning Resources | Alt+Shift](#)

[Public Agency Placement of Students With Disabilities in Private Schools](#)

[Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools](#)

[Sec. 300.17 Free appropriate public education - Individuals with Disabilities Education Act](#)

[Sec. 300.101 Free appropriate public education \(FAPE\) - Individuals with Disabilities Education Act](#)

[SETDA eLearning Coalition](#)

[Summary of State Policy on Online Learning](#)

[Supporting Students with Disabilities in K-12 Online and Blended Learning | Michigan Virtual](#)

[The State School Aid Act of 1979 \(Excerpt\) Act 94 of 1979](#)

[The Annual Report of the Digital Learning Collaborative](#)

[U.S. DOE OSE Q&A: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions](#)

[Virtual Learning/Instruction](#)

[Virtual Instruction for Students with Disabilities: Meeting IDEA and Section 504 Mandates](#)

[Virtual Learning](#)

Appendix A: IEP Considerations for Virtual Instruction

Under the IDEA, the vehicle for providing FAPE is through an appropriately developed IEP based on the individual needs of the student. An IEP must include a student’s present levels of academic achievement and functional performance, and the impact of a student’s disability on their participation and progress in the general education curriculum. The IEP must be developed, reviewed, and revised in accordance with the requirements outlined in the IDEA in [34 CFR §§300.320 through 300.328](#). This is true regardless of the student’s education environment (brick-and-mortar, virtual, or hybrid).

Purpose

The table below is intended to provide virtual learning considerations for IEP Team members when constructing IEPs for students with disabilities. The idea and structure for the document came from the [Vermont Agency of Education's Annotated IEP with Distance Learning Considerations](#).

Table 1: Virtual Learning Considerations for IEP Teams

IEP Components	Virtual Considerations	Potential Learning Supports
<p>Present Levels of Academic Achievement and Functional Performance (PLAAFP):</p> <p>(i) Educational Impact: How the student’s disability affects involvement and progress in the general education curriculum</p> <p>(ii) Access to Education: How the student will participate and progress in the</p>	<ul style="list-style-type: none"> • What strategies will need to be used to address the student’s identified needs in the virtual learning environment? • Will the student need extra strategies and visuals to keep organized and manage time effectively? • Will a copy of visuals need to be created or sent home? • How will the student access material and will virtual texts be sufficient? • What opportunities are available for peer interaction? • What behavioral challenges affect the student at home? • What attentional challenges affect the student at home? 	<ul style="list-style-type: none"> • Student will access educational materials via home computer and will access visuals using an iPad provided by the LEA. • Student will attend a virtual morning meeting with peers and classroom teachers using the video conferencing platform on their computer. • The general education teacher and/or special education teacher will send pre-made visuals and instructional material to help support the student in virtual learning. • Student and teacher will attend brief virtual check-ins before the morning meeting

IEP Components	Virtual Considerations	Potential Learning Supports
<p>general education curriculum</p> <p>MEDICAL: (Health, vision, hearing, or other medical issues)</p>	<ul style="list-style-type: none"> Is there any assistive technology that can support the student in the virtual environment? 	<p>to go through the schedule and to help organize work and time for the day.</p> <ul style="list-style-type: none"> Student will participate in small group peer check-ins with varied classmates once a week along with the rest of the class to facilitate peer interaction. Students may require virtual applications or programs to help in self-regulation of behaviors.
<p>Measurable Annual Goals & Progress</p> <p>*FAPE requires ongoing monitoring of IEP goal progress to determine growth from baseline to level of attainment as well as providing periodic reports of student progress.</p>	<ul style="list-style-type: none"> Can the target skill of the goal be reasonably addressed in the virtual environment? When reviewing each IEP goal, consider all the IEP goal components including the target skill, any conditions outlined in the IEP goal statement, and baseline and level of attainment. Procedures for monitoring IEP goal progress must also be considered and addressed. How are a student’s disability-related needs best supported through synchronous learning (instruction between student and teacher is at the same time) or asynchronous learning (students accessing instruction on their own time and at their own pace) so the student can make progress on IEP goals and in age or grade-level curriculum and standards (this should be aligned with the grade level of 	<ul style="list-style-type: none"> Student phonics instruction will be provided synchronously by the teacher via a virtual platform. Student’s reading comprehension may be progress monitored using student work samples. Student’s synchronous program provides a weekly progress report to the student/guardian(s). Additionally, they offer live lessons Monday through Thursday in core content areas. Students can attend Student Support hours Monday through Thursday to get help on specific questions around their assignments, tests, or quizzes. <p>NCII: FAQ on Collecting Progress Monitoring Data Virtually</p>

