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Table of Contents

Special Education Legal Alert

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This month's update identifies a pair of recent court decisions that illustrate differing adjudicative systems and approaches for FAPE and related issues. For related publications and earlier monthly updates, see **perryzirkel.com**.

On February 10, 2023, the federal district court of Delaware issued an unofficially published decision in *A.C. v. Brandywine School District*, addressing various claims under the IDEA, Section 504, and the ADA on behalf of an elementary school child. In grade 3, the district provided the child with Tier III response to intervention (RTI) services in reading. In grade 4, the district continued the Tier III RTI services. After the parents obtained and shared a diagnosis for the child of general anxiety disorder, the district conducted in an evaluation that resulted in a 504 plan for grade 5. When the child evidenced continuing anxiety symptoms in grade 5, the parents requested and received an IEE at public expense, which resulted in an added diagnosis of ADHD. The district conducted an IDEA eligibility evaluation toward the end of grade 5, determining that she qualified for an IEP. The resulting IEP for grade 6 included goals for reading and anxiety, services in a learning support class for 90 minutes every other day, and individual counseling for two 30-minute sessions per week as well as consultative counseling. The parents rejected the IEP and unilaterally placed the child in a private school. They filed for a due process hearing, seeking compensatory education for alleged child find violations in grades 4 and 5 and tuition reimbursement for alleged denial of a substantively appropriate IEP thereafter. The tripartite panel, which is unique to Delaware for its hearing officer level, agreed with the parent that the district should have known that the child needed special education services for grades 4 and 5, awarding compensatory education worth $31,800, but ruled that the proposed IEP was appropriate, thus denying the requested reimbursement remedy. The parents appealed, but the school district did not, thus leaving the child find compensatory education award in effect.

First, the parents challenged the proposed IEP as allegedly providing insufficient reading services and no math services.	The court ruled that the reading services met the *Endrew F.* "reasonably calculated" standard and that there was no reason to suspect the need for specialized instruction in math.
Second, the parents claimed that the proposed IEP failed to address the child' emotional, behavioral, and executive functioning needs.	Again, the court rather cursorily ruled that the proposed IEP met the substantive standard, observing that the services provided in the IEP exceeded the corresponding offerings at the private school.

Third, the parents challenged the proposed IEP as not notifying them of continued RTI services.	The court concluded that RTI was a general education service, whereas the IDEA only requires the IEP to specify the special education and related services.
Finally, the parents claimed that the school district violated Section 504 and the ADA.	Regarding the Section 504 and ADA claims as coterminous with the parents' IDEA FAPE claim, the court applied the same outcome.

This case illustrates not only the courts' often relatively relaxed, district-favorable approach to IDEA and Section 504/ADA substantive FAPE claims but also the skewing effect of selective appeals, which left intact the parent-favorable child find ruling and remedy in this case. As an aside, the extended use of RTI Tier III services likely contributed to the child find violation.

On March 23, 2023, a federal court in Kansas issued an unofficially published decision in *Beer v. USD 512 Shawnee Mission*, addressing several claims on behalf of a first grader with diagnoses of autism and ADHD. The originated with the parents' disagreement with the district's determination that the child was not eligible under the IDEA. The school district did not change its eligibility evaluation conclusion until the parents obtained and provided the district private diagnoses of autism and ADHD midway through the child's kindergarten year. After belatedly and successively determining that the child qualified under the IDEA classifications of other health impaired (OHI) and autism, the district did not propose an IEP to which the parents consented until November in grade 1. In the remaining months until the school closed for the pandemic, the child did not make progress on the IEP, and the district implemented some changes in the IEP without parental participation or agreement. The parents filed for a due process hearing, resulting in rulings of a child find, evaluation, and IEP violations. The hearing officer awarded various remedies that included orders for the district to hire independent consultants for evaluation, IEP formulation, and board-certified behavior analyst (BCBA) services plus 25 hours of in-home compensatory education tutoring. Both sides appealed to the state review officer, because Kansas is one of the relatively few two-tier states. The review officer largely affirmed the hearing officer's decision, only reversing the child find violation. The review officer also largely awarded similar remedies, which included reimbursement of the fees of the parents' lay advocate. Both parties appealed to the federal district court.

The school district argued that the parents' expert witness, who testified at the due process hearing, relied on best practices rather than legal requirements and information beyond the "snapshot" standard for IEP formulation.	Rejecting this argument, the court concluded that (a) expert witnesses may provide best practice evidence to help inform the adjudicator, who is responsible for applying the law, and (b) the lion's share of the information was within the snapshot standard, with the rest harmless.
The school district challenged the hearing and review officer rulings that the evaluation was procedurally and substantively not appropriate.	Instead, the court affirmed that the evaluation violated the timeline (due to lack of informed parental consent) and was

	substantively inadequate (including an FBA with significant defects).
The school district also contended that the delays in developing and implementing the IEP resulted from the parents' failure to provide consent.	Unconvinced, the court strictly interpreted the required timeline and consent requirements in affirming the review officer's ruling that these procedural violations resulted in a substantive loss to the child.
The school district additionally challenged the review officer's rulings that the IEP contents and its implementation amounted to denials of FAPE.	The court identified various defects in the IEP, including outdated data and vague language, and implementation failures that resulted in substantive losses to the child and the parents.
The parents challenged the review officer's ruling that the district did not violate child find in kgn. or grade 1.	Affirming the review officer's ruling, the court concluded that the parents conflated the child find with the evaluation/eligibility issues.
The parents challenged the remedies as not enough, and the district challenged them as too much.	With slight refinements, the court upheld the various review officer remedies except for payment of lay advocate fees.
This unpublished decision is relatively unusual in its detailed scrutiny without notable deference to the school district. It is worth independently reading this decision. Although it has limited precedential weight, this decision serves as a forewarning against overrelying on an expectation of a relaxed, district-friendly adjudicatory analysis. The adjudicators' affirmative exercise of their broad equitable authority for remedies is also noteworthy.	

