North Carolina Department of

PUBLIC INSTRUCTION

Report to the North Carolina General Assembly

Study Group Results: Working Group on Virtual Academies

SL2021-130, SB654, Part IIIC. Virtual Academies Study, Section 3C

NC DEPARTMENT OF PUBLIC INSTRUCTION

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Introduction

The COVID-19 pandemic disrupted the way we live, work, and the way we educate our children. On March 14, 2020, per Executive Order 117, North Carolina closed its public schools to in-person instruction. In the spring and fall of 2020, Public School Units (PSUs) throughout North Carolina pivoted to emergency remote instruction. While North Carolina PSUs have utilized virtual instruction throughout the past 20 years, pandemic-related legislation allowed for the widespread use of remote instruction. While an emergency transition to remote instruction was problematic for many students, high-quality, purposeful virtual learning in North Carolina has provided many students rich opportunities for over 20 years. As schools reexamine their instructional program post-pandemic, many districts are looking at integrating purposeful, high-quality virtual and hybrid instruction for students and staff to meet the needs of all families.

North Carolina schools have a rich history of offering virtual learning opportunities to meet student and district needs. In 2002, the Cumberland Web Academy was launched, which evolved into present day North Carolina Virtual Public School (NCVPS). Established in 2006, NCVPS has enrolled approximately 648,000 students to date. PSUs have access to online courses through dual enrollment in community college programs, and online courses offered through special programs, such as North Carolina School of Science and Math. These resources have been in use statewide for many years. It is evident that districts have used supplemental virtual instruction as part of their standard instructional program for quite some time.

In the Spring of 2021, PSUs were required to offer in-person instruction while simultaneously offering hybrid and remote learning options. Many also developed new virtual academies. Throughout the 2021-22 academic year, learning disruptions continued due to COVID-19 outbreaks. The pandemic has resulted in increased experience and skill with virtual instruction, which has resulted in an increased demand for virtual academies. From 2018-19 to the present, NC schools have increased from five full virtual academies to 61 (see Table 1). Hybrid virtual schools offer a blend of in-person instruction with online activities, which may include synchronous and asynchronous instruction. Currently, there are four pending applications for virtual academies.

Table 1: Count of Virtual Academies in North Carolina

	Full Virtual	Hybrid Virtual
Pre-Pandemic	5	7
2019-2020 School Year	11	25
2020-2021 School Year	57	39
2021-2022 School Year	61	45

On August 30, 2021, the General Assembly passed SL2021-130, legislation to provide relief to public schools in response to the COVID-19 pandemic. Part IIIC, Section 3C called for the North Carolina Department of Public Instruction (NCDPI) to establish a Working Group on Virtual Academies that includes interested stakeholders from, at a minimum, PSUs, parents, and the State Board of Education to make recommendations related to virtual academies. The Working Group shall be chaired by the Superintendent or Superintendent's designee and shall review in its deliberations data and information gained from the 2020-2021 school year and from the virtual instruction plans submitted by Public School Units for the 2021-2022 school year[1].

Working Group Implementation

The Working Group, co-chaired by Dr. Michael Maher and Dr. Vanessa Wrenn, identified a group of individuals within NCDPI and NCVPS to serve as subcommittee chairs for each of the report requirement

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[1] https://www.ncleg.gov/Sessions/2021/Bills/Senate/PDF/S654v7.pdf

areas. This team met multiple times in September 2021 and October 2021 to define roles and identify external members for the working group. On October 26, external members were invited to join the working group with their first convening on November 10, 2021. External members work in the field of virtual instruction, have extensive knowledge and experience in one of the report requirement areas, or have children served by a virtual academy. A list of members can be found below.

