

# **TEA Guidance: Compensatory Services – Summer of 2020**



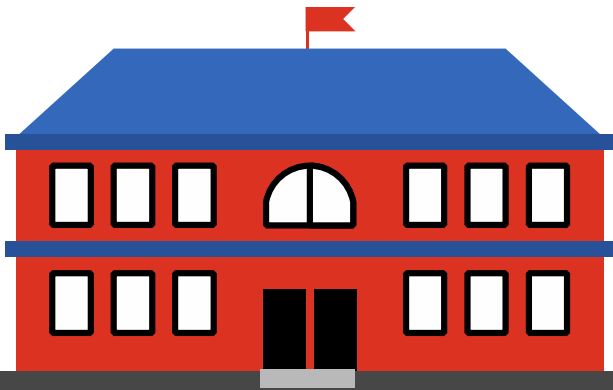
## True North Statement



Together, we are committed to high expectations and strong systems that achieve equitable outcomes for every student with a disability.



In planning for the potential need for remote delivery of educational services (including special education and related services), **Local Educational Agencies (LEAs) must ensure Free Appropriate Public Education (FAPE) to students with disabilities and implement the requirements of the Individuals with Disabilities Education Act or IDEA and state law.** LEAs and school staff will want to prioritize decisions and actions based on health and safety first, to include communication with staff and families.



# Audience



**District Special Education Leadership**



**Campus-Based Special Education Leadership**



**School Administrators**

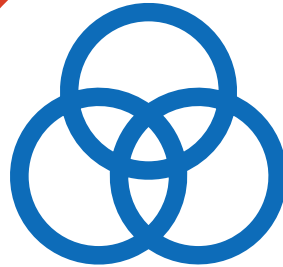


**Teachers and Direct Instructional Staff**

# Objectives:



**Define Compensatory Services:  
Non-Negotiables, Key Considerations, Guidelines During  
Contingency Plan, and Graduation and Transition**



**Clarify the differences between Compensatory Services,  
Intensive Program of Instruction (IPI) and Extended School  
Year (ESY)**

# Compensatory Services Definition



Compensatory services are educational services that a student needs **to make up for skills or learning lost when services described in an IEP were not provided.**

# Compensatory Services Determination



**Admission, Review, and Dismissal (ARD) committees** decide if compensatory services are needed and what those services will be.

Parent or guardian participation in ARD meetings is **required**. This includes gathering parent or guardian input.

# Individualized Compensatory Services



If a child has **lost progress** because services could not be provided as a result of the transition to remote instruction, the ARD committee **must consider the need for compensatory services** and document any necessary services in the IEP.



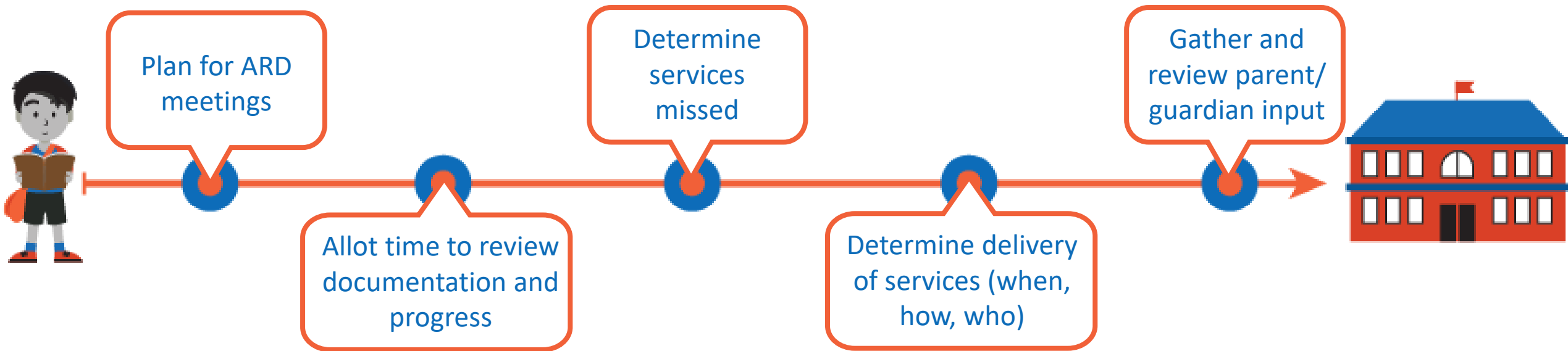
# Compensatory Services Due to Delayed Evaluation



The ARD committee **must** consider compensatory services, **if a child was in the process of being evaluated** for special education and the evaluation was delayed due to remote learning and the child is later found eligible for special education.