Buzz from the Hub

All articles below can be accessed through the following links:

https://www.parentcenterhub.org/buzz-march2023-issue2/

https://www.parentcenterhub.org/buzz-march2023-issue1/

https://www.parentcenterhub.org/buzz-feb2023-issue2/

https://www.parentcenterhub.org/buzz-feb2023-issue1/

https://www.parentcenterhub.org/buzz-jan2023-issue2/

Complete Guide to PANS and PANDAS
*(Also available in Spanish: **Guía completa sobre el PANS y PANDAS**)*
Step-by-step information from diagnosis to treatment for kids with sudden onset OCD and other confusing symptoms.

What Does OCD Look Like in the Classroom?
*(Also available in Spanish: **Cómo luce el TOC en el salón de clases**)*
Signs that a child may be struggling with OCD, even if they are hiding their anxiety.

Videos | Using a Telenovela to Explain the Special Education Process
*(Also available in Spanish: **Telenovela de educación especial**)*
How do you demystify the special education process for parents, particularly parents for whom English is not their first language? Here's how Arlington Public Schools in Virginia tackled the challenge. The *Grandma's Soup* video series *(La Sopa de la Abuela)* is designed to support the engagement of families in the special education process, share information, encourage advocacy skills, and foster collaborative home-school partnerships that positively impact student success. There are 5 episodes in the series, beginning with "What's Going On with My Child?" and ending with "What If We Disagree?"

Family Toolkit: Pediatric-to-Adult Health Care Transition
*(Also available in Spanish: **Guía para la familia**)*
This 25-page toolkit from GotTransition has a set of resources for parents to use as they work with their youth during the transition from pediatric to adult health care. This includes sections such as *Questions to Ask Your Doctor; Changing Roles*; a *Turning 18* tip sheet; a Transition Readiness Assessment; and a Health Care Transition Quiz for youth to take to see how ready they are to transition to adult care.

Supported and Customized Employment: Side by Side Referral Decision Guide
For vocational rehabilitation agencies offering both supported and customized employment approaches to pursuing employment for people with disabilities, there may be some questions about which approach is best based on an individual's circumstances. This guide can help in determining how to choose between these two approaches.

Take Part in the Campaign
The Brain Injury Association is a great resource to turn to for info about traumatic brain injury and about this year's #MoreThanMyBrainInjury campaign. Follow the link above to find out how you can get involved and what tools and materials are available.

Center for Brain Injury Research and Training (CBIRT)
CBIRT offers many useful resources tailored for parents and caregivers and other specific audiences (e.g., administrators). Check out the *Academic Accommodations Matrix*, for example, and CBIRT's *Family Advocacy Skills Training*, which is a step-by-step handbook for family advocates.

Candid Conversations: Handing Over the Reins
This full-feature film addresses many questions and concerns parents and self-advocates have about supporting youth with disabilities as they transition to adulthood, including understanding the importance of self-advocacy skills. The entire film is 1 hour and 17 minutes, but it's divided into three smaller parts for your viewing ease. Parts are: (1) Hopes and Dreams (@ 25 minutes); (2) Independence & Advocacy (@ 33 minutes); and (3) A Few Words of Advice (@ 21 minutes). From the NY Region 1 PTI Collaborative, with partners.

Transition Planning for Teens and Tweens
A special project of Parents Helping Parents in CA, this transition package will be useful to PTIs and CPRCs in other states, too. Includes multiple parts, such as self-advocacy, education and training, work preparation, and adult life for people with disabilities.

The History Makers
This digital archive is an incredible collection of oral histories shared by over 3,300 African Americans known and unknown. Access interviews, biographies, videos, archival photography, and more, and learn personal perspectives and unique facts from influential African Americans who made history in their own right across a wide range of fields, from art, business, education, entertainment, law, music, science, and sports.

Advancing Racial Equity in Early Intervention and Preschool Special Education
This 9-page fact sheet provides key information and supporting evidence about racial disparities and inequities for young children with a disability, and questions for state and local leaders seeking to advance equity for all children with disabilities and their families. From the ECTA Center.

Promoting Black Girls' and Women's Sexual and Reproductive Health Requires Acknowledging Their History and Experiences

This brief from Child Trends discusses how reproductive suppression has led to disproportionately adverse sexual and reproductive health outcomes for Black girls and women. The authors suggest using a holistic approach—one that focuses on intersectionality, gender equity, and culturally responsive practices—to promote the sexual and reproductive health of Black girls and women.

Confronting Color-Blindness

All of us have probably heard someone say that they "don't see color" or that "it would be great if we could all just stop noticing race." While these statements may be well-intentioned, colorblind ideology undermines diversity, inclusion, and equity. Here's an online module that can help us understand the concepts of color-blindness, color evasion, and power evasion and how they may show up in our interactions with families, staff and colleagues.

What is Complex Trauma?

(Also available in Spanish: ¿Qué es trauma complejo?)

When people think of trauma, they often imagine a specific experience, like a natural disaster or a violent attack. But there's another form of trauma that involves chronic negative experiences like abuse, neglect, or violence. This is known as complex trauma, and its profound impact on kids is often misunderstood. Take a close look at complex trauma—its causes, the symptoms associated with it, and how to help kids who are dealing with it. From the Child Mind Institute.

Frequently Asked Questions (FAQs) on Pre-Employment Transition Services

The account you create at NTACT will give you access to a wide range of transition-related materials, such as this FAQ on pre-employment transition services. The questions and answers are organized into categories for easy browsing and include: administrative, allowable costs, definitions, service delivery, and RSA FAQs.

Talking to Kids About Sex and Dating

Check out this suite of stand-alone articles from the Child Mind Institute, which rounds up resources on why it matters to talk to teens about sex and romantic relationships, and how to approach this sensitive topic. Dive into consent and how kids can confidently set and respect boundaries. The suite includes tips on how to help teens deal with unwanted attention, as well as warning signs of sexual behaviors that are concerning. Some DOs and DON'Ts are outlined to help teens make good choices as they enter their first relationships. *Each article in the suite is also available in Spanish.*

Balloons lifting a winning ribbon.

Sexual Health and Wellness

PEATC, Virginia's PTI, has developed a toolkit to help guide parents through discussing sexual health and wellness with their child with disabilities. The toolkit covers topics such as sexuality, self-care, relationships, social skills, and boundaries. Many additional factsheets and resource documents (including YouTube videos) are also available.