IEP Components	Virtual Considerations	Potential Learning Supports
	<p>enrollment, not to the student's ability level)?</p> <ul style="list-style-type: none"> • How does the virtual environment impact the reliability, validity, feasibility, and usefulness of data collected to measure student progress? • What barriers may exist in progress monitoring tools previously used in face-to-face settings which may prevent the student from accessing and demonstrating what they know and can do in a virtual learning environment? 	
<p>Related Services, Supplemental Aids and Services</p>	<ul style="list-style-type: none"> • How will Special Education and Related Services be provided? • How will providers document services that are and are not provided? • What is the best form of communication for Case Management? • Does the family have access to the internet, email, online learning platform, or phone? • Does the family need parent counseling and training as a potential related service? 	<ul style="list-style-type: none"> • Potential plan for related services must include Frequency, Time, and Duration. (Speech and Language Services Weekly, 30 minutes, online learning platform). <p>Sample Accommodations:</p> <ol style="list-style-type: none"> 1. Text is read aloud to the student via an external screen reader or by a trained and qualified human reader. 2. Scribe (all except English Language Arts) Students dictate their responses to a human who records verbatim what they dictate. 3. Simplified directions: An adult simplifies or paraphrases directions. 4. Text-to-speech (ELA reading): Text is read aloud to the

IEP Components	Virtual Considerations	Potential Learning Supports
		<p>student via embedded text-to-speech technology.</p> <p>5. (Math): Student will be sent a 100's number chart and calculator along with any math manipulatives to their home to support remote learning.</p>
<p>Transition Services</p> <p>*Beginning no later than the first IEP in effect when a student turns 16, the IEP must include:</p> <p>(1) Appropriate measurable postsecondary goals based on age-appropriate transition assessments related to training, education, employment, and independent living skills (where appropriate) and</p> <p>(2) Transition services (including course of study)</p>	<ul style="list-style-type: none"> • Even if a student is participating in a full-time virtual program, the IEP Team is responsible for ensuring Transition services are in place. • Does the student have basic email etiquette? • Does the student know how to complete an online job application? • Does the student require services from outside agencies? If so, how will this student access the outside agency. 	<ul style="list-style-type: none"> • A potential plan could include practice using a GPS device, phone apps, or an online mapping service when traveling in the community. • Student will participate in virtual education and training options and be able to use skills related to self-advocacy and self-determination to access services. • Student participates in virtual transition services working with Michigan Rehabilitative Services (MRS).

**Note: IEP supports and services must always be individualized based on the student's unique disability-related needs and IEP goals.*