# Action Plan for Compensatory Services

An action plan should be created for any future shifts to remote learning. School leadership should:



# Takeaways – Compensatory Services

Compensatory services provide a student with a disability the educational services needed to **make up for skills or learning that have been lost when services described in an IEP were not provided.**



It is essential for school and related services providers to include documentation of services offered and provided when determining the need for compensatory services.

Compensatory services are IEP driven and ARD Committee reviewed and determined.



# Compensatory Services: Non-Negotiables

# Non-Negotiables

01

Free  
Appropriate  
Public  
Education  
(FAPE)



02

IDEA  
Requirements



03

Provide  
Services



04

Individualized  
Decisions



# Non-Negotiables: Free Appropriate Public Education (FAPE)

01

Free  
Appropriate  
Public  
Education  
(FAPE)



**Q: Does every student's IEP and progress need to be reviewed to determine the potential need for compensatory services due to remote learning or school closures?**

**A: An ARD committee must convene to determine compensatory services for **those students whose skills and learning were potentially impacted** due to IEP services being unavailable or interrupted by school closures/remote learning.**

# Non-Negotiables: Individuals with Disabilities Education Act (IDEA)

02

## IDEA Requirements



IDEA **requires** that every student who is eligible for special education be offered an IEP that is reasonably calculated to enable the student to make progress given the student's circumstances.

# Non-Negotiables: Provide Services

03

Provide  
Services



Schools **must** provide high quality and effective special education and related services to students in accordance with their IEPs during remote learning environments.

Be sure to document type, frequency, location, and duration of services in the IEP.



# Non-Negotiables: Individualized Decisions

04

Individualized  
Decisions



ARD committees will need to make **individualized decisions** regarding the provision of compensatory services once schools resume instruction.



# Compensatory Services – Key Considerations

# Compensatory Services – Key Considerations





## Impact

- What and how were services reduced?
- Document comparison of services provided during remote learning to services mandated by the IEP.



## Review

- Needs
- Data
- Present Level of Academic Achievement and Functional Performance (PLAAFP)
  - Progress monitoring reports
  - Work samples
  - Observations

If there were previously decided compensatory services, the ARD committee must consider:

- Need for additional services
- Address the delay in receiving other compensatory services



## Lost Progress

ARD Committee must Consider:

- Type of services
- Location
- Duration
- Frequency

\*The decision must be made based on data regarding student progress and should **NOT** be misconstrued to necessarily require an hour-for-hour or minute-for-minute makeup in services. (Parent and guardian-gathered data is essential.)



# Monitor and Revise

Following the ARD committee's initial determination regarding compensatory services, the ARD committee must monitor and revise services, as appropriate, with the objective of reasonably returning the student to the levels he or she would have been without disruptions on account of interrupted or unavailable services.



## Evaluation

If a student experienced a pause during the initial or re-evaluation process for special education eligibility due to concerns related to remote instruction and is later found to be eligible for special education services...