Table 2: Virtual Academy Working Group Committee Members

First	Last	Affiliation
Jason	Atkinson	Superintendent, Bladen County Schools
Lynne	Barbour	Deputy Director, OLR, NCDPI
Jennifer	Bennett	Finance and Business Services, Director of School Business Services, NCDPI
Jill	Camnitz	Northeast Education Region, State Board of Education
Calen	Clifton	Research Analyst, OLR, NCDPI
Elizabeth	Colbert	Executive Director, NC Virtual
Jeni	Corn	Director of Research and Evaluation, OLR, NCDPI
Joy	Crosby	NC Virtual Teacher of the Year, NCVPS
Jennifer	Custer	EC Director Davie County Schools
Jill	Darrough	Section Chief of Digital Teaching & Learning, Digital Learning &Technologies, NCDPI
Tim	Decresie	Director of Digital Learning, Pitt County Schools
Acacia	Dixon	Technical Director, Brunswick County Schools
Bruce	Friend	Head of School Pine Springs Preparatory Academy, CSAB Member
Racheal	Gliniak	Nationally Certified School Psychologist, Wayne County Public Schools
Andrew	Harris	Chief Executive Officer Northeast Academy for Aerospace & Advanced Technologies
Martez	Hill	Chief Executive Officer, NC Cyber Academy
Karen	Hutson	EC Director, Hyde County Schools
Heather	Kaiser	Cumberland Virtual K-5 Teacher
Michael	Maher*	Executive Director, OLR, NCDPI
Florence	Martin	UNCC Professor in Ed Leadership & NCVPS Advisory Council
Ashley	McBride	Digital Learning Initiative Consultant, Digital Learning and Technologies, NCDPI
Rachel	McBroom	Chief Academic Officer, NC Virtual
Leah	Powell	Granville Academy Teacher/Online Program Lead
Kerry	Putnam	EC Director, Transylvania County Schools
Travis	Reeves	Superintendent, Surry County Schools
Katherine	Robinson	Mother of a full-time virtual student, NCVPS
Mark	Samberg	Director of IT Strategy and Shared Services, Digital Learning and Technologies, NCDPI
Marcia	Simmons	Head of School, NC Virtual Academy
Trip	Stallings	NC Cyber Academy Evaluation Consultant
Brian	Stephens	Director of Technology, NC Virtual
Matt	Stover	Superintendent, Catawba County Schools

Sherry	Thomas	Director, Exceptional Children, NCDPI
Tom	Tomberlin	Director, Educator Recruitment and Support, NCDPI
Amy	White	North Central Education Region, State Board of Education
Stacey	Wilson-Norman	CAO, Cumberland County Public Schools
Vanessa	Wrenn*	Chief Information Officer, Digital Learning and Technologies, NCDPI

* Indicates Working Group Co-Chairs

- The Working Group researched and reviewed the following report requirement areas:
- Definitions of virtual instruction and virtual academies, including any differences in the definitions for charter schools and other PSUs.
- Requirements for authorization of virtual academies, including any differences in the requirements for charter schools and other PSUs.
- Additional requirements for virtual academies, including, but not limited to:
  - Infrastructure requirements, if any, such as access to internet connectivity, equipment, hardware, software, and technical support.
  - Instructional requirements, including student monitoring, attendance and testing requirements, measures for completion of instructional days and hours requirements, synchronous instruction minimums, and measures of course credit accrual, progress toward graduation, and course completion.
  - Personnel requirements, including professional development.
  - Participation requirements, including student eligibility and agreements for participation from students and parents.
  - Special education requirements.
  - Term of years for approval for a virtual academy and criteria for initial approval and renewal.
  - Distinctions in requirements for different types of PSUs.
  - A means for identifying students participating in virtual instruction that will allow assessment of that subgroup's performance and EVAAS scores for students receiving virtual instruction in a school that does not exclusively provide virtual instruction.

Definitions of virtual instruction and virtual academies, including any differences in the definitions for charter schools and other PSUs.

VIRTUAL INSTRUCTION

A method of teaching that is delivered online by a qualified education professional, who facilitates the course content, as outlined in the state learning standards, and supports student success.

VIRTUAL ACADEMIES

A credit bearing institution whose primary method of instruction is provided online through a combination of synchronous and/or asynchronous learning.

These definitions remain the same regardless of the PSU type to which they are being applied.

Requirements for authorization of virtual academies, including any differences in the requirements for charter schools and other PSUs.

Virtual academies should require the same authorization as their in-person counterparts.

For traditional school districts, the request for authorization should only require the request for a school number. For a virtual charter school, the request should be identical to applying for any public school charter.

In the request for a charter, it should be clearly stated that the charter is a virtual academy.

Additional requirements for virtual academies.