Sexuality & Disability | 6 videos and articles to explore and share, as befits the person and the circumstances

Sex education for students with disabilities | A more scholarly article from *Law & Order,* from 2006
Dating and disabilities | Exploring love in many forms with first-hand accounts from the frontlines of dating, marriage, intimacy and friendship, all with people living—and loving—with disabilities.

Love Because, Never Despite, Disability
"I want a world where disabled people learn how to have healthy relationships alongside their abled peers, where disabled people are seen as valuable friends, lovers, partners, spouses not in spite of their disability but because disability adds to the fullness and beauty of their being. I want a society that teaches disabled people, through media portrayals, through accessible building design, and so many other avenues, that their bodymind, their personhood is valuable and worthy of love just the way they are." Direct quote. Need we say more?

In My Own Voice: Sexual Self-Advocacy
30 people with intellectual and developmental disabilities talk about what sexual self-advocacy means to them.

The Latest Supreme Court "Special Education" Decision:

Perez v. Sturgis Public Schools

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On average, the Supreme Court only decides one case specific to K–12 students every four years. About a third of these cases focus on the practice of litigation rather than education, such as burden of proof (*Schaffer* – 2005), expert witness fees (*Murphy* – 2006), and pro se parents (*Winkelman* – 2007).

The latest case, *Perez v. Sturgis Public Schools* (March 21, 2023) is only understood in tandem with a previous decision focused on specialized litigation rather than special education, *Fry v. Napoleon Community Schools* (2017). Both concern the IDEA issue of "exhaustion," which refers to the general requirement to complete the administrative adjudication stage before proceeding to court. More specifically, a 1986 amendment to the IDEA allows for bringing non-IDEA federal claims, such as those under Section 504 or the ADA, on behalf of an IDEA-covered student but only after exhausting the due process hearing (and in the eight "two-tiered" states, the review officer) stage before going to court. The courts have gradually evolved limited exceptions to this exhaustion requirement.

In *Fry*, the Supremes decided that the exhaustion requirement applies only if the crux of the non-IDEA federal claim amounts to FAPE. In this case, the parents brought an ADA claim to challenge the school's denial of access for the child's service animal, and the remedy they sought was money damages. The *Fry* Court sent the case back to the lower courts to determine whether the crux of this claim amounted to FAPE. If the answer is "no," exhaustion would not apply regardless of the relief that they sought. Thus, the Court declined to answer the separate question of whether seeking money damages, which is available under the ADA but not the IDEA, was another exception to the exhaustion requirement.

In *Perez*, the Court addressed the residual question from *Fry*. In this case, the parents sought money damages under the ADA for the lack of appropriate interpreter services to a deaf student, which indisputably amounted to a FAPE claim. The *Perez* Court unanimously answered that the IDEA's exhaustion provision does not apply "where a plaintiff brings a suit under another federal law for compensatory damages—a form of relief everyone agrees IDEA does not provide."

A common misunderstanding in the immediate wake of *Perez* is that the exhaustion requirement applies to non-IDEA federal claims, such as those under Section 504 or the ADA, on behalf of

IDEA-covered students if they are for money damages but also amount to FAPE. For example, a recent press release from CASE interpreted *Perez* as not changing the requirement that when parents bring non-IDEA FAPE claims "[the] administrative process must be exhausted before they turn to the courts for final adjudication." Instead, properly understood, money damages and FAPE are separate exceptions. Thus, such federal non-IDEA claims for money damages are <u>not</u> subject to the exhaustion requirement regardless of whether their crux amounts to FAPE.

The result of *Perez* is to make it easier to go directly to court for federal non-IDEA claims for money damages on behalf of IDEA-eligible students. Thus, there will be more such litigation in federal courts, increasing (a) the level of court congestion, (b) the potential for school district liability, and (c) the parents' leverage for settlements.

However, the practice of special education remains almost entirely unaffected. Other than observing the effect on litigation, including settlements, special education practitioners should recognize that the odds of federal court award of money damages in such Section 504 and ADA suits remain very strongly against the parents and any resulting liability is for the school district, not for the individual teacher or administrator.

Family-Centered Approach to Teaching Students with Disabilities from Culturally-Linguistically Diverse Backgrounds Who Rely on Augmentative and Alternative to Communicate

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Abstract

The prevalence of students with disabilities from culturally-linguistically diverse backgrounds is rising in the United States. Many of these children rely on augmentative and alternative communication to communicate (AAC) to meet their daily and academic activities. One of the most significant challenges teachers face is providing culturally and linguistically relevant instruction using AAC. For these students to access their academic learning, a family-centered, interprofessional practice approach to teaching and learning should be implemented. A literature review was conducted to identify current practices using a family-centered, interprofessional practice approach when working with a child with disabilities using AAC to communicate. Peer-reviewed articles published between 2021 and 2023 were retrieved using keywords. Six of the 20 articles reviewed met the inclusion criteria. Findings identified facilitators and barriers to academic achievement using AAC with some cultural groups in the United States.

Introduction

Approximately 1.3% of individuals residing in the United States (U.S.) cannot meet their daily needs due to limited or no verbal output (Beukelman & Light, 2020; Crowe et al., 2021). This percentage represents approximately 4 million individuals with complex communication needs who require an unconventional communication method, referred to as augmentative and alternative communication (AAC) (Beukelman & Light, 2020). AAC is any method or strategy used to augment verbal speech or provide an alternative communication method (Beukelman & Light, 2020). By using AAC, individuals with CCN can improve their daily activities, such as participating in family activities or social events, requesting wants and needs, completing tasks