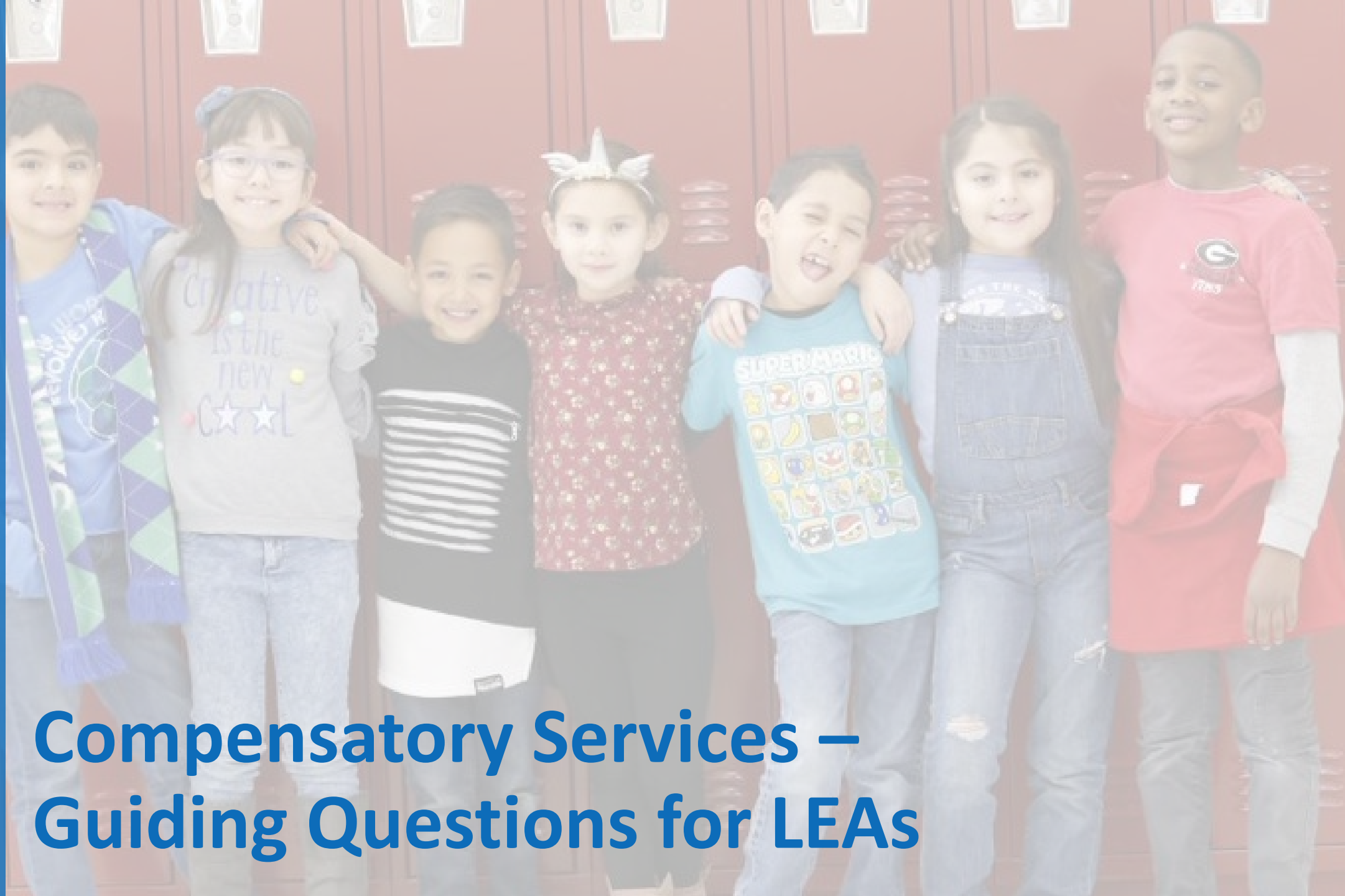
... then the ARD committee should consider whether there is also a need for compensatory services that address the delay in receiving the new special education services.



# Key Consideration to Remember

The school, ARD committee administrators and staff must **not** suggest, encourage, or pressure families to waive special education services for students, including compensatory services.





# Compensatory Services – Guiding Questions for LEAs

# Guiding Questions for Compensatory Services



How has the LEA effectively communicated about services?



Is the Special Education Contingency Plan from TEA, or similar document prepared by the LEA, **being utilized in the planning for compensatory supports?**



Does the LEA have a system to identify and track each student with a disability whose IEP was amended or supplemented due to remote learning?



# Guiding Questions for Compensatory Services



Has the LEA conferred with its legal counsel?

Can the student's needs be met through the general education supplemental programming?

How will the LEA ensure sufficient staffing for compensatory services provided?

# Guiding Questions for Compensatory Services



How is the LEA documenting communication with families?

Was the student provided instruction or services via an alternative method?

Were alternative methods of instruction and services provided to the student as beneficial?

Was the student able to access the instruction and services?

# Guiding Questions for Compensatory Services



Is there clear documentation of the amount of instruction and services?

How will the LEA share data with families in order to make an informed decision about the amount of instruction and time required of compensatory services?