Table 2: Virtual Learning Service Delivery Models

Service Delivery Model	LRE Considerations
Full-Time Virtual	<ul style="list-style-type: none"> • What opportunities exist for students with disabilities to access general education grade-level content and participate with their non-disabled peers? • How much synchronous instruction is being delivered to students in all subject areas (general education)? What is the expectation for the amount of time students will spend participating in asynchronous learning activities to support their general education opportunities? • How will Specially Designed Instruction (SDI) and practice on IEP goals be delivered with sufficient intensity to allow students to progress without significantly increasing their total time or workload? • For students who receive services primarily in self-contained settings, how is the time typically spent in general education maintained in the distance and/or virtual environment? For example, do students’ daily/weekly schedules account for related arts classes that they may have participated in during face-to-face instruction? • What opportunities exist for all students to socialize and participate in extracurricular activities (i.e., virtual lunch bunches, virtual recess, virtual club meetings during what may have been a “study hall” in the physical building)? • If these opportunities do not exist for all students, can they be facilitated to preserve participation in non-academic activities for students with disabilities?
Hybrid/Supplemental Virtual	<ul style="list-style-type: none"> • For students with disabilities who spend the majority of their day with their general education peers, do the staffing and/or rotation schedules for face-to-face instruction account for the face-to-face supports needed by the student in the virtual setting? • When determining instructional groups, consider how to balance the amount of time students interact with their non-disabled peers in both the virtual and face-to-face settings so they are not further restricted from accessing general education peers and content when they are in the school building.

Service Delivery Model	LRE Considerations
	<ul style="list-style-type: none"> • Of the face-to-face opportunities offered, to what extent are students in self-contained classrooms included with their general education peers?
Face-to-Face Virtual	<ul style="list-style-type: none"> • Would the student benefit from asynchronous assignments and activities? • Would the student benefit from synchronous assignments and activities? • Does the student have the technology skills required to participate in virtual instruction? Is additional training required to prepare the student for the virtual instruction? • How are accessibility needs accounted for in creating and displaying content, materials, and learning tools?

Appendix B: Virtual Learning Accessibility of Instruction

Purpose

The table below is intended to support IEP Teams as they proactively plan virtual instruction to increase access and engagement for students with disabilities during virtual learning. The idea and structure for this document were derived from the [TN Department of Education Virtual Learning Accommodation and Modification Options](#).

Table 3: High-Tech Accessibility Options

Virtual Learning	Accessibility Considerations	Resources
Operating System	<ul style="list-style-type: none"> • Color filters • Color contrast • Screen readers • Resize icons, text, mouse, and more • Magnify • Voice control • Text-to-speech and speech-to-text 	<ul style="list-style-type: none"> • Chromebook Accessibility • Microsoft Accessibility • Mac Accessibility
Web Browser	<ul style="list-style-type: none"> • Zoom or magnify • Make text larger or smaller • Text-to-speech • Change font, size, and colors • Caret browsing 	<ul style="list-style-type: none"> • Chrome Accessibility • Internet Explorer Accessibility • Firefox Accessibility
Delivery Platform	<ul style="list-style-type: none"> • Closed captioning • Automatic transcripts • Screen reader • Text-to-speech/speech-to-text • Braille display 	<ul style="list-style-type: none"> • G-Suite Platform Accessibility • Zoom Accessibility • Skype Accessibility

Accommodations

Accommodations change **how** the student is taught or expected to learn. They provide necessary access during instruction and assessments, and neither changes the construct being assessed nor compromises the integrity or validity of the assessment or content. They are intended to reduce or even eliminate the effects of a student’s disability.