in the workforce, or accessing academic learning. Many of these individuals who rely on AAC are young children in special education programs, representing approximately 12% of students in this program (Binger & Light, 2006). Since then, the number of students has risen, including children from culturally-linguistically diverse backgrounds (CLD) (Linn & Hemmer, 2011).
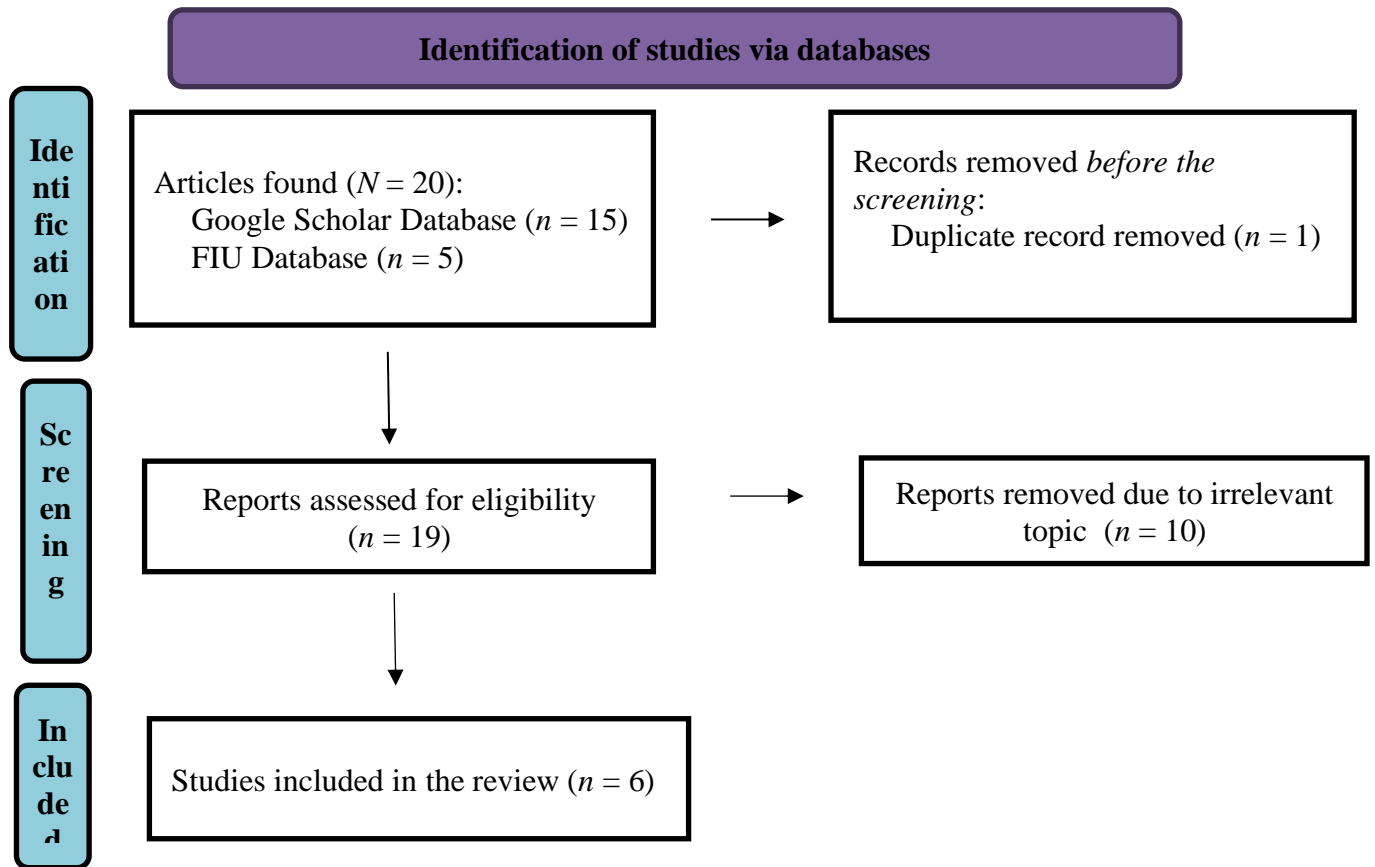
Students from CLD backgrounds are defined as (a) speaking or listening or another language other than English, (b) belonging to a minority ethnical group, (c) different cultural practices, and (d) practicing their faith categorized as a specific religion (Larson et al., 2020). Currently, more than half of the children born in the United States (U.S.) are from culturally and linguistically diverse (CLD) populations. According to the United States Census Bureau (n.d.) and Annie E. Case Foundation's Kids Count Data Center (2021), over 72,000,000 children from birth thru 17 come from culturally and linguistically diverse backgrounds, many of whom have a disability with limited or no verbal output and will rely on AAC to communicate. Therefore, the need to provide culturally and linguistically sensitive to this population using AAC has become increasingly evident to ensure their academic success (Kulkarni & Parmar, 2017).

Methodology

Teachers and family members or legal guardians need to consider the students' capabilities and cultural and linguistic background when implementing a collaborative approach to teaching and learning. Several factors were considered to identify articles for this paper: (a) teacher-parent collaboration, (b) school-aged students with disabilities who rely on AAC for communication, and families from culturally-linguistically diverse backgrounds. The following keywords were used to guide the sear*ch: teachers*, *parents, school-age students*, *augmentative and alternative communication* or *aac*, and *cultural-linguistic background* in the following databases*: Google scholar and the Florida International University (FIU) Library*. The articles in this review met the following inclusion criteria: (a) written in English; (b) published between 2021 and 2023 in peer-reviewed journals; (c) contained the keywords in the title, abstract, or body of articles; and (d) retrieved from the designated databases. Twenty articles were identified using the keywords. Fifteen articles were retrieved from the Google Scholar database; however, nine articles were removed. Eight articles were not relevant to the topic of this paper, and one other article was a duplicate. Five additional articles were retrieved from the FIU Library database. Four articles were removed since the content was not relevant to the topic of this paper. The identification of studies via databases is demonstrated in *Figure: PRISMA*. Therefore, six articles were reviewed for this paper.

