

Determining Compensatory Education

Agenda

- Check and Connect
 - Compensatory vs. Recovery vs. ESY
- COVID-19 Compensatory Education Plan
 - Core Understandings of Compensatory Education Plan
 - Timeline and Reporting Requirements
 - Outreach
 - Next Steps for School Teams
 - Roles and Responsibilities of FCPS Staff
 - Criteria for Determination of Compensatory Education
 - Prior Written Notice, Documentation, and Tracking
 - Compensatory Education Conversations
 - Reimbursement Process
- Scenario Activity
 - Collaboration and Logistics

FAPE and Compensatory Education

- FCPS is obligated to provide a free appropriate public education to students with disabilities.
- When this does not occur due to the division's failure or inability to provide services, compensatory education is an equitable remedy to address the failure.
- The determination of compensatory education must occur during an IEP or Section 504 Plan meeting.

Guidance Document for Compensatory Education

- <https://hub.fcps.edu/system/files/2023-01/FCPS-Guidance-Document-Compensatory-Education.pdf>

Check and Connect

Outcomes:

- Compare and contrast the differences between:
 - Compensatory Education services
 - Recovery services
 - Extended School Year (ESY) services
- True or False?
- A student may be eligible for compensatory education services, Recovery services, and ESY.

- ESY services may be used as a way to deliver compensatory education services.
- Compensatory education may still be owed to a student who has already received Recovery Services.

Comparison Chart

Screenshot of Comparison Chart

COVID-19 Compensatory Education Plan

Outcomes:

- Understand the COVID-19 Compensatory Education Plan
 - Review the Timeline, Outreach, and Reporting Requirements
 - Identify Next Steps for School Teams
 - Understand the Criteria for Determination of Compensatory Education
 - Identify Roles and Responsibilities of FCPS staff
 - Prior Written Notice, Documentation, and Tracking
 - Review Compensatory Education Conversations
 - Understand the Reimbursement Process
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- [COVID-19 Compensatory Education Plan](#)
 - FCPS' responsibilities
 - Outreach to current parents/guardians/adult students
 - Outreach to former parents/guardians/adult students
 - IEP and 504 meetings to consider compensatory education for all current students
 - IEP and 504 meetings to consider compensatory education upon request for all former students
 - Ongoing monitoring of progress of compensatory education determinations and service delivery

Staff Roles and Responsibilities

Screenshot of Staff Roles and Responsibilities Chart

Timeline and Reporting

Timeline and Reporting Requirements

- January 9: Professional development for staff begins
- January 10, 12, 17, and 25: Public Meetings

- January 10 - 26: School-based turnaround training on the process for determining and documenting compensatory education for staff who will participate in compensatory education meetings
- January 12 (or before): FCPS central office will contact parents/guardians/adult students regarding scheduling IEP and 504 meetings to consider compensatory education, the process for determining compensatory education, and the process for requesting reimbursement for out-of-pocket expenses
- January 26: Optional professional developments (3) on the process for determining and documenting compensatory education for staff who will participate in compensatory education meetings
- February 1 - June 16: IEP and 504 Plan meetings held to determine compensatory education
- February 2 and beyond: Compensatory education may be delivered
- February 13: Professional development on the process for tracking and monitoring compensatory education determinations and services for school-based leaders
- February 14 - 28: Turnaround training for school-based staff on the process for tracking compensatory education services for school-based staff

Staff Training

Required:

Within seventy-five (75) school days of OCR's approval of the training materials...
 ...FCPS will provide written guidance and/or training regarding the Plan and criteria for determining compensatory services, and the data tracking process to all relevant division-level and school-level staff who have responsibilities under Section 504 and Title II.

The following staff roles **MUST** receive and document receipt of this training:

- School-based administrators (principals, assistant principals, and DSS)
- School-based 504 coordinators (SBC)
- Special education department chairs
- Special education teachers/case managers
- Section 504 case managers
- Related service providers (including clinical staff and ETRs)
- Specified central office staff who may attend IEP or 504 meetings or consult with teams
- General education teachers, counselors, and other staff who may attend meetings, or be involved in decisions, regarding compensatory education

Determination of Compensatory Education

Next Steps for School Teams

- Identify students who need IEP or 504 Plan meetings to consider compensatory education
- Schedule IEP or 504 Plan meetings
- Gather and review student data; hold staffings as needed
- Hold meetings to make determinations of compensatory education
- Document decisions on PWN and provide to parent/guardian
- Provide compensatory education to students as determined by the IEP or 504 team*

*FCPS is developing a tracking system in which all compensatory service data will need to be entered. Training will be provided at the 2/13/23 Special Education Department Chair meeting.