Table 4: Virtual Learning Options: Presentation

Accommodation	Virtual Learning Options: Presentation
Large Print	<ul style="list-style-type: none"> • Change your computer settings (Settings-->Ease of Access -->Make text bigger)
Text Read Aloud or Audio Tape	<ul style="list-style-type: none"> • Assign audiobooks (including Epic!, Storyline Online, Newsela) • Enable your computer/device to read text (including Read Aloud Google Chrome Extension) • Enable your computer/device to scan paper assignments and read aloud (including Reader+, Read Text of Scanned Documents)
Designated Reader	<ul style="list-style-type: none"> • Preview the assignment. Reduce repetitive questions (including odds, evens, 1-5) • Avoid changing the complexity of the task; only modify the number of items completed
Instructions Presented Orally	<ul style="list-style-type: none"> • Many video chat platforms allow you to add automatic transcription • Take a picture of your notes and send it to the student • Have another student take a picture of their notes and share • Share your digital notes
Reduce the Number of Items per Page	<ul style="list-style-type: none"> • Type up a clear, concise list of step-by-step instructions and share it with the student
Provide a Copy of the Notes/Outline	<ul style="list-style-type: none"> • Incorporate visual aids during lessons • Record yourself creating a graphic organizer or web using whiteboard apps and share with the student • Take pictures of the visual aids used and share them with the student
Written List of Instructions	<ul style="list-style-type: none"> • Type up a clear, concise list of step-by-step instructions and share it with the student
Visual Aid/Graphic Organizer	<ul style="list-style-type: none"> • Incorporate visual aids during lessons • Record yourself creating a graphic organizer or web using whiteboard apps and share with the student • Take pictures of the visual aids used and share them with the student

Table 5: Virtual Learning Options: Response

Accommodation	Virtual Learning Options: Response
Allow Verbal Responses	<ul style="list-style-type: none"> • Enable ‘Voice Recorder’ on your computer to allow the student to record their verbal response • A student can send their voice recording to the teacher via Google Classroom, Edmodo, or email
Answers Dictated to a Scribe	<ul style="list-style-type: none"> • Enable your computer to perform voice-to-text (including Voice to Text, a Google Chrome Extension)
Permit Responses via Computer	<ul style="list-style-type: none"> • For paper and pencil assignments, allow the student to complete their response on a computer
Permit Spelling and Grammar Assistive Device for Writing Assignments	<ul style="list-style-type: none"> • Enable spell and grammar checker on Microsoft, Google, and other platforms.
Use of a Calculator or Math Facts Table	<ul style="list-style-type: none"> • Supply a calculator from the school, or teach the student how to use the calculator app on their device

Table 6: Virtual Learning Options: Timing

Accommodation	Virtual Learning Options: Timing
Provide a Daily Schedule	<ul style="list-style-type: none"> • Since virtual learning allows for more flexibility with time, create a daily schedule with required times for online learning (including video lessons and chat discussions) • Reach out to the parents and work collaboratively to create a daily schedule that meets the needs of the student
Allow Extra Response Time	<ul style="list-style-type: none"> • Provide think time during virtual learning before requiring a response • Have a student type/submit their answer instead of giving a time restriction for their response
Allow Frequent Breaks	<ul style="list-style-type: none"> • Create a document outlining suggestions for when to take breaks and generate ideas with the student about what they can do during their breaks • Share student breaks document with the parents/caregivers • First/then statements (including first complete ____, then you may ____)

Accommodation	Virtual Learning Options: Timing
Extend Allotted Time for Test/Exam	<ul style="list-style-type: none"> Inform the student about additional time to complete an assignment/test
Allow Additional Time to Complete Assignments	<ul style="list-style-type: none"> Encourage the student to approximate the amount of time they may need for an assignment/test

Table 7: Virtual Learning Options: Settings

Accommodation	Virtual Learning Options: Setting
Provide Preferential Seating	<ul style="list-style-type: none"> Preferential seating means a student’s seat is placed in a location most beneficial for his/her learning Talk with the student and/or parents about where in their home may be the best place for the student to work
Provide a Space with Minimal Distractions	<ul style="list-style-type: none"> Talk with the student and/or parents about where in their home may be the best place for the student to work
Provide Special Lighting or Acoustics	<ul style="list-style-type: none"> Talk with the student and/or parents about where in their home may be the best place for the student to work
Test in Small Group Setting	<ul style="list-style-type: none"> At-home learning is already a small group setting
Use Sensory Tools	<ul style="list-style-type: none"> Allow the parents/caregiver to pick up sensory tools the student used at school to use at home Create a list of sensory tools commonly found at home (including sand, beads, Velcro, weighted blanket)
Use a Timer to Complete a Task	<ul style="list-style-type: none"> Provide options for timers at home (including kitchen timer, phone timer, Visual Countdown Timer app, Visual Timer app)
Mark Texts with a Highlighter	<ul style="list-style-type: none"> Create a task in Microsoft Word or Google Docs and highlight areas to assist with organization (i.e., math keywords, reading clue words, the question being asked)