Figure

PRISMA

Identification of studies via databases

| Identification | Articles found (*N* = 20): Google Scholar Database (*n* = 15) FIU Database (*n* = 5) | Records removed *before the screening*: Duplicate record removed (*n* = 1) |

Reports assessed for eligibility (*n* = 19)

Reports removed due to irrelevant topic (*n* = 10)

Studies included in the review (*n* = 6)

(Swartz, 2021)

Interprofessional Practice Approach with Family Members

For young students with disabilities to succeed academically, educators need to collaborate with parents to use AAC with students from diverse backgrounds (ASHA, 2022; Kulkarni & Parmar, 2017). Therefore, there is a rising need for educators to collaborate with parents or legal guardians of students with disabilities who have limited or no verbal output and are from CLD backgrounds (Biggs & Hacker, 2021; Larson et al., 2020). For teachers and family members or legal guardians to collaborate effectively, an interprofessional practice (IPP) approach should be implemented. IPP is a collaborative framework in which professionals and family members learn about, with, and from each other (American Speech-Language-Hearing Association, n.d.). Each member, including the teachers and family members or legal guardians, collaborate to develop a plan to support the ability of students with disabilities to access academic learning. This collaborative approach reviews the child's ecological system.

Theoretical Framework

Bronfenbrenner's Ecological Systems Theory (1975) views child development as a complex system of relationships affected by multiple levels of the surrounding environment. This theory has five ecological systems microsystem, mesosystem, exosystem, macrosystem, and chronosystem. Two systems support the aim of this paper, the microsystem and macrosystem. The microsystems acknowledge the importance of the student's home (family's attitudes; educational, cultural, and linguistical background), school (teachers, staff members, peers, educational placements, individualized education plan, and curriculum. The macrosystems acknowledge the educational policies, societal and cultural influences, and technological advances (Biggs & Hacker, 2021; Bronfenbrenner, 1975; Bronfenbrenner & Morris, 2007).

Literature Review

Biggs and Hacker (2021), who were former special education teachers, used a descriptive research design to assess the transition of Bronfenbrenner's theory into practice. They conducted semi-structured interviews and content analysis. Nineteen professionals (special education teachers, paraeducators, and speech-language pathologists served as participants. The researchers evaluated the participants' perceptions of the factors affecting the learning outcomes of students diagnosed with disabilities impacting their communication skills. Results revealed that ecological factors impact the implementation of treatment plans and outcomes. Moreover, the findings revealed the importance of factors impacting AAC access, teacher-parent collaboration, and inclusive education.

Several cultural backgrounds have been increasing in prevalence in the United States, Hispanic (Douglas et al., 2022), Black (Pope et al., 2022), Indigenous (Callahan & Hanson, 2023), and Chinese (Sun et al., 2023) communities. These cultural backgrounds, part of the microsystem of students with disabilities and complex communication needs, are highly represented in the school setting. Cycyk et al. (2022) conducted an exploratory qualitative study to interview 24 professionals (early intervention (E.I.)/early childhood special education (ECSE) developmental specialists and speech-language pathologists (SLPs) who serve young Latinx children with communication disorders. The aim is to identify factors that can improve equity. The results of the semi-structured interviews identified several themes that served as facilitators or barriers in supporting the needs of the students. These themes included family factors, cultural and

linguistic differences, eligibility determinations, translation and interpretation, and institutional factors. Results also indicated minimal developments in supporting equity for children from Hispanic/ Latin backgrounds with communication disorders. The researchers highlighted the importance for professionals to acknowledge the presence of cultural differences and biases to improve equity among this population of students with disabilities.

The acknowledgment of cultural differences supports family-centered interprofessional practices. Research has indicated the benefit of this IPP approach for students and their families. However, only some research studies have evaluated the impact of this collaboration on students who rely on AAC for communication (Douglas et al., 2022). Therefore, Douglas and colleagues (2022) sought to evaluate the effectiveness of teaching family members to use AAC (Aided Language Modeling strategy) at home. The researchers used a single case multiple probe design to evaluate the effectiveness of this collaboration for a girl diagnosed with autism and her family's using AAC to communicate. Findings indicated that the percentage and rate of the family's use of this AAC strategy increased. Additionally, the student's communication using the AAC also increased in frequency.

Disparities and inequitable access to AAC were also found in disadvantaged Black young students diagnosed with disabilities that affected their communication skills (Pope et al., 2022). Pope and colleagues evaluated the racial disparities of Black children with developmental disabilities who rely on AAC to communicate. The researchers compared the quantity of AAC used by Black and Caucasian students in two phases. In the first phase, the students had a mean age of 3:8 (years, months). In the second phase, the data was collected two years later. The students' mean age during the second data collection was 5:10. Findings indicated that Black students received less AAC weekly intervention compared to their Caucasian peers in both phases of data collection. Seventy-five percent of the Black students received less than 60 minutes of intervention by the end of the study. In this study, the parents were not involved. Although the reasons for these disparities were not investigated, it is crucial for professionals to include the family members in (a) identifying the cause of the disparities in AAC use, (b) developing a plan to address these barriers, and (c) working collaboratively using AAC practices.

The Chinese-English speaking families are also a rising cultural group in the U.S. Sun et al. (2023) sought to investigate this group's perspectives and experience on their children's AAC use and services. The researchers employed a qualitative descriptive methodology approach using individual or group semi-structured interviews. Ten adult Chinese-English-speaking family members participated in this study. The family members had a child who ranged from three to eight years of age and relied on AAC to communicate. Results indicated that all family members accepted and were satisfied with their child using AAC only if they saw the benefits. Findings indicated that in these Chinese-English-speaking families, the mothers and siblings had a significant role in supporting AAC use at home. Families reported that they worked more collaboratively when using the AAC system. However, the communication disorder of their child often affected this collaborative practice. Families reported having limited resources pertinent to their culture due to the expectations of Western civilization.

Callahan and Hanson (2023) developed an AAC system for a student learning to speak the Native American Lakota language. In this culture, the diagnosis of Autistic Spectrum Disorder is

not used. This student was referred to as a "child demonstrating a different way, "Wakȟáŋyeža Tȟókeča," by her teachers. This student participated in a homeschool curriculum to learn a foreign language relevant to her cultural background. The student's mother initially programmed into an AAC speech-generated device (SGD) 1,000 most frequently used words in Lakota and a Level 1 textbook. Culturally and linguistically relevant symbols were also included in the AAC device. Eventually, a synthesized voice that used the prosody of spoken Lakota was incorporated. These symbols were initially printed on paper and wood carvings in black and white colors. Through this project, these images were programmed into an SGD. However, most of the needs of students from an Indigenous background are not met with the available AAC features. To support the specific needs of children from diverse backgrounds, professionals (teachers and speech-language pathologists) and family members or legal guardians need to collaborate to develop culturally-linguistically appropriate materials for the students to meet their academic aims.

