

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



FCPS Guidance Document for IEP Teams and Section 504 Plan Knowledgeable Committees for Consideration of Compensatory Education Due to the COVID-19 Pandemic

This document provides guidance and criteria for IEP teams and Section 504 Plan knowledgeable committees for the consideration of compensatory education due to the COVID-19 pandemic. The Pandemic Period is identified as April 14, 2020 to June 10, 2022.

Compensatory Education is special education and related aids or services provided to a student to remedy educational deficits that resulted from the failure to provide services or evaluations during the COVID-19 pandemic.

The IEP team or Section 504 Plan knowledgeable committee will:

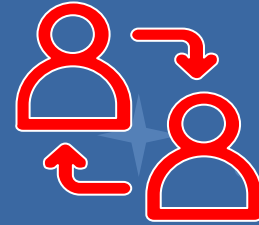
- Determine whether each student with a disability received an appropriate education to meet their individual needs during the Pandemic Period
- Determine whether compensatory education and/or related services are owed to a student with a disability as a remedy

I. Criteria for Determining Provision of FAPE and Compensatory Education

A. Each IEP team or Section 504 knowledgeable committee must consider, at a minimum, the following criteria:

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

Check and Connect



Check and Connect

Outcomes:

- Compare and contrast the the differences between:
 - Compensatory Education services
 - Recovery services
 - Extended School Year (ESY) services

True or False?

1. A student may be eligible for compensatory education services, Recovery services, and ESY.

True or False?

2. ESY services may be used as a way to deliver compensatory education services.

True or False?

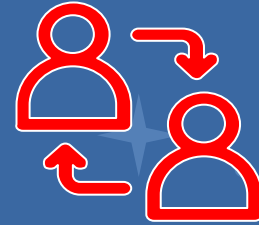
3. Compensatory education may still be owed to a student who has already received Recovery Services.

Comparison Chart

Comparison Chart: COVID-19 Compensatory Education - COVID-19 Recovery Services - Extended School Year (ESY)

	COVID-19 Compensatory Education	COVID-19 Recovery Services	ESY
What are these services and why are they provided?	Compensatory education is special education and related aids and services provided to a student to remedy educational deficits that resulted in a denial of FAPE due to the inability or failure of FCPS to provide services or evaluations during the COVID-19 Pandemic Period. Services are available to students with IEPs and Section 504 Plans.	Recovery services are special education and related services provided in addition to regular school programming to mitigate the impact of COVID-19 pandemic and resulting school closures and virtual instruction on student learning and progress. Services are available to students with IEPs and Section 504 Plans.	ESY services are special education and related services provided beyond the normal school year. An ESY determination is made to address the concern that benefits gained by the student during the school year will be significantly jeopardized without ESY. ESY services are available to students with IEPs only.
What period of time needs to be considered?	The Pandemic Period is defined as April 14, 2020 to June 10, 2022. Current data is also relevant to decision-making.	The Pandemic Period is defined as April 14, 2020 to June 10, 2022. Current data is also relevant to decision-making.	ESY decisions are based on data collected from the last agreed-upon IEP that indicates the student requires services beyond the normal school year to receive FAPE.
What factors should the IEP team consider in determining whether services are required?	Key factors considered for the determination of Compensatory Education include changes made to the student's IEP or Section 504 Plan during the Pandemic Period (TLPs), Virtual IEPs, or other remote learning plans), particularly where changes resulted in lesser services being provided to the student than the IEP or Section 504 Plan in effect prior to the changes.	Key factors considered for the determination of Recovery Services include evidence of impact on learning or educational progress (e.g., regression or reduced rate of skill acquisition) due to COVID-19 school closures, virtual, and/or hybrid learning.	Key factors considered for the determination of ESY include: regression, skill recoupment, degree of progress, emergent skills, behaviors, severity of disability, and unique circumstances.
What type of data and information	Focus on present level of academic achievement, functional performance data, rate	Focus is on data that demonstrates the impact of COVID-19 school closures,	Focus is on current data and educational progress toward areas of "critical life skills."

