



# Partners Resource Network

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# Compensatory Services

## *What are compensatory services?*

Compensatory services are special education services that are provided to students served by special education to address any lack of learning or progress that may happen when schools are not able to provide all the services described in the original Individual Education Program (IEP). This applies to academic, functional, transition, and related services.



# Compensatory Services

*As a result of an emergency situation when schools are not able to fully implement a student's IEP, who determines what services are needed, and when can these services be provided?*

Whether or not compensatory services are necessary and what types of services are necessary are determined by the Admission, Review, and Dismissal (ARD) committee. Parents and guardians are important members of the committee. The ARD committee also decides when these services will be provided. They could be provided during the regular school calendar and may also be made available during summer breaks. However, schools should not wait until summer to provide compensatory services if the need for these services can be determined earlier in the school year.



# Compensatory Services

*How can these services be provided (virtual, in-person)?*

Just like all special education services, some compensatory services can only be appropriately provided in a face to face setting, while other services can be effectively provided to students in a virtual environment. Ultimately, it is dependent on what the service is and what can be done effectively.



# Compensatory Services

*Can a parent request compensatory services when in-school services are offered, but the parent has opted for virtual learning?*

When parents or guardians decide that their student will participate in a school's virtual instruction option, this does not impact whether compensatory services are necessary or will be provided. Determinations about that are made by the ARD committee based on what learning or progress should have been made if the school had been able to provide the services from the original IEP as planned.



# Compensatory Services

*What is a school district's obligation to provide compensatory services for students who have aged out or graduated with a regular high school diploma in May?*

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. There may be some instances where transition services necessary for a student to successfully transition to work, life, or post-secondary education that were part of the IEP and were not provided prior to graduation could be provided after a child graduates.



# Contingency Plan

## *What is a contingency plan and how will it affect my child's IEP?*

A contingency plan is something that is developed by the ARD committee that is added to the existing IEP. Depending on how it is written, in most cases, the contingency plan would go into effect when students move from face-to-face instruction to at-home learning. This could be due to issues around the pandemic, but also could be for a variety of reasons such as natural disasters, etc. When face to face instruction resumes, the contingency plan is no longer in effect and services are provided as described in the standard IEP.



# Contingency Plan

## *What is a contingency plan and how will it affect my child's IEP? (cont.)*

While contingency plans are not required, they are recommended by the TEA. The benefit to having a contingency plan is that when times of at-home learning come up, families and schools already know what to expect and how services from the IEP are going to be provided to students with as little delay as possible.

While parents or guardians do not give up any rights to services that were agreed upon as part of the original IEP when they agree to a contingency plan, it's possible that not all of those services will be appropriate to provide during times of at-home learning and will not be reflected in the contingency plan.



# Contingency Plan

*If a parent accepts a contingency plan, is the parent waiving the opportunity to request compensatory services once in-person school/classes resumes?*

When parents or guardians agree to a special education contingency plan, this does not impact whether compensatory services are necessary or will be provided. Determinations about that are made by the ARD committee based on what learning or progress should have been made if the services from the original IEP had been provided as planned.



# Evaluations

*What are the parent's options if the school reports that their child's special education evaluation cannot be completed within required timeframe due to a backlog of requests for evaluations, and have schools been given special guidelines for evaluation timelines?*

The TEA and the federal government have informed schools that timelines around evaluations of students for special education have not been waived or extended. Both the TEA and the federal government have expressed that issues related to the pandemic may make it difficult for schools to meet those timelines as required. However, because there are no exceptions or waivers to timeline requirements, schools should work closely with families to do everything possible to complete evaluation activities within the required timeline.



# Evaluations

## *What guidance and support is TEA providing to school districts for remote/virtual evaluations?*

The TEA has provided schools with guidance on how evaluation activities can be conducted while observing social distancing and has also discussed with schools how some pieces of the evaluation can be conducted remotely, even if that isn't how they would have traditionally been provided. Schools should approach evaluations during this time with as much care and attention to detail as ever but with an eye for how evaluations could be completed in different ways than they may have been in the past.



# Services

*Is the school required to provide ancillary instructional and/or related services when a student has opted for virtual learning? What should these services look like virtually?*

Schools are required to provide all students served by special education with the services necessary for them to have a Free and Appropriate Public Education (FAPE), even during the pandemic. The level or amount of services required for an individual student to be provided with FAPE does not change based on whether a student is being provided virtual or face to face instruction. For many students, these required services include things like speech or physical therapy. Some of these services can be effectively provided virtually, and some are more difficult to provide effectively without personal contact.



# Services

*Is the school required to provide ancillary instructional, and/or related services when a student has opted for virtual learning? What should these services look like virtually? (cont.)*

Schools and families should work closely to find creative ways to address these needs during periods of at-home learning. Depending on the local school policy and the individual student's situation, a student who is receiving most of their instruction remotely could come to school for some services. It may also be possible for some service providers to go to students' homes or meet them in another location in order to provide services. In other cases, it might be appropriate for service providers to consult with parents or caregivers who could then provide some level of services to students. Again, schools and families need to work together to find creative solutions that work for everyone.



# Services

*What guidance is there for students who are medically fragile or immuno-compromised whose educational needs cannot be met by virtual learning?*

Some students with health concerns may not be able to participate in face to face instruction even when it is available. In cases where these students haven't been successful in the past with at-home learning, schools and families should work together to determine what parts of at-home learning worked better than others and develop a plan that meets the needs of the students in question. Keep in mind that even if the student cannot participate in face to face instruction, the school is required to provide that student with FAPE.



# Services

*My child's school is only offering virtual learning for the beginning of the school year. Virtual learning was not successful for my child in the spring. What guidance has TEA given schools regarding options for in-person learning for special education students?*

Schools have been encouraged to prioritize the needs of students with disabilities when they are planning for limited on-campus instruction.



# Services

*What will virtual learning look like this school year as opposed to the spring?*

Virtual learning will likely look different in the 20-21 school year than it did in the 19-20 school year. Schools have more resources and have had more time to plan for more effective virtual instruction. Families and schools should maintain effective communication so that at-home learning plans can be adjusted as necessary to meet the needs of students.



# Services

***Virtual learning is not an option for my child. He does not understand social distancing guidelines and will not keep a mask on his face for an extended period of time. Are there exceptions for these mandates for special education students? Will there be protections against disciplinary actions if my child violates the social distancing or mask mandates?***

While there may not be widespread exceptions to social distancing or mask wearing requirements, ARD committees should be sure that any necessary functional goals are adjusted for students for whom this is potentially going to be a problem. Additionally, planning for how to support students with these realities should be included in Behavior Intervention Plans (BIPs), if appropriate.



# Services

*If parents choose a virtual option, will students be allowed to participate in extracurricular activities?*

This would be a local school district decision.



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