Conclusion

Practices focusing on the family's culture and language have been reported to benefit the student (Soto & King, 2023). For AAC learners from culturally and linguistically diverse backgrounds to succeed academically, teachers and family members need to collaborate to develop a plan that considers culturally-linguistically responsive practices. These practices should consider the family's needs and preferences (Douglas et al., 2022) and be incorporated when evaluating and instructing the students (Callahan & Hanson, 2023). This IPP approach to family-centered practices requires engaging families to support their child's learning process by becoming a central part of their child's educational services (Douglas et al., 2022).

Therefore, teachers and other professionals need to develop a culturally humble stance when working with families from culturally-linguistically diverse backgrounds (Sun et al., 2023). Despite these benefits, culturally and linguistically diverse families who have children with a disability and have complex communication needs oftentimes have minimal access to AAC methods or systems that support their families' cultural and linguistic needs (Sun et al., 2023). Therefore, future research studies should investigate the potential factors that contribute to inequalities affecting the implementation of culturally-linguistically responsive practices in teaching and learning necessary for a student with disabilities who relies on AAC to communicate in order to meet their academic aims.

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Immigrant Student Education in the U.S.

By Shivanna N Birbal

Introduction

Immigrant students with disabilities face unique challenges in the United States. These challenges are compounded by the fact that they may have limited English proficiency and limited access to their cultural practices, making it difficult for them to communicate their needs and understand their rights. Immigrant students may feel alienated culturally and socially, even if they experience academic success (Ladson-Billings, 1995). This literature review aims to explore the social-emotional needs and cultural practices of immigrant students with disabilities.

Immigrant Student Academic Success & Immigrant Paradox

According to Crosnoe, R., & Turley, R. N. (2011), over time, the relationship between immigration and education in the U.S. has changed. Schools were considered the ideal places to assimilate immigrants a century ago. In more recent times, they have frequently been associated with conflict and inequity related to immigration. However, both perceptions have changed over time. Families of immigrants do place a high priority on formal education (Portes & Rumbaut, 2006). This apparent benefit is sometimes called the immigrant paradox because it occurs despite higher-than-average social and economic disadvantages in this community.

For many groups, including those from Latin America, evidence of the immigrant paradox usually emerges after researchers control for family socioeconomic circumstances and youths' English language skills. For others, including those from Asian countries, it is partially explained by the tendency for more socioeconomically advantaged residents of those regions to leave their home country for the United States (Crosnoe, R., & Turley, R. N, 2011). For instance, Asian immigrant parents, including those with low incomes, typically have high educational expectations for their children, talk to them frequently about their progress toward those expectations, find ways to marshal additional resources to help them, like sending them to Chinese schools after school, on weekends, and during school breaks, and make specific, futuristic plans, like saving for college (Crosnoe, R., & Turley, R. N, 2011). Similar phenomena, albeit less evident, also affect Latin American immigrant parents, for whom preparing their children to be diligent, responsible, and hard workers is essential to their involvement in education.

Social-Emotional Needs of Immigrant Students with Disabilities

Social-Emotional Needs of Immigrant Students with disabilities face various social-emotional challenges, including isolation, discrimination, and lack of support. These challenges can have a

significant impact on their academic and personal well-being. One of the primary challenges faced by immigrant students with disabilities is a lack of access to appropriate services and accommodations. This is particularly true for students who are English language learners (ELLs) and may require additional support to communicate their needs.

According to Crosnoe, R., & Turley, R. N. (2011), many children from immigrant families are at risk regarding academic skills upon entering school; they have potentially counterbalancing advantages in socio-emotional school readiness, such as interpersonal competence. ECLS-K teachers judged the Hispanic and Asian immigrant children as being better adjusted than the white, Asian, Hispanic, and black children born in the United States. Teachers evaluated the work habits of children of Mexican immigrants as being 10% of a standard deviation higher than their native white peers of similar socioeconomic standing, even though they performed worse on math tests in kindergarten than children of native whites. Thus, Mexican-origin children's behavioural advantages coexisted with their academic disadvantages. Evidence suggests that integrating social emotional competencies with academics enhances student learning (Elias, 2004).

Regarding English language learners (ELLs), the initial social and institutional settings where young immigrants engage in cultural adaptation are typically schools. Policymakers and immigrant families see educational access and subsequent academic accomplishment as the most crucial measures for adaptation and future success (Arzubiaga et al., 2009). However, immigrant children are typically educated in urban schools with inadequate funding and must be equipped to offer sufficient academic and behavioural programming (Blanchett, Klingner, & Harry, 2009).

With reference to Alliance (2021), it is noted that because a child needs time to adjust or learn English, schools may put up barriers when they fail to refer and evaluate a recently arrived and struggling student for special education and may also need to seek other academic and social-emotional support.

Social isolation

Another challenge faced by immigrant students with disabilities is social isolation. Immigrant students with disabilities may feel isolated from their peers and struggle to form meaningful relationships. For example, some newcomers may have trauma from fleeing war-torn countries or being separated from family members during the immigration process; they are dealing with this trauma while simultaneously negotiating new roles and identities in an unfamiliar cultural context (U.S. Department of Education, 2018). This can significantly impact their social and emotional development and may lead to anxiety, depression, and loneliness.

Discrimination

Discrimination is also a significant challenge faced by immigrant students with disabilities. Immigrant students with disabilities may face discrimination based on race, ethnicity, language, or disability status. This can lead to anger, frustration, and helplessness, impacting their academic performance.

Lack of Support from families and the community

Similarly, immigrant students with disabilities may lack support from their families and communities. Many immigrant families may not be familiar with the laws and regulations governing special education, making it difficult to advocate for their children's needs. Additionally, some families may be reluctant to seek help for their children due to cultural or language barriers.

Cultural Practices of Immigrant Students with Disabilities

Cultural practices can also impact the family dynamics of immigrant students with disabilities. In some cultures, there is a strong emphasis on family responsibility and obligation, and it is the family's responsibility to care for individuals with disabilities. In contrast, other cultures view disabilities as a personal responsibility, and individuals with disabilities are expected to care for themselves.