Student Lists

A SEA-STARs report is being developed to identify all students who require COVID-19 compensatory education consideration.

The report will contain the following information:

- Student's Name
- FCPS ID number
- Grade
- Enrollment Status: Enrolled, Withdrawn, or Graduated
- Program Type: IEP or 504
- Current address listed in SIS
- Parent/Guardian Names
- Corresponding Home Language
- Case Manager
- C-19 Comp Services Status: Complete or Incomplete

Note: School reports will include students who withdrew or who have graduated based on the last school of attendance.

Criteria and Process for Determination of Compensatory Education

https://docs.google.com/document/d/1fJe_vAYguy9jp2Jqz_q1uvDIMh78igVh/edit

Criteria for Determining FAPE and Compensatory Education

1. Did FCPS fail to provide the student with the regular or special education and related aids/services required by the student's Section 504 Plan or IEP that was in effect at the beginning of March 2020?

- a. Did the student receive the amount and type of the regular or special education, and related aids/services that were required by the Section 504 plan or IEP that was in effect at the beginning of March 2020?
 - i. The services provided by parents or guardians during the Pandemic Period will not be counted as services provided by FCPS that were required by existing IEP/504 Plans.
2. Were changes made to the student's IEP or Section 504 Plan during the Pandemic Period (Temporary Learning Plans (TLPs), Virtual IEPs, or other remote learning plans), particularly where changes resulted in lesser services being provided to the student than the Section 504 plan or IEP in effect prior to the changes?
3. For students with IEPs, was goal progress impacted by remote learning? To make this individualized determination, IEP teams will consider, at minimum:
 - a. Present levels of academic achievement and functional performance.
 - b. Previous rate of progress toward IEP goals pre-Pandemic Period.
 - c. Documented frequency and duration of special education and related services provided to the student prior to the service disruptions caused by the COVID-19 pandemic.

Data Sources for Consideration for Compensatory Education

- Pre-Pandemic Period - (prior to 3/13/20)
- Pandemic Period - (4/14/20 to 6/10/22)
- Post Pandemic Period - (6/11/22 to present)

Student Decision Worksheet

<https://docs.google.com/document/d/19tUe8AGITM3hUWghncycAgh3bjVXEgVuJLfPezqiz7Y/copy>

Discussions and Documentation of Compensatory Education for IEP and 504 Plan Meetings

Discussion of Compensatory Education in IEP Meetings

- Annual IEP
 - Complete the process of the Annual IEP
 - Incorporate the discussion of compensatory education
 - Use data to inform decision-making
 - Make a proposal for the annual IEP that also documents the discussion and determination for compensatory education
 - Complete a Prior Written Notice (PWN)

- IEP Addendum with a Meeting
 - Discussion is focused on determination of compensatory education
 - Use data to inform decision-making
 - Document the discussion and determination
 - Complete a Prior Written Notice (PWN)

How to Document Compensatory Services on the IEP

The determination of compensatory education needs to be indicated in two places on the IEP:

1. Services page
2. Prior Written Notice (PWN)

Note: The PLOP will be used to state the purpose of the IEP meeting. For example: Add date and *The IEP team is convening to complete an annual IEP for John and to determine if compensatory education services are required.*

How to Document Compensatory Services on the 504 Plan

- Annual Review of 504 Plan
 - Complete the annual review of the 504 Plan
 - Incorporate the discussion of compensatory education
 - Use data to inform decision-making
 - Document the discussion and outcome for compensatory education
 - Complete a Prior Written Notice (PWN)
- Hold an additional 504 Plan meeting to discuss compensatory education
 - Focus of the meeting will be making a determination
 - Use data to inform decision-making
 - Document the discussion and outcome for compensatory education
 - Complete a Prior Written Notice (PWN)
- NEW FUNCTIONALITY!
 - The determination of compensatory education needs to be indicated in two places on the 504 Plan:
 1. Services page
 - a. Indicate Compensatory Services required and add services
 - b. Document reason for compensatory services and how they will be delivered
 2. Prior Written Notice (PWN)

Prior Written Notice (PWN) – Sample

Screenshot of Sample PWN

Reimbursement Process

- **Parent Reimbursement Process:**
 1. Parents who would like to be reimbursed for services they funded that were provided to their child will need to submit invoices/receipts to the student's case manager for the IEP team or 504 knowledgeable committee to consider.
 2. The IEP team or 504 knowledgeable committee will follow procedures to meet and consider whether compensatory education is warranted for the student.
 3. The team should consider any requests for reimbursement by the parent/guardian.
 4. If the team determines reimbursement is warranted, the case manager will email the Plan Administrator, copying the parent, to let the Plan Administrator know that the team decided to reimburse the parent, for what, and the amount. Attach receipts/invoices and the completed Reimbursement Worksheet showing payment to the email.
 5. The Plan Administrator or designee will contact the parent to obtain an IRS W-9 and any other needed documentation to ensure that the parent will be reimbursed.
 6. The parent/guardian will be reimbursed by FCPS, usually within 45 calendar days.
- **Reimbursement Worksheet**