How will the LEAs monitor service times and notify families of completion?

# Guiding Questions for Compensatory Services



What percentage of the student's IEP-required instruction and services did the student receive?



Are there indications that the student regressed either academically or non-academically during remote learning?



Predict and Plan?



How can the ARD committee address the need to accelerate skill recuperation?



# Compensatory Services – Graduation and Transition



# Compensatory Services and Graduation

**How should ARD committees approach compensatory service provisions for students who are graduating and do not receive these services prior to their graduation date?**

As a general rule, a student's eligibility to receive special education and related services ends when the student graduates with a regular high school diploma, unless previous noncompliance to provide compensatory services need to be addressed after graduation. Prior federal guidance indicates that graduation does not automatically relieve districts of the responsibility to provide compensatory education. We encourage schools to consult with local counsel.



# Compensatory Education in Transition



**How should ARD committees approach transition services, such as Summer Earn and Learn (SEAL), that are not able to be provided due to issues related to remote learning?**



ARD committees will need to review each student's situation individually and consider what alternative or additional transitional services could be provided so that students' goals for transition can be appropriately met.



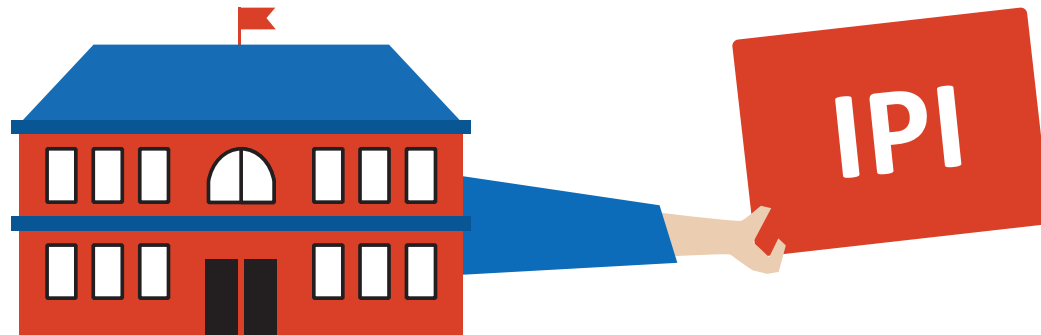
**Compensatory Services –  
Intensive Program of Instruction (IPI)  
and Extended School Year (ESY)**

# Intensive Program of Instruction (IPI)

Intensive instruction must be provided to **ALL** students who are not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade nine, as determined by the school district.

IPI services are **NOT** a substitute for compensatory services.

IPI is a service that is requires for **all** students. IPI is not just a Special Education service.

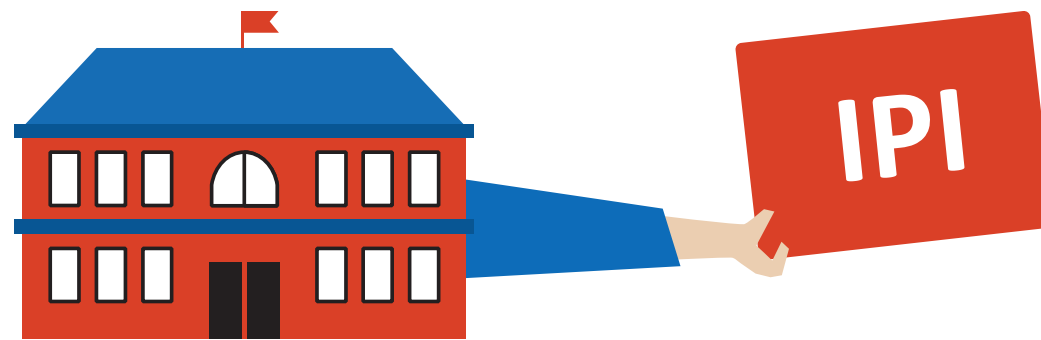


# Intensive Program of Instruction

A school district must offer an intensive program of instruction to a student who does not perform satisfactorily on any state assessment instrument administered.