COVID-19 Compensatory Education Plan



COVID-19 Compensatory Education Plan

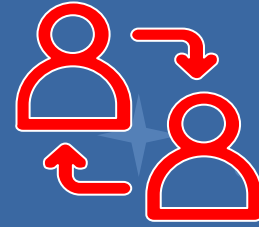
Outcomes:

- 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

Core Understandings of the Plan

- 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

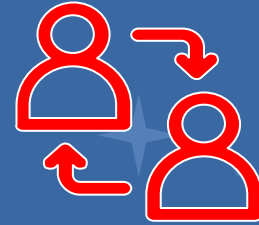


Roles and Responsibilities of FCPS Staff

Roles and Responsibilities for COVID-19 Compensatory Education Determination:

	School Administrator	SPED Dept Chair 504 SBC Case Manager	School Staff	Central Office staff	FCPS Plan Administrator
Initial Outreach to Parents/ Guardians/Students				X	
Schedule IEP/504 meeting		X	X		
Gather and Review Data		X	X		
Collaborate with other schools and/or central office staff	X	X	X		
Participate in and support staffings prior to meetings	X	X	X	X	
Facilitate and lead IEP/504 meeting	X	X			
Complete and send PWN		X	X		
Develop an internal school process to ensure that all meetings are held and a determination is made and documented for each student	X	X			X
Import student information into the FCPS Compensatory Education tracking system	X	X			
Provide guidance and support for individual cases				X	X
Process parent reimbursement requests				X	X
Report information to OCR				X	X
Oversee the implementation of the OCR Resolution Agreement and provision of compensatory education for all FCPS students with disabilities				X	X

Timeline and Reporting



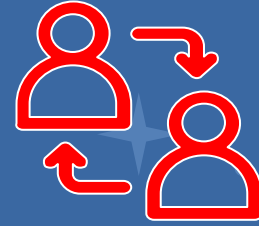
Timeline and Reporting Requirements

- **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

Timeline and Reporting Requirements

- **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



Staff Training

Required:

Within seventy-five (75) school days of OCR's approval of the training materials...

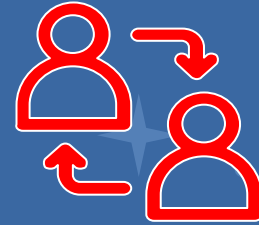
...FCPS will provide written guidance and/or training regarding the Plan and criteria for determining compensatory services, and the data tracking process to **all relevant division-level and school-level staff** who have responsibilities under Section 504 and Title II.

Staff Training...continued

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

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The IEP team or Section 504 Plan knowledgeable committee will:

- Determine whether each student with a disability received an appropriate education to meet their individual needs during the Pandemic Period
- Determine whether compensatory education and/or related services are owed to a student with a disability as a remedy

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 - a. Did the student receive the amount and type of the regular or special education, and related aids/services that

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)**

Considerations for Compensatory Education Services

Pre-Pandemic Period Data Sources and Considerations (PRE)	Pandemic Period Data Sources, Questions and Considerations (DURING)	Post-Pandemic Period Compensatory Education services (POST)
<p>Pre-Pandemic Period (prior to 3/13/20)</p> <p>To establish a baseline, gather and review data (informal/formal) from prior to the Pandemic Period, to include, but not limited to:</p> <ul style="list-style-type: none"> • Rate of progress toward IEP goals, objectives and benchmarks • Observation data from teachers 	<p>Pandemic Period (4/14/20 - 6/10/22)</p> <p>Gather and review data (informal/formal) from the Pandemic Period.</p> <p><u>Guiding Questions:</u></p> <p>Did the student receive the amount and type of regular or special education and related aids and services that</p>	<p>Post-Pandemic Period (6/11/22 - Current)</p> <p>Consider the student's present level of academic and functional performance, rate of progress and skill acquisition (before, during and after the Pandemic Period), as well as the documented frequency and duration of special education and related services that were provided to the student</p>

Student Decision Worksheet

Decision Worksheet (Attach to IEP or 504 Plan)

Student Name: _____ Current School: _____ Grade: _____

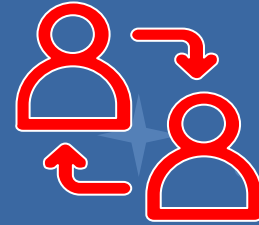
Present level of performance (data sources):

