

Recovery Efforts: Addressing the Provision of Free Appropriate Public Education (FAPE) through Alternative Service Delivery Models for Students with Disabilities during the Re-Opening of Schools

Introduction

On March 19, 2020, in response to the COVID-19 pandemic, Governor Tate Reeves closed Mississippi schools for in-person student instruction and extracurricular activities. Subsequent orders extended the physical closure of all public schools through the end of the 2019-2020 school year. As families and districts prepare to return to in-person school services, the Mississippi Department of Education (MDE), Office of Special Education (OSE) established a COVID-19 link on the home website that provides guidance for the 2020-21 school year. The website hosts documents and resources that outline special considerations and recommendations for districts and families as they navigate the multiple models that are being used throughout the state to provide instruction and plan for students. The *Mississippi Schools: Guidance for the 2020-21 School Year* will be a fluid resource shaped by stakeholder input and current information as it becomes available. The MDE, OSE recognizes that serving students with disabilities requires additional considerations to comply with the Individuals with Disabilities Education Act (IDEA). These deliberate reflections and actions must ensure continued access to the general education curriculum, guarantee that a student's Individualized Education Program (IEP) is developed and implemented, and validate that students make progress on their established goals through changing service delivery models as school re-open.

The purpose of this document is to provide Local Education Agencies (LEAs) decision-making guidance in addressing individual student needs arising from the transition(s) to alternative service delivery models (e.g., virtual and/or distance learning, face-to-face instruction, or a hybrid of the two); determining services, as appropriate, due to the COVID-19 pandemic; and documenting those decisions in local recovery efforts. A recovery flowchart (Appendix A) is included to provide a visual representation of this process.

It is important to note that the COVID-19 outbreak has resulted in unique challenges never faced by our nation's schools. The MDE, OSE recognizes the challenges associated with serving students with disabilities during a time of heightened health and safety needs and continues to reaffirm that special education is driven by the individual needs of the student. We recognize the significant efforts of each LEA and the variety of methods utilized to ensure the continuity of learning to support students with disabilities in the delivery of specially designed instruction and related services during these unprecedented times.

The provision of education during the pandemic continues to be an evolving situation. This document is the MDE, OSE's interpretation of applicable IDEA statutory and regulatory requirements, based on the most recent guidance from the United States Department of Education (ED). As additional ED guidance is released, or as other relevant information becomes available, this document will be revised and updated. Each LEA is encouraged to consult with their legal counsel on specific issues that arise because of this pandemic.

Recursive Process to Address FAPE during Recovery Efforts

During Mississippi’s response to the COVID-19 pandemic, a continuum of teaching and learning is in place (see Figure 1). Throughout the closure and re-opening process, continuity of learning models implemented will continue to change for both general and special education students (as illustrated in teal and blue respectively in Figure 1). The models will be driven by the health and safety needs of teachers, service providers, and students under the direction of the district superintendents, the Governor, and the State Superintendent of Education. Each LEA was required to develop a Restart and Recovery Plan for all students, including students with special needs. Districts were encouraged to review, amend, and/or revise IEPs as needed to ensure FAPE was provided consistent with the districtwide continuity of learning plan and the changing service delivery model that was in place.

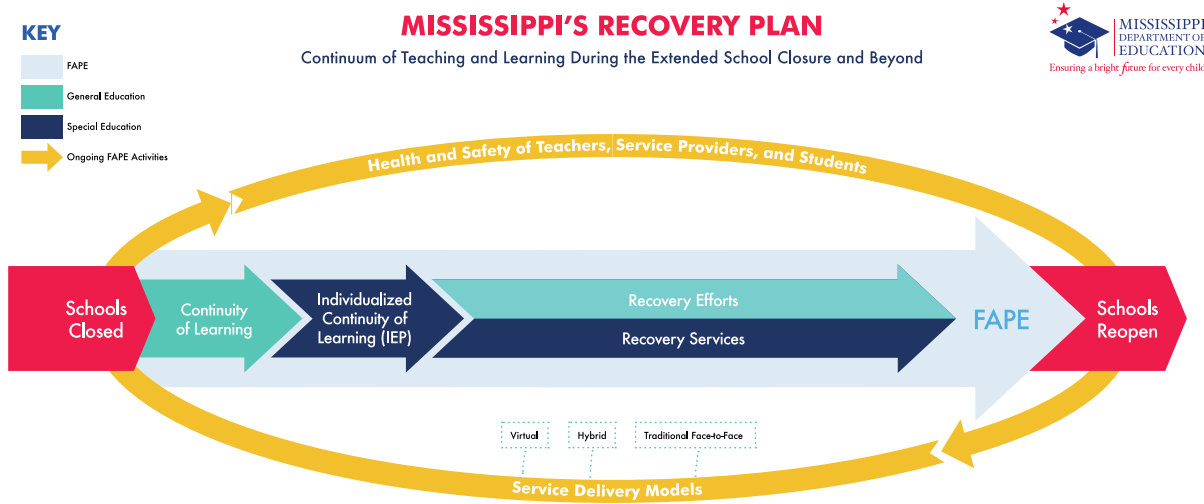


Figure 1. Continuum of Teaching and Learning during the Extended School Closure and Beyond.

Most LEAs in Mississippi continued to provide educational opportunities for students after school buildings were closed due to the COVID-19 outbreak. These opportunities may have included instructional packets, virtual learning sessions, virtual therapies, or other online, virtual, or hybrid learning options. IEP teams should consider how each student was impacted by the “soft closure,” specifically the reduction and adjustment of educational services provided, and then make individualized decisions about the student’s current needs, based on his or her unique circumstances.