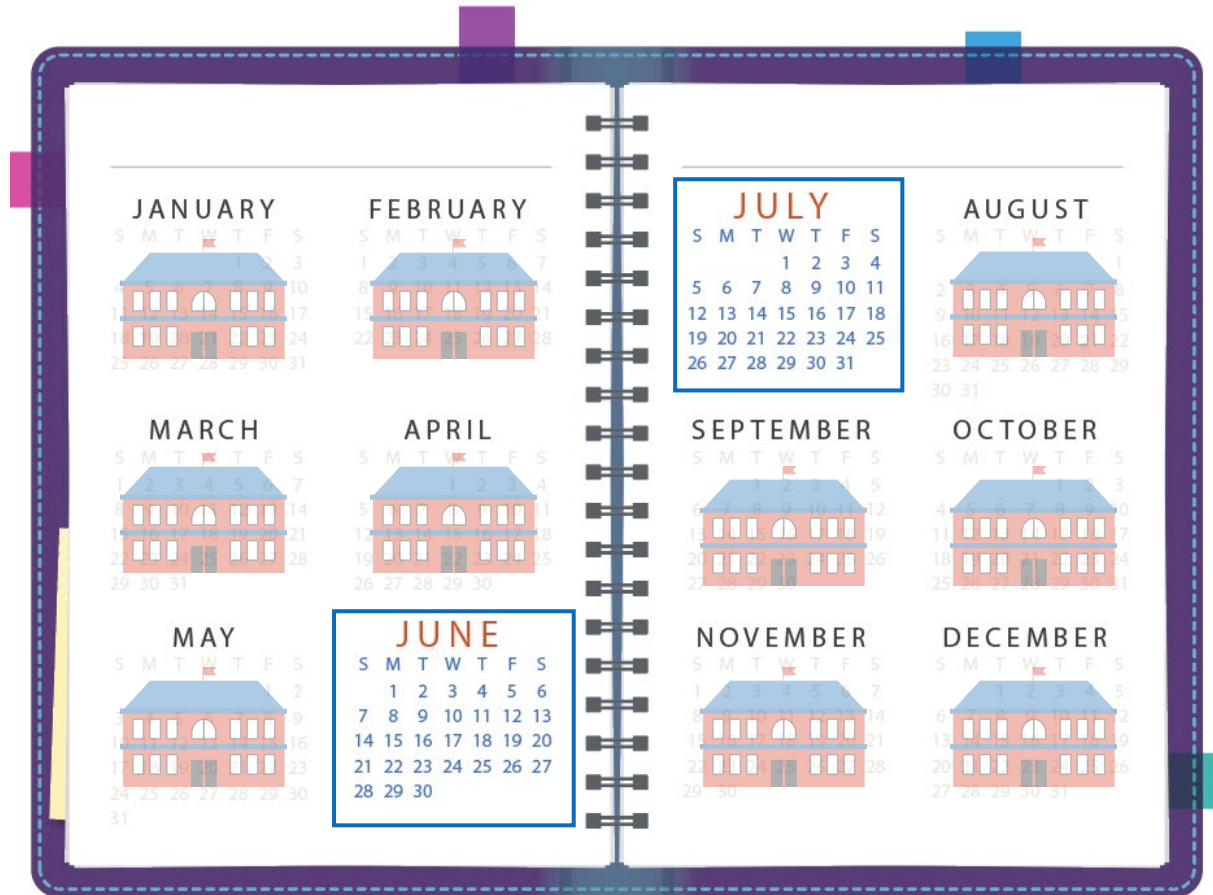
IPI should:

- (1) enable the student to attain a standard of annual growth on the basis of the student's IEP;  
**AND**
- (2) if applicable, carry out the purposes the Student Success Initiative.