Mitigating interventions and services provided (data sources):

COVID-19 Pandemic Period - Impact on student learning/progress (data sources):

	2019-20 (PP started 4/14/20)	2020-21 (PP all year)	2021-22 (PP ended 6/10/22)	2022-23 Current
Area of Eligibility/Primary Service				
Delays in evaluations/eligibility				
Related Services				
Paused Instruction-C19 (dates)				

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)

How to Document Compensatory Services on the 504 Plan

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

CONFIDENTIAL Fairfax County Public Schools
Individualized Education Program
Prior Written Notice

Student STUDENT ID Number Date
School

Dear PARENT

The Individuals with Disabilities Education Act requires that a school division provide written notice to parents when the school division proposes or refuses to initiate or change the identification, evaluation, or educational placement of a child, or the provision of a free appropriate public education (FAPE).

During a/an IEP/addendum meeting on , Fairfax County Public Schools (FCPS)
☐ proposed or ☐ refused (check one) the following action:

During a meeting on DATE, the IEP team considered available information to determine whether STUDENT received an appropriate education to meet their individual needs during the pandemic period from April 14, 2020, through June 10, 2022.

FCPS proposes/refuses compensatory education services for STUDENT.

FCPS proposes
(list specifically what the student will receive reasonable timeframe for completion)

The process for reimbursement of out-of-pocket expenses incurred to provide the services required by the student's IEP during the Pandemic Period is

FCPS refuses compensatory education services for STUDENT.

The reason FCPS proposes or refuses the action:

FCPS proposes Compensatory Education services because special education and/or related aids/services provided to STUDENT during the Pandemic Period did not provide a free appropriate public education.

FCPS refuses compensatory education services because special education and/or related aids/ services provided to STUDENT during the Pandemic Period did provide a free appropriate public education.

Considerations:

- Determine whether the student received the amount of and the type of regular or special education, and related aids and services that were required by the 504 Plan or IEP that was in effect at the beginning of the Pandemic Period
- Whether changes to the students 504 Plan or IEP that were made during the Pandemic Period, including TLPs, virtual IEPs, or other plans that were developed, were based on the student's individualized educational needs, particularly where changes resulted in lesser services being provided to the student than the 504 Plan or IEP in effect prior to the changes
- For students with IEPs, whether the student's goal progress was impacted by remote learning provided during the Pandemic Period
- What are the student's present levels of academic achievement and functional performance?
- What was the student's previous rate of progress toward IEP goals before the Pandemic Period?
- What was the 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?
- Were evaluations and/or services delayed during the Pandemic Period? • Other relevant information

Information from the Fairfax County Public Schools student scholastic record is released on the condition that the recipient agrees not to permit any other party to have access to such information without the written consent of the parent or eligible student.

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CONFIDENTIAL Fairfax County Public Schools
Individualized Education Program
Prior Written Notice

Student STUDENT ID Number Date
School

Description of other options considered by FCPS and why they were rejected:

Provide a detailed description of other options considered and rejected.

Description of each evaluation procedure, test, record, or report FCPS used as a basis for the proposed or refused action:

List all data sources used to make the decision

Description of other factors relevant to FCPS proposal or refusal:

List any additional factors discussed by the team.

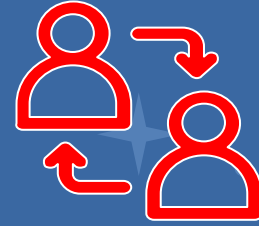
Parents of a child with a disability have protection under the procedural safeguards including the right to appeal the proposal or refusal of the action described in this notice. A copy of *Your Family's Special Education Rights (Virginia Procedural Safeguards Notice)* (SSSE-4) has previously been provided to you. Additional copies of this document are available at your child's school or on-line at <https://www.fcps.edu/sites/default/files/media/forms/ssse4.pdf>. If you have questions or desire assistance understanding the provisions of these safeguards, please contact Due Process and Eligibility at 571-423-4470.