INFRASTRUCTURE REQUIREMENTS, IF ANY, SUCH AS ACCESS TO INTERNET CONNECTIVITY, EQUIPMENT, HARDWARE, SOFTWARE, AND TECHNICAL SUPPORT.

The infrastructure of a virtual academy should allow staff, students, and families to have 24/7 access to necessary learning materials. Virtual academies can meet this need by ensuring that:

- Students and staff have access to sufficient bandwidth in schools and at home. For virtual learning sufficient means that Internet access is consistently available at a level of service and quality that broadband access does not present a barrier to virtual learning.
- Students and staff have access to mobile devices.
    - In addition to making devices available to students as needed, PSUs will need to be able to offer a device and/or adopt a Bring Your Own Device Policy to enable students to use the devices that best fit their learning preferences.
    - Devices used by students and staff need to be outfitted with camera and audio capabilities. Additional headsets, microphones, or webcams may need to be accessible to ensure these capabilities.
    - Devices provided to students need to meet the needs of the student, including accessibility needs for students with Individualized Education Plans. This may include supplementing devices with additional assistive/adaptive equipment.
    - PSUs will need to adopt and plan for sustainability with a consistent replacement cycle, based on the device type.

Software and/or applications that are made available to staff and students for virtual learning should:

- Provide the ability to monitor student performance and school-owned devices.
- Allow easy access to an appropriate Learning Management Platform as a single point-of-entry for all instructional materials and resources.
- Enable video conferencing and supervised text-based chat so students and teachers can connect synchronously as needed.

Assessments of the software and applications in use in virtual-learning environments should be reviewed on an ongoing basis to ensure students and staff have what is needed to provide instruction and maintain consistent communication. These assessments should ensure that resources are:

- Maintaining technical compatibility with the infrastructure of virtual learning.
- Interoperable and able to provide data to the Learning Management System.
- Meeting data privacy laws and standards along with cybersecurity best practices.
- Accessible to all students who are expected to use them, including all necessary supports for students with disabilities and/or unique learning needs.
- Aligned to North Carolina standards and are of high instructional value.

Students, staff, and parents need consistent access to technical support personnel. This includes being able to receive support remotely as needed, and availability of technical support should reflect the hours and timing of a virtual instructional day.

INSTRUCTIONAL REQUIREMENTS, INCLUDING STUDENT MONITORING, ATTENDANCE AND TESTING REQUIREMENTS, MEASURES FOR COMPLETION OF INSTRUCTIONAL DAYS AND HOURS REQUIREMENTS, SYNCHRONOUS INSTRUCTION MINIMUMS, AND MEASURES OF COURSE CREDIT ACCRUAL, PROGRESS TOWARD GRADUATION, AND COURSE COMPLETION.

The instructional requirements for a virtual academy should be determined by the PSU and should be adapted to fit the needs of the student and course content.

- Students and parents should be able to access grades on a consistent basis. PSUs should identify a schedule for making grades available to families. This schedule is at the discretion of the PSU but should be clearly communicated with families.
- PSUs should make a clear policy for attendance that is communicated to families. The purpose of the attendance policy is to ensure students are making satisfactory progress to meet deadlines as posted for each course. Attendance policy and requirements must meet current state requirements related to the Principal Monthly Report and Average Daily Membership reporting per the Student Accounting System Manual.
- Federal and state assessments must be administered.
- Students must demonstrate proficiency of course content to earn credit for the course. Seat time should not be required to demonstrate proficiency in a learned topic.
- Synchronous instruction minimums should be at the discretion of the PSU.
- Final coursework grades should be reported and final decision on credit is determined by each PSU.
- Successful completion of coursework and/or demonstrated proficiency in the coursework will result in credit toward graduation.
- PSUs receive final grades for students and own the final decision on course grade and credits toward graduation.
- PSUs should follow the same class size rules they currently follow in an in-person school. PSUs have authority to adjust class size according to the needs of the students and the content of the course.

PERSONNEL REQUIREMENTS, INCLUDING PROFESSIONAL DEVELOPMENT.

Virtual academies should provide qualified professional, administrative, and support staff in alignment with current state allotment formulas to achieve the organization's mission and annual goals.