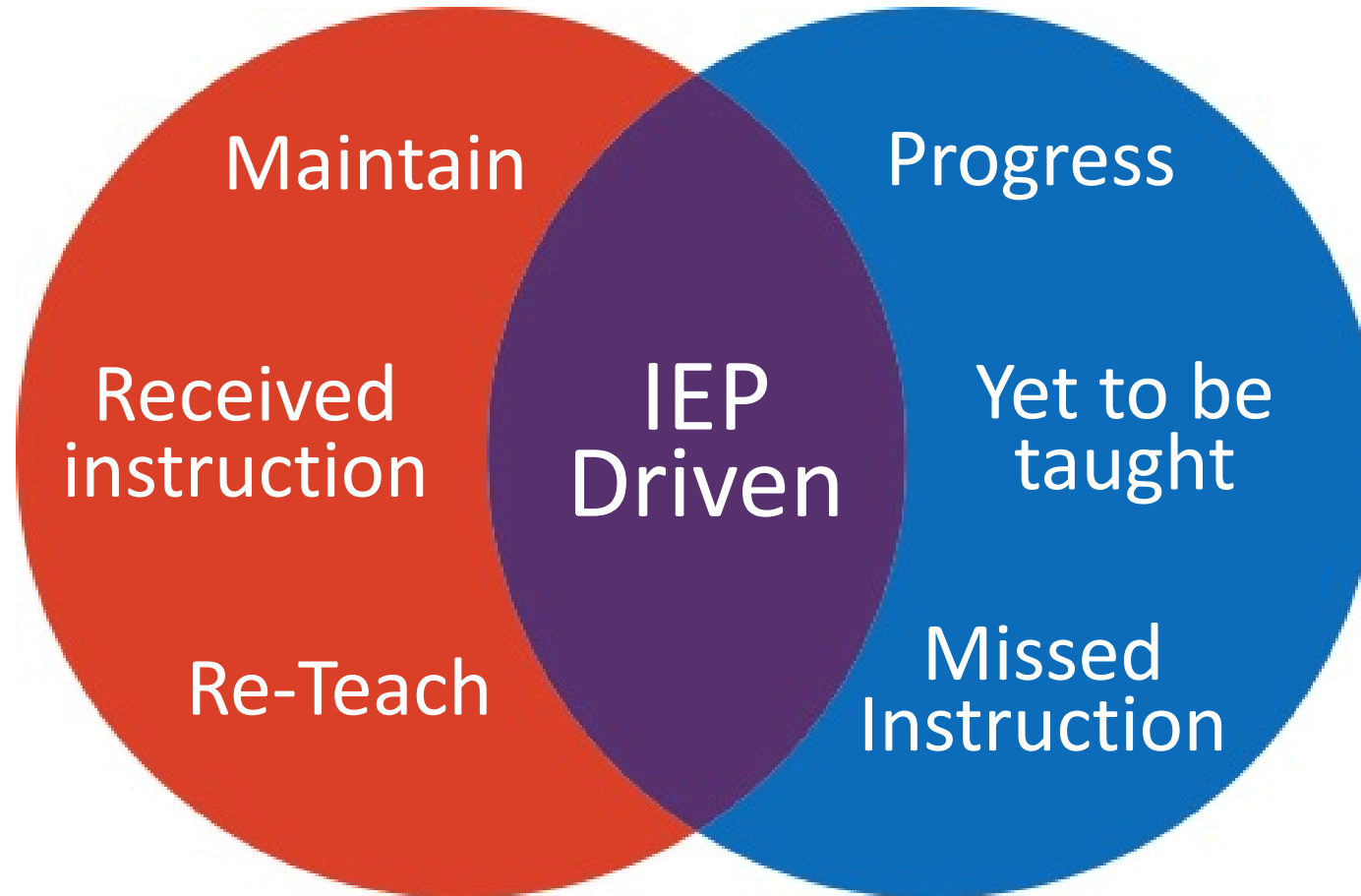


# Extended School Year (ESY)

ESY services provide individualized instruction and services to **prevent the severe or substantial loss of skills or learning** during the time beyond the regular school year when schools are not in session.