Cultural practices can also impact the education of immigrant students with disabilities. Academic achievement is strongly emphasized in some cultures, and students are expected to excel academically. In contrast, other cultures may prioritize vocational or practical skills over academic achievement. For example, in some cultures, disabilities are stigmatized and seen as a punishment for bad behaviour or past sins. This cultural belief can make it challenging for individuals with disabilities to receive support and services. Similarly, according to (United Nations, 2023), a case study was done where three women examined were shunned by their families and neighbours because their child was born with a disability because she was a "loose" woman. In contrast, other cultures view disabilities as a natural part of life and provide more resources and support for individuals with disabilities.

The research was done by Mohatt and Erickson (1981) with Native American students. They found that teachers who employed language interaction patterns that resembled the students' home culture patterns were more successful in raising student academic performance as they examined teacher-student interactions and participation structures. Teachers that employed "mixed forms" (p. 117), a combination of Native American and Anglo language interaction patterns, also showed improved student achievement. Additionally, this guidance was described as "culturally compatible" (p. 110). Teachers incorporated elements of the kids' cultural surroundings into the structure and instruction of the classroom by observing the pupils in their home and community settings.

Language

Many recent arrivals to the United States speak English less fluently than native speakers since it is not their first language. As a result, individuals could have a tough time adjusting to life at university. Acquiring the same degree of language ability as their non-immigrant counterparts is difficult, and difficulties in communicating or comprehending cultural norms might slow the process of assimilating. Teranishi et al. (2019) advocated including language programs in immigrant education. Educational success and motivation can only be attained by first mastering the academic language.

Instructional English use varies widely by country of origin. Regardless, immigrant students require accurate education in academic English to properly integrate into American society's

educational and societal framework. How language policy influences immigrant pupils' development and academic success in California and Texas was the primary subject of Gándara and Rumberger's (2019) research. (Gándara & Rumberger, 2019) found that state money impacted language techniques for immigrant kids. It is possible that ESL students who take use of the academic writing tools and ESL programs offered by most universities may not become as proficient in English as they had hoped.

Non-linguistic Challenges

Several studies touch on issues other than language barriers that immigrant students encounter, but they still need to be reported. (Lazarevic, V., Raffaelli, M., & Wiley, A, 2014). Non-linguistic barriers are also addressed in the few large-scale research that examines the impact of immigration on academic success. (Lazarevic, V., Raffaelli, M., & Wiley, A, 2014). The pressure to integrate culturally, ethnically, and socially; the preconceptions that immigrant students face; and the antagonism of native-born individuals towards immigrant students and communities are all obstacles that may make the acculturation process more challenging.

The new society presents structural difficulties for immigrant students and their families. In the United States, these difficulties include immigrant students missing more school than their native-born peers to support their families and immigrant families being more likely to live in poverty than their native-born counterparts. (Lazarevic, V., Raffaelli, M., & Wiley, A, 2014). Separation from loved ones is only one of the many difficulties of being an undocumented immigrant. Others include increased stress, depression, poverty, school enrolment in underfunded schools, and even homelessness.

The educational system also presents obstacles for immigrant pupils. Overcrowding as local school districts are not able to construct infrastructure to fit rising student populations; a high-stakes testing environment that is not developed with immigrant students in mind; detrimental educational policies, a lot of which are executed for political instead of pedagogical reasons; a disproportionately substantial admission in based on race and linguistically disconnected and low-resourced schools; and so on. (Lazarevic, V., Raffaelli, M., & Wiley, A, 2014). Some research has also shown that immigrant pupils are underrepresented in gifted and talented programs while being disproportionately represented in special education.

Conclusion

In conclusion, immigrant students with disabilities face unique social-emotional challenges in the United States. These challenges are compounded by limited access to appropriate services and accommodations, social isolation, discrimination, and lack of support from families and communities. Educators and policymakers must address these challenges and ensure that immigrant students with disabilities have the support they need to succeed academically and personally.

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Special Education Online: A Review of Literature

By Candace Joshnick

Abstract

The literature review examines some common themes emerging in online education's evolution and how special education is impacted. It evaluates the perspectives of parents, students, educators, administrators, policymakers, and stakeholders' views on special education in digital classrooms. The main themes explored are positive experiences and barriers different stakeholders experience with online special education. Exploring these themes can inform efforts to improve the quality of education for exceptional learners and help address any barriers preventing them from receiving Free and Appropriate Public Education online.

Introduction

With the increasing popularity of online learning, it is crucial to understand its impact on students with special needs, who have unique challenges and needs. Online learning has the potential to provide equal access to education for students with special needs, who may face barriers to accessing traditional in-person instruction. The literature on online learning in special education can provide valuable insights for policymakers, educators, administrators, and other stakeholders in making informed decisions about using online learning in special education. The literature suggests that parents, students, teachers, and administrators of students with special educational needs may have mixed feelings about special education online learning (*Manguilimotan,2002;* Marteney,2016). As online learning becomes more prevalent, policymakers are considering how to regulate and support it in special education (Greer et al., 2015). There are various forms of online learning, such as synchronous, asynchronous, and blended learning, each of which can impact the experience of students with special needs differently (Basham et al., 2016). Overall, the literature suggests that while online learning in special education presents challenges and opportunities, it is essential to consider all stakeholders' perspectives and ensure that students with special needs receive an appropriate education in digital classrooms.

Perspectives

According to the article by *Manguilimotan et al. (2002),* some common themes emerged about online learning from the parent and student perspectives. The results showed that parents and students had a positive outlook on the effectiveness of online learning, but they did share that they encountered obstacles. The study also found that student and parent satisfaction with online learning was positively associated with the quality of online delivery modality, technology support, flexible learning options, and the level of interaction with teachers and classmates. Six themes emerged regarding the challenges that families experienced: internet connection/signal,

cost of internet and devices-educational disparity, attention span, work obligations, learner impetus, and social communication.