- Staff should meet the existing appropriate licensure and evaluation requirements for their positions as outlined in NC State Board of Education policies.
- In addition to enough instructional staff to cover the needs of all students enrolled, each virtual academy should provide the following digital teaching and learning support personnel as recommended in the NC Digital Learning Plan:
  - Instructional technology facilitator.
  - School library media coordinator.
  - Data manager.
  - Enough remote technicians to ensure minimal impact when technical issues arise.

Virtual academies should support faculty and staff by providing access and time to participate in professional learning communities (PLC) and ongoing, personalized, job-embedded professional development opportunities, which are aligned to the National Standards for Quality Online Teaching and the NC Digital Learning Competencies.

PARTICIPATION REQUIREMENTS, INCLUDING STUDENT ELIGIBILITY AND AGREEMENTS FOR PARTICIPATION FROM STUDENTS AND PARENTS.

Each PSU should create a profile of a successful online learning student to establish criteria for continued eligibility to participate in virtual instruction. This profile should be used to communicate the expectations of a student while he or she is enrolled in a virtual academy. To support this:

- PSUs should provide high quality, NCSCOS aligned content. To align with the National Standards for Quality Online Learning (NSQ).
- Courses should be designed with accessibility and universal design principles to meet the needs of

all students.

- Students' online/virtual performance should be continually monitored, and appropriate interventions should be put in place to maintain on pace performance.
- PSUs have the authority to transition students to in-person schools to ensure students are in the most appropriate educational setting to achieve academic success.
- Virtual academies should be provided access to research-based best practices for successful online learning, including parent/student agreements, the application process, onsite support, which will be available to all virtual academies. This can be accomplished through support structures made available through NCDPI and/or a collaborative network of virtual academy leaders.
- PSUs should:
  o Provide an application/request form to attend the virtual academy.
  o Ensure parents agree for students to participate in virtual academies.
  o Provide parent resources.
  o Decide whether to provide a virtual academy and which grade levels will have access to virtual instruction with the primary goal to meet student, family, and community needs.
- NCDPI should provide support to virtual academies.

SPECIAL EDUCATION RECOMMENDATIONS

Students with disabilities (SWD) are entitled to a free, appropriate public education in the least restrictive environment. This includes the virtual environment. Denial of access to virtual academies solely on the fact a student has a disability is a violation of IDEA. Application guidelines cannot deny access for SWD. These recommendations should apply to students with Individualized Education Plans and those with 504 Plans.

- The student's IEP/ 504 team, including the parents/guardians of the student, should discuss placement in the virtual academy and plan for successful student entry if virtual instruction is selected.
- The IEP/ 504 team may consider a flexible schedule for SWD (hybrid & in-person) that may be required to meet all IEP services.
  o Transportation services may be required if hybrid is needed to deliver all services, including related services.
- PSUs may require additional staff to adequately serve students with disabilities virtually. This cannot be a barrier to providing this option for these students.
- In alignment with in-person schools, documentation of interventions prior to any student needing a referral to special education or additional special education services must be available.
- PSUs with a virtual academy shall ensure that the EC director or designee is monitoring IEPs and compliance for students that are enrolled in a Virtual Academy.

TERM OF YEARS FOR APPROVAL FOR A VIRTUAL ACADEMY AND CRITERIA FOR INITIAL APPROVAL AND RENEWAL

Virtual academies established in a traditional K-12 school district should be viewed the same as other schools within that district and should not be required to renew their school status. Virtual academies are required to participate in the same accountability model and subject to all reporting and accountability requirements. **All required statewide testing must occur on-site at a school located in the district or another NCDPI approved physical site**. Approval of a virtual academy should follow the same rules and regulations that are established for an in-person school.

Traditional charter schools do not have the authority to offer a virtual academy. Currently, two virtual charter schools are legislated to operate as a virtual school. Charter schools who wish to offer virtual instruction shall follow the legislated process to amend the existing charter. A charter school cannot establish a stand-alone virtual school, per SL 2018-5, Sec. 7.13. Charters need a process to offer virtual academies. Currently, charter schools' access virtual courses through NCVPS and via dual enrollment, available through community colleges, as part of the standard instructional program. Virtual academies established under a charter should be treated in the same manner as any in-person charter in terms of initial approval and renewal.

DISTINCTIONS IN REQUIREMENTS FOR DIFFERENT TYPES OF PSUS.