# Extended School Year v. Compensatory Services



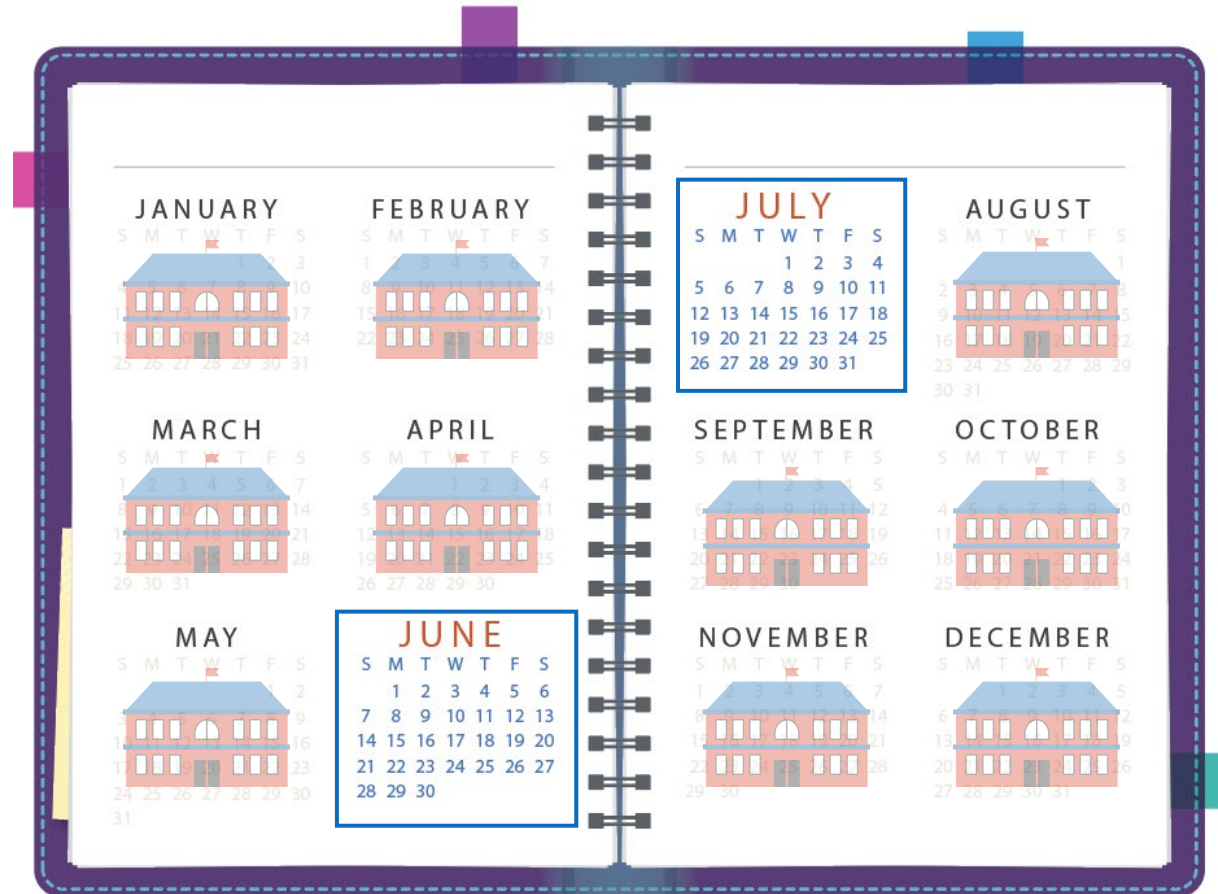
**ESY services** are **NOT** a substitute for **compensatory services**.

# Extended School Year Requirements

✓ ARD Determination

✓ IEP Documentation of Student Regression:

The student has been, or will be, unable to maintain one or more acquired critical skills in the absence of ESY services.





# How are ESY Services Determined?

ESY services are determined through the same process during remote instruction.