Sincerely,

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Reimbursement Process



Reimbursement Process

Parent Reimbursement Process:

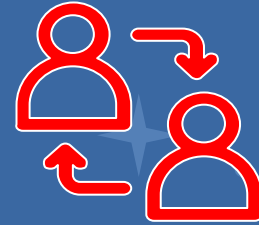
1. Parents who would like to be reimbursed for services they funded that were provided to their child will need to submit invoices/receipts to the student's case manager for the IEP team or 504 knowledgeable committee to consider.
2. The IEP team or 504 knowledgeable committee will follow procedures 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 Process

Reimbursement Worksheet

Service requested for reimbursement and amount:	
Consideration	Notes
Was the service provided identified in the student's IEP or 504 Plan?	
Was the service provided due to FCPS' failure to provide the service?	
How did this service assist the student with accessing their learning or making progress in the curriculum during the Pandemic Period? Review any available data.	
Has the case manager received receipts/invoices showing payment for this service?	
Team determination regarding parent reimbursement:	

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.

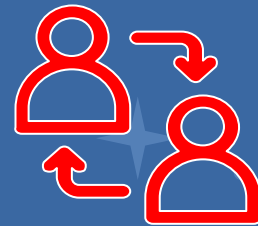
What steps will you take to determine if Ryan requires compensatory services?

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

Fairfax County Public Schools (FCPS) entered into a Resolution Agreement with the United States Department of Education Office for Civil Rights regarding the provision of services to students with disabilities during the global COVID-19 Pandemic. Students with disabilities are entitled to a free appropriate public education (FAPE) and may require compensatory education as a remedy if a student was not provided a FAPE during the COVID-19 pandemic, an unprecedented time for students, staff, and families across the nation.

The FCPS COVID-19 Compensatory Education Plan was created to support the needs of students with disabilities (SWD) whose learning was impacted during the COVID-19 Pandemic. Individualized Education Program (IEP) teams and Section 504 Plan knowledgeable committees will determine whether SWD, who had an IEP or 504 Plan during the Pandemic Period (April 14, 2020 - June 10, 2022), received an appropriate education to meet their individual needs during the Pandemic Period. The IEP team or Section 504 Plan

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- Determine whether compensatory education and/or related services are owed to a student with a disability as a remedy

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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?

Comparison Chart: Compensatory Education, Recovery Services, ESY

Comparison Chart: COVID-19 Compensatory Education - COVID-19 Recovery Services - Extended School Year (ESY)

	COVID-19 Compensatory Education	COVID-19 Recovery Services	ESY
What are these services and why are they provided?	Compensatory education is special education and related aids and services provided to a student to remedy educational deficits that resulted in a denial of FAPE due to the inability or failure of FCPS to provide services or evaluations during the COVID-19 Pandemic Period. Services are available to students with IEPs and Section 504 Plans.	Recovery services are special education and related services provided in addition to regular school programming to mitigate the impact of COVID-19 pandemic and resulting school closures and virtual instruction on student learning and progress. Services are available to students with IEPs and Section 504 Plans.	ESY services are special education and related services provided beyond the normal school year. An ESY determination is made to address the concern that benefits gained by the student during the school year will be significantly jeopardized without ESY. ESY services are available to students with IEPs only.
What period of time needs to be considered?	The Pandemic Period is defined as April 14, 2020 to June 10, 2022. Current data is also relevant to decision-making.	The Pandemic Period is defined as April 14, 2020 to June 10, 2022. Current data is also relevant to decision-making.	ESY decisions are based on data collected from the last agreed-upon IEP that indicates the student requires services beyond the normal school year to receive FAPE.
What factors should the IEP team consider in determining	Key factors considered for the determination of Compensatory Education include changes made to the student's IEP or Section 504 Plan during the Pandemic Period (TLPs). Virtual	Key factors considered for the determination of Recovery Services include evidence of impact on learning or educational progress (e.g.	Key factors considered for the determination of ESY include: regression, skill recoupment, degree of progress, emergent skills, behaviors, severity of disability, and

Frequently Asked Questions

FAQs - OCR COVID-19 Compensatory Services Resolution Agreement

The questions have been grouped into the following categories:

[Outreach](#)
[Training](#)
[Logistics](#)
[Criteria/Consideration/Determination](#)
[Provision of Services](#)
[Private Reimbursement](#)
[Special Circumstances](#)

[Outreach](#)

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