Student Scenarios

- **ES Scenario 1**

Devin is a 5th grader in an Intellectual Disabilities (ID) program outside of his base school. He receives 20 hours of self-contained special education with 10 hours of special education in general education for morning meeting, lunch, recess, specials, and focus lessons in science and social studies. Although Devin spends the majority of his day in the special education setting, his hours have increased from 6 to 10 since last school year to access more time in the general education settings described above. What steps will you take to determine if Devin requires compensatory education services?
- **HS Scenario 2**

Ricardo graduated in June 2021 with a 3.1 GPA and an advanced studies diploma. While attending high school, he was receiving 15 hours a month of LD special education services in the general education setting with needs in the area of reading. These services took place in his English

class. After high school, Ricardo attended NOVA for a year and then transferred to JMU. What steps will you take to determine if Ricardo requires compensatory services? Consider the steps you will take since Ricardo has graduated from high school.

- **ES Scenario 3**

Maya is a 4th grade student with a Specific Learning Disability (LD). Private testing indicates Maya has a diagnosis of dyslexia and dysgraphia. Maya receives special education services in both the general education and special education settings. In the special education setting, Maya accesses Orton Gillingham for reading (2.5 hours per week) and Connecting Math Concepts (2.5 hours per week). When she returned to school full time, the IEP team considered recovery services. For the past two summers, Maya has been receiving recovery services through the recovery academy for 1 hour a day, 5 times a week for 4 weeks for a total of 60 hours. Parents are concerned that Maya is still not reading on grade level. What steps will you take to determine if Maya requires compensatory services?

- **HS Scenario 4**

Alice is 23 years old and graduated in June 2021 with an applied studies diploma. She was receiving intellectual disability (ID) services of 30 hours a week in a special education setting, and was instructed in the aligned curriculum. Alice is currently living in a group home and has minimal job experience. What steps will you take to determine if Alice requires compensatory services? Consider the steps you will take since Alice has aged out of high school.

- **ES Scenario 5**

Ava attended preschool from September 2019-June 2021 in the preschool Autism program (PAC). Currently Ava attends an Enhanced Autism Program outside of her base school. Although Ava accesses general education during morning meeting, lunch, and recess, Ava's parents insist that Ava could have been more prepared to access a general education setting for at least the focus lessons in Science, Social Studies, Math, and English if it wasn't for the pandemic. What steps will you take to determine if Ava requires compensatory services? Consider how you will navigate the conversation with Ava's parents and what data needs to be taken into consideration.

- **MS Scenario 6**

Will is currently a 7th grader in middle school. During the Pandemic Period, he was in elementary school. Will was found eligible with an Other Health Impairment (OHI) with a medical diagnosis of ADHD. He also has the related service of Speech/Language. Currently, Will receives LD services with 15 hours a month in the special education setting during his Strategies for Success class, 30 hours a month in the general education

setting during English and Social Studies class and 2 hours a month of Speech/Language service in the special education setting. What steps will you take to determine if Will requires compensatory services? Consider the steps you will take to obtain information from elementary school.

- **ES Scenario 7**

Ryan is a 3rd grade student identified with an Emotional Disability. He received special education services in the special education setting for 29.5 hours per week and counseling as a related service for 2 hours per month targeting emotional self-regulation. His identified areas of need are Behavior Improvements and Emotional Regulation. He had a BIP in place when schools closed. Since returning to in-person instruction, Ryan has struggled with emotional regulation and making progress toward his IEP goals and BIP. His attendance was inconsistent and his BIP was suspended during virtual instruction. What steps will you take to determine if Ryan requires compensatory services?

- **HS Scenario 8**

Alex is an 11th grader who receives learning disability (LD) services for 90 hours a month in the general education setting. During the Pandemic Period, Alex's hours were reduced and Alex's parents hired a tutor to support his math, reading, and writing needs. Alex's parents are asking for \$3000 in reimbursement for his tutor. What steps will you take to determine if Alex requires compensatory services? Consider the data/information needed.

Resources

- COVID-19 Compensatory Education Plan
- Guidance Document for Compensatory Education
- Comparison Chart: Compensatory Education, Recovery Services, ESY
- Frequently Asked Questions

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