In this survey, many students shared that they used a smartphone to complete online work. They shared that it was cheaper, more convenient, and a means of social interaction. The respondents in this study shared that they had reliable internet or mobile connections. The study revealed that parents and students found that teachers provided appropriate and well-thought-out feedback, communicated effectively, responded promptly, understood their child's disability, and were clear and concise. In a similar study completed in the article by Tonks et al., 2021 one respondent shared this comment about online special education teachers, the "answer to a prayer" (Tonks et al., 2021, p. 171). The study by Manguilimotan et al. (2002) highlights teachers' important role in online learning success, particularly for students with disabilities. School-level technology support was an area that parents and students commented on as being a significant factor in overall satisfaction with online learning (Manguilimotan et al., 2002). As students and parents become more familiar with technology and online education, they may become more accepting of cultural change and open to new ways of learning. They shared that their technical expertise and digital literacy improved due to being online learners, which benefited them in adulthood. The study found that students with disabilities felt that online learning provided them with greater flexibility and opportunities to participate in the learning process (Manguilimotan et al., 2002). This increased accessibility and flexibility can lead to improved educational outcomes, such as increased motivation and engagement and improved academic performance.

The survey revealed that parents found internet connectivity or signal negatively impacting online learning. One participant wrote, "The data connection is slow, especially if the weather is terrible" (Manguilimotan et al., pg. 992, 2002). Poor internet connectivity or signal can result in a slow connection, making it difficult for students to participate in live classes or access online resources. The cost of the internet and devices can also create an educational disparity. Some families may be unable to afford a reliable internet connection or the latest technology, which can put them at a disadvantage in an online learning environment. Online learning requires students to sit in front of the computer screen for extended periods, which can be difficult for some students who need help with focus and attention. One respondent shared, "Pupil's attention span is hard to catch much more with a deaf child" (Manguilimotan et al., 2002, p. 993). Some parents shared that they need to work while their children are in virtual classes, which can lead to distractions and a lack of support (Manguilimotan et al., 2002, p. 982). In some cases, parents may also need to supervise their children's online learning while caring for younger siblings, which can be a significant burden. The survey also found that students' learning impetus was challenging for some families (Manguilimotan et al., 2002, p. 994). Online learning can be less structured than traditional classroom learning, and students may need more motivation and self-direction to succeed. Online learning can be isolating for students, who may miss the social interaction and support from being in a physical classroom (Manguilimotan et al., 2002, p. 993). The lack of face-to-face interaction can make it difficult for students to build relationships with their peers and teachers, impacting their learning ability.

In the survey by Marteney et al. (2016), teachers of special education students were virtually asked about their perspective on online learning for students with disabilities. The literature suggests that teachers' perspectives on online learning for special education students are

influenced by various factors, including their own experiences with online learning, the quality of professional development, training opportunities, and the level of resources and support provided by the school or district.

In the survey by Marteney et al. (2016), teachers reported that online learning allowed for more individualized instruction due to being able to easily customize the lessons to meet the needs of individual learners. The literature suggests that teachers may view online learning to reach students that otherwise have trouble accessing education due to disabilities, physical limitations, bullying, or other challenges. Teachers with positive perceptions of online learning may see it as an opportunity to use technology to enhance their teaching practice and create more engaging and interactive learning experiences. They may view it to connect with students and provide individualized feedback, guidance, and support to help build their confidence and independence.

The literature suggests that while there are many potential benefits of online learning for special education students, teachers face several challenges. In the survey by Marteney et al. (2016), teachers shared that they needed to find creative ways to provide students with structure and routine, such as setting up virtual check-ins or establishing precise schedules and routines to maintain student engagement and motivation. Another challenge many educators shared was providing adequate support and accommodations for students with disabilities. Teachers may need to be trained in using assistive technology and other resources and may also need access to specialized help from instructional designers or technology specialists.

State directors and district-level administrators have varied perspectives on online exceptional education learning, with positive and negative aspects to consider. A research study by Greer et al. (2015) gives insight into these stakeholders' knowledge and experience with Free Appropriate Public Education (FAPE) in online learning. Cost-effectiveness was outlined in the article by Greer et al. (2015) as a significant advantage of online special education. It can reduce the costs associated with transportation, facilities, and other overhead expenses. Reduced liability is another important consideration, as online special education programs can reduce the risk of accidents and incidents in traditional classroom environments. Increased parent choice allows families to choose the educational option that best meets their needs and preferences. Administrators shared that using different teaching modalities and approaches gives teachers autonomy in delivering instruction and support to their students.

In the article by Basham et al. (2016), the authors discuss special education policies across the United States and review implications and suggestions to consider for online learning. Policy changes play a critical role in shaping the development and implementation of special education programs. The literature shows that policies should include student placement, funding, and accommodations to support student needs and abilities (Basham et al., 2016). Policies around data privacy and security are critical, as sensitive information must be protected and kept confidential. The article by Basham et al. (2016) investigated the importance for policymakers to stay informed about the latest developments and best practices to make well-informed decisions considering the unique needs and abilities of exceptional education learners online. This includes regular evaluations of online programs to ensure they are meeting student needs and making progress toward achieving goals. Making well-informed policy changes can lead to better student outcomes, increased satisfaction among educators and administrators, and a more positive and inclusive learning environment.

Conclusion

Collaboration between all stakeholders can help ensure that the needs of students with special needs are met in online learning environments. Appropriate curriculum and accommodations in the online learning environment should provide an inclusive and relevant curriculum for students with special needs, including accessibility features and individualized support. Educators should receive adequate professional development on effectively teaching students with special needs in online environments. Regular evaluations and assessments can help monitor the progress of students with disabilities and ensure they are receiving an appropriate education in online environments. Online learning should be flexible and personalized to meet students' individual needs, including their preferred learning styles and pace. Student engagement and well-being should be a top priority; appropriate support should be provided to ensure students are actively involved in their education. Funding and the continuum of services should not play a role in providing FAPE (Free and Appropriate Education) in an online environment. It is important to note that online learning in special education is still evolving, and these best practices may change as new research becomes available. It is imperative to continually evaluate and adapt to ensure the best educational experience for students with special needs in online schools. Overall, there is a need for a more comprehensive and in-depth analysis of online learning in special education to ensure that students with special needs receive an inclusive and appropriate education in digital classrooms.

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