Modifications

Modifications change **what** the student is taught or expected to learn. Modifications change the content of the standard, which means identifying standards that are fundamentally related but also developmentally appropriate. Many modifications sound or look similar to an accommodation; therefore, ensuring the modification implemented changes what the student is taught or expected to learn is critical. The modification of

the curriculum alone is not a reason to remove or reduce a student with a disability’s participation in the general education setting. The table below is intended to support the necessary modifications as indicated within the student’s IEP.

Table 8: Modifications in Virtual Learning

Modification	Virtual Learning Options
Modified Content: General Strategies	<ul style="list-style-type: none"> • Leverage high-quality instructional materials, if available, which are designed to provide modified instruction aligned to the standards • Provide a similar assignment. For example, in math, students are multiplying polynomials. A modification could be to multiply single-digit numbers. In ELA, students are asked to compare two different novels. A modification could be identifying the story elements from one of the novels, including characters, setting, plot, climax/problem, and conclusion • Provide time with the teacher or paraprofessional to guide the student, provide targeted feedback, and ensure the modifications are appropriate • Consider allowing students to opt out of an assignment, lesson, or learning activity. Many students who need modifications will have deficits in the skills required to access and participate meaningfully in virtual school (i.e., communication, fine motor skills, self-advocacy, sensory needs, pragmatic language, organization and planning, writing/typing). Online learning will therefore require the students to work on content and non-content skills simultaneously. This can cause escalated levels of stress and frustration
Modified Rubric/Scoring/Grading	<ul style="list-style-type: none"> • Modify the assessment scale to ensure the grade aligns with the expectations communicated to the student • Modify the rubric to focus on one or two areas • Modify the rubric expectations within each area • Modify grading to pass/fail or participated/did not participate

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Academy 21

Kathryn Koch

Clinton County RESA (Region 2)

Melissa Strobridge

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Shawn Robson

Sopha Mohammad

Great Lakes Learning Academy

Melanie Miller

Highpoint Virtual Academy

Christina Fazzle

Ingham ISD

Greg Molenda

Insight School of Michigan

Pieter Hoekstra

Kent ISD

Allie Hamel

Link Learning

Laura Bartel

Manistee ISD (Region 1)

Rebecca Biller

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Michelle Driscoll

Stephanie Nicholls

Michigan Connections Academy

Jamin Jones

Michigan Great Lakes Virtual Academy

Brandon Seaver

Michigan Virtual Charter Academy

Gena Sparks

Michigan Virtual Charter Academy

Nicole Price

My Virtual Academy

Aaron Brown

Michigan Department of Education, Office of Financial Management

Brian Ciloski

Jennifer Beagle

Michigan Department of Education, Office of Special Education

Katie Pace

Nancy Rotarius

Jamie Swiger

Michigan Department of Lifelong Education, Advancement, and Potential

Gina Birnbaum

Michigan Virtual

Kristi Teall

Oakland ISD (Region 4)

Michelle Wolschlager

Oakland Schools

Shelley Dickerson

Kristi McAllister

Oxford Virtual Academy

Janet Schell

Pamela Biehl

Personalized Learning Taskforce

Lisa Sitkins

Stride Public and Private Academies

Sandi Brueck

Success Virtual Learning Center of Michigan

Gary Jensen

Laurel Claybaugh

Traverse City Area Public Schools (Region 1)

Tiffany Pomaville

Uplift Michigan Online School

Tonya Lowry

Erin Pielin

Wayne County RESA (Region 4)

Dr. Jennifer Taiariol