

Public-Private Virtual-School Partnerships and Federal Flexibility for Schools during COVID-19

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The coronavirus has altered the daily lives of families around the world. In the United States, one of the most significant changes for millions of families is that most K–12 pupils have become homeschool or virtual-school students for the foreseeable future.

As of March 25, state and local officials in every state have closed some or all brick-and-mortar K–12 schools for at least two weeks, affecting approximately 55 million students.¹ More announcements about extended closures may be coming: Kansas Governor Laura Kelly was the first to close schools in the state for the remainder of the school year.²

Educators in Kansas are turning to online instruction, as are schools around the country, facing the choice of providing virtual courses or forgoing schoolwork entirely, perhaps until the fall. Making effective partnerships with existing online schools and virtual content providers will be critical for students in the coming weeks. Furthermore, policymakers should afford district and charter schools more flexibility with existing resources so that schools can direct taxpayer spending to areas of need. Finally, the US Department of Education has issued guidance that removes regulatory barriers to schools attempting to provide online course material. Schools and districts should not be allowed to cite rules and point to obstacles that prevent any attempts at offering virtual instruction. The pandemic offers an opportunity to see just how quickly, and how extensively, public and private educators can expand virtual instruction—which may change the way society considers all of education in the future.

This special edition policy brief is intended to promote effective ideas among key decision-makers in response to the COVID-19 pandemic. It has been internally reviewed but not peer reviewed.

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VIRTUAL LEARNING

Educators must choose between (1) ceasing all instruction and hoping schools open again before June and (2) leveraging the near-ubiquity of cellphones and internet access to deliver instruction online. The US Department of Education reports that 91 percent of students had some form of broadband internet access in 2017, a figure largely consistent across different residential areas (large city, small town, etc.; the figure falls to 83 percent for “remote, rural” students).³

Media reports indicate that educators are anxious about virtual options. According to NBC News, Keith Krueger of the Consortium for School Networking says, “Preparing schools to move instruction online is a massive undertaking.”⁴ Yet traditional schools should not be intimidated by the prospect of online instruction and should continue to educate students during the pandemic.

For more than a decade, schools in the United States have slowly been integrating part- or full-time virtual instruction. According to the Digital Learning Collaborative, 23 state-based virtual schools enrolled nearly 1 million students in online courses in 2016–2017.⁵ Concurrent with these operations, online charter schools and private virtual schools enrolled between 200,000 and 300,000 students full time in 2013–2014.⁶

Moving from just over 1 million students learning online to 55 million (or more) is no small feat. Federal, state, and local officials can begin this exercise by allowing local educators to scale up existing programs.

Instead of attempting to create new virtual platforms, school districts and physical charter schools should create public-private partnerships with virtual learning providers. Some private providers are prepared for this arrangement. K12 Inc. and Connections Academy, two of the nation’s largest K–12 online learning companies, have already created resources to assist districts.⁷ K12 Inc. has offered district school students access to the company’s online curriculum, while Connections has posted videos online and scheduled webinars to help traditional classroom teachers adapt instruction.

At least one public virtual school has also announced that it can expand its services. The nation’s largest state-based virtual school, the Florida Virtual School, is offering training for state teachers.⁸ VirtualSC, South Carolina’s online school, is providing similar services.⁹ According to local media, Florida Virtual School is prepared to increase its capacity to 400,000 students.¹⁰ If demand continues, the school is considering assigning students to certain times of the day to access content, staggering instruction so that servers are not overloaded.

Of critical importance for the academic success of students during the pandemic and the future of innovation in education in America’s schools is for districts to deliver instruction online in a user-friendly way that is easy to access. Otherwise, students will spend more time trying to find and use the content than completing their lessons, and parents will reflect on this temporary

period as evidence that online platforms are not prepared to meet the learning needs of children across the country.¹¹

Lawmakers should also allow districts to repurpose taxpayer resources meant for bus routes, food service, and facility maintenance, to name a few, and use this spending to purchase education services from online providers. Traditional school budgets are notoriously complicated and opaque owing to federal and state requirements that money be used only for specific purposes. Policymakers should look to existing state charter-school laws for examples of ways to offer flexibility to traditional school districts. Lawmakers should solicit ideas from school leaders as to the areas in which they need waivers from existing spending regulations.

For 30 years, charter schools—both brick-and-mortar and virtual—have had greater discretion over some operational requirements than district schools (personnel decisions and curriculum choices, to name a few). The early period of pandemic responses will allow traditional school district officials, along with lawmakers and taxpayers, to see how such flexibility can allow them to meet student needs.

FEDERAL RESPONSES AND CHILDREN WITH SPECIAL NEEDS

Fortunately for state and local officials as they enter these partnerships, Washington has moved quickly to clarify any rules or regulations that might interfere with brick-and-mortar schools that are moving operations online. On March 16, the US Department of Education released a “fact sheet” concerning students’ civil rights during the coronavirus pandemic. The agency reminded districts to “ensure that students with disabilities have access to the school’s education program.”¹²

While this fact sheet already offered school leaders “discretion” and “significant latitude,” the department appears to have erased any uncertainty on March 21 with another memo that said schools should not fear reprisal for good-faith efforts to move classes online, even for children with special needs. The department said, “To be clear: ensuring compliance with the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act (Section 504), and Title II of the Americans with Disabilities Act should not prevent any school from offering educational programs through distance instruction.”¹³

Such guidance is essential, and state policymakers should follow suit. While some schools are acting quickly to try to repurpose content, other districts are waiting for assurance from other federal and state agencies that they will not face sanctions for attempts to provide online instruction to children with special needs.

For example, at least one district in Washington State is “shying away” from online learning “due to equity concerns and logistical hurdles,” according to reports.¹⁴ Meanwhile, the Michigan

Department of Education issued a memo saying that any virtual instruction will not count as “instructional time” for public-school students, which drew criticism from Governor Gretchen Whitmire.¹⁵ Most Michigan private schools are preparing to consider online work as instructional time.

Parents, taxpayers, and policymakers should not allow traditional schools to claim they do not have the resources or expertise to deliver instruction online, nor should schools hide behind regulations that they say limits a district’s ability to make adjustments. If policymakers and educators do not act quickly and decisively, children could lose all contact with academic material until the next school year begins—a frightening prospect for parents of children with special needs who do not want their children to regress.¹⁶ During the pandemic, school administrators, teachers, parents, and policymakers must understand that schools may have to try different approaches to reach children with special needs, including assistive software and manipulatives such as a specific kind of computer mouse. Existing virtual schools have already been providing such accommodations for children with special needs for many years.¹⁷

As the pandemic forces schools to innovate, Americans will get a glimpse into what the future of learning looks like. Such a perspective could change education content delivery forever, making instruction more flexible and suited to the needs of each individual student. In the coming weeks, schools should continue to attempt to teach students, and they should be able to do so without fear of reprisal from federal or state officials over regulatory requirements.

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NOTES

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