Data review of information collected on student IEP goals



Determine need on individual basis

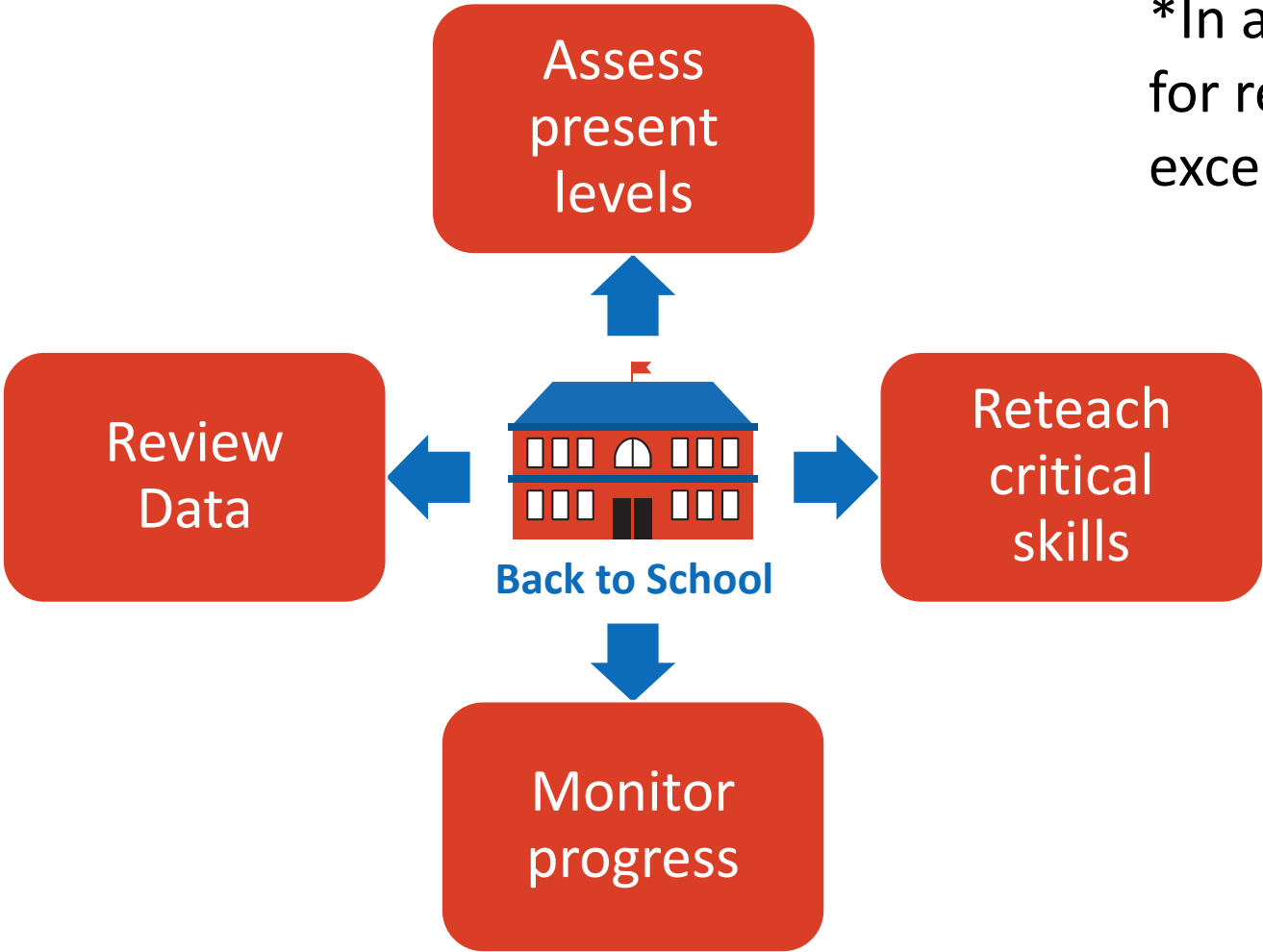


Documented by formal or informal evaluation data



ARD Committee

# ESY Decisions Once Schools Resume



\*In any case, the period for recoupment may not exceed 8 weeks.

# ESY – Key Considerations for Schools

## Maintain effective communication with families:

- Consider possibility that families may be overwhelmed.
- Maintain ongoing communication in the mode most accessible to the family.
- Consider resources and needs of family as related to mode of communication.
- Provide informational resources about ESY.
- Document all communication and efforts to communicate



# ESY – Key Considerations for Schools

**When monitoring the delivery of instruction and services for a student receiving special education services the LEA must consider:**

- Individual needs and IEP requirements
- Monitoring process and methods
- Accommodations, modifications, instruction, services, in-class support, inclusion, and instructional setting
- Role of evaluations in monitoring progress
- Need for ARD meetings to address developing needs due to remote learning situation



# Recent TEA Guidance

Visit this direct site for more TEA Guidance:

[direc.to/e2j2](https://direct.to/e2j2)



# For More Information:

## Special Education Special Projects and Strategy Division



Website: [www.tea.gov/TexasSped](http://www.tea.gov/TexasSped)



Email: [sped@tea.Texas.gov](mailto:sped@tea.Texas.gov)



Phone: 512-463-9414



[www.SPEDTex.org](http://www.SPEDTex.org)



**TEA Special Education COVID-19 Guidance:**

<https://tea.texas.gov/texas-schools/health-safety-discipline/covid/general-guidance>



**Thank You**