Virtual academies should follow the same requirements as their in-person counterparts. Virtual Academies are held to the same state-level accountability, policies, and procedures; therefore, virtual academies shall follow the same existing requirements to establish and operate.

A MEANS FOR IDENTIFYING STUDENTS PARTICIPATING IN VIRTUAL INSTRUCTION THAT WILL ALLOW ASSESSMENT OF THAT SUBGROUP'S PERFORMANCE AND EVAAS SCORES FOR STUDENTS RECEIVING VIRTUAL INSTRUCTION IN A SCHOOL THAT DOES NOT EXCLUSIVELY PROVIDE VIRTUAL INSTRUCTION.

A virtual academy will have its own EVAAS scores reported under the school's number. All courses taken in a virtual format shall be coded to allow for performance tracking. This includes courses taken virtually through an in-person school or through a virtual school.

Conclusion

Many lessons were learned during emergency remote instruction. Students and teachers experienced remote learning under extreme circumstances, which is not to be confused with planned and intentional participation in virtual learning. Virtual instruction has been available in NC schools for nearly two decades. As a result of the pandemic, increased experience with virtual instruction and the benefits associated with virtual schooling has increased the demand for virtual academies. Schools are using virtual instruction to address the needs of the families they serve by providing flexibility in scheduling, improving course access, and better serving students with medical and social emotional needs. Virtual Academies offer flexibility for students to explore other endeavors such as arts, athletics, working internships, and meet other needs that would not be available while attending a fully in-person school. Schools have voiced their need to maintain a competitive approach to education by utilizing virtual instruction as part of standard instructional practice. Virtual Academies may be strengthened moving forward based on the recommendations in the report and summarized below.

SUMMARY OF RECOMMENDATIONS

Through the Working Group on Virtual Academies and consultation with school leaders, the following recommendations to support successful virtual academies are recommended:

- PSUs shall provide support to families to ensure that they have the information needed to select the best schooling options for each child, including the expectations on both students and parents/guardians for each schooling option.
- Virtual Academies follow policies, procedures, and requirements in place for in-person schools, to include educator evaluation.
- Virtual Academies that currently have a school number should not be required to relinquish that school number on June 30, 2022.
- PSUs without a virtual academy, who wish to develop a virtual academy, should be able to apply for a school number.
- SL2021-130, Section 3B.(c) prevents any school that did not have a school code prior to May 1, 2021, from using virtual instruction to satisfy the number of instructional days or hours June 30, 2022. We recommend that virtual instruction provided through a Virtual Academy be allowed to be used to satisfy instructional hours and days and that the issuance of school codes for Virtual Academies be resumed.
- All schools should meet the same accountability standards, regardless of instructional format. With separate school numbers, Virtual Academies and in-person schools can be directly compared and measured.
- Virtual Academies shall meet student needs by providing guidance and support that helps students perform successfully in virtual learning and provide a reasonable time for students to learn how to

be effective in virtual learning prior to transitioning a student to in-person learning.

- Virtual Academies shall provide ongoing systemic monitoring of student progress and allow the transition of students to in-person learning during the current academic year if their learning needs cannot be met in a virtual school.
- Virtual Academies are responsible for providing all the education services and requirements as an in-person school, which includes, but is not limited to:
  - Special education services.
  - Administering and reporting of state assessments.
  - Guidance Counseling.
  - Reporting state and federal data.
- Internet access remains a barrier for access to virtual learning for many students. Efforts underway to address the "Broadband Gap" in North Carolina should be continued and expanded.
- SBE (State Board of Education) should adopt policy definitions of Virtual Instruction and Virtual Academies.
- The Student Information System should be adapted to fully track online course enrollment and outcomes.
- The Student Information System should support cross LEA (Local Education Agencies) enrollment to allow LEAs to form virtual learning partnerships between NCVPS and LEAs and LEA to LEA.
- NCDPI, in partnership with various stakeholders, should continue to research trends, practices and outcomes for all learners, especially younger students, in virtual academies.
- NCDPI should develop a model of systemic support during the planning and implementation phases of virtual academies. This should include ongoing monitoring of virtual learning, anchored in research and best practices.
- Charter schools need a path forward to offer expanded virtual options to meet their students' needs.
- A future study should be conducted to highlight effective practices in virtual learning in North Carolina by grade band.