As Mississippi moves forward with its recovery efforts, each LEA is required to develop a districtwide restart and recovery initiative. This plan necessitates a recursive process for conducting FAPE activities for students with disabilities, including:

- the ongoing progress monitoring of the student;
- the ongoing communication with families, teachers, and services providers; and
- the ongoing documentation of the student’s progress and services delivered.

Performing these important activities will help to support that student-specific needs arising from the transition back into school buildings may require that additional, new, or different services and accommodations be addressed.

The MDE, OSE has developed a recovery flowchart (Figure 2/Appendix A) to illustrate the decision-making process each LEA should follow to provide FAPE to students with disabilities as school buildings re-open. The MDE, OSE understands that the process of re-opening schools will be dependent on the health and safety needs of the LEA; therefore, there may be multiple stages of re-opening that include a variety of alternative service delivery models (e.g., traditional, hybrid or in-person). No matter what the districtwide re-opening process looks like, the locally controlled Restart and Recovery Plan for education developed by each LEA must continue to evaluate whether each student with a disability is being provided with FAPE, consistent with the health and safety needs of the student and the student’s service providers.

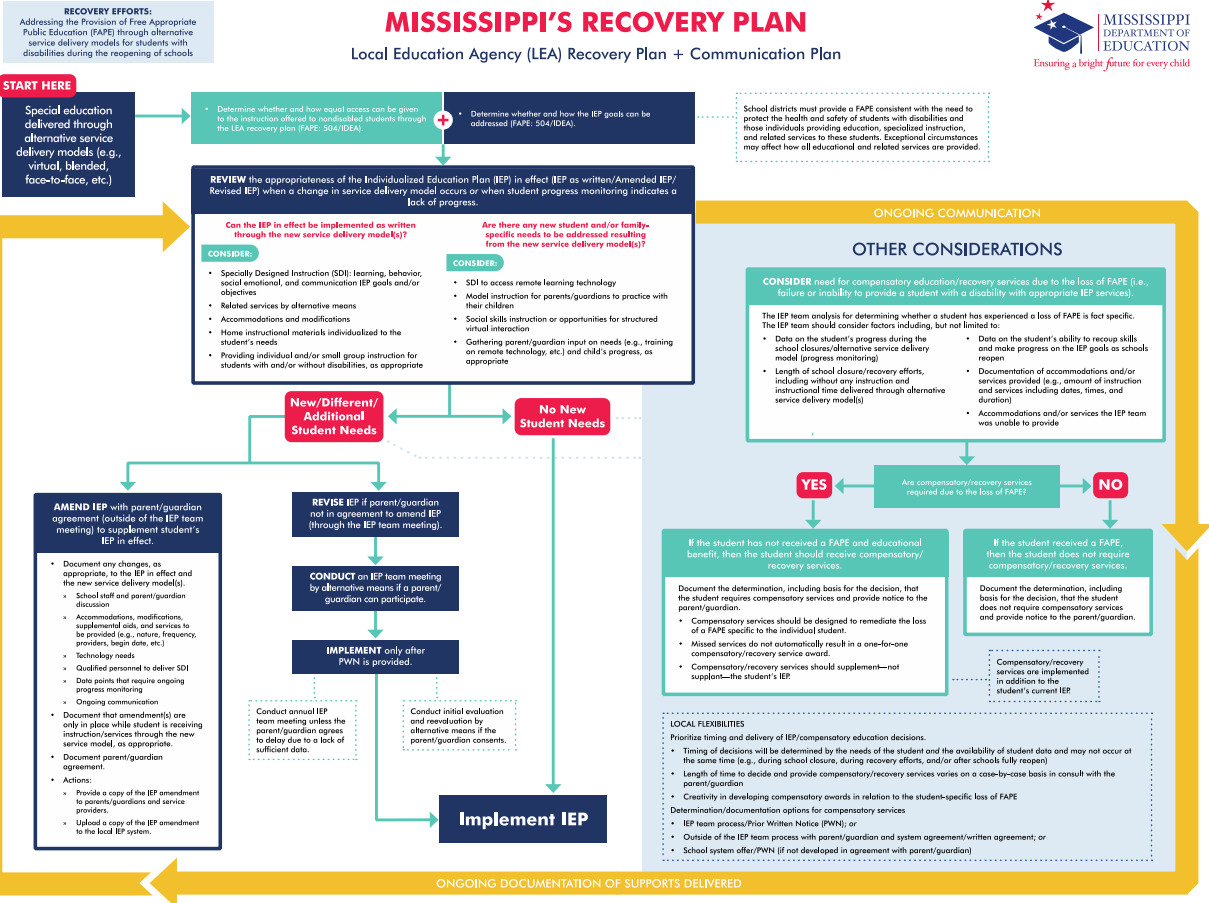


Figure 2. Recovery Efforts: Addressing the Provision of FAPE through Alternative Service Delivery Models for Students with Disabilities during the Re-Opening of Schools

Frequently Asked Questions

Q1. What is the obligation of the LEA under IDEA in transitioning students back to school buildings?

- A1. Under the IDEA, the LEA is responsible for providing a student with FAPE.¹ During this period of extended school closure and re-opening, the FAPE obligation includes reviewing the appropriateness of the IEP in effect when a change in service delivery model occurs or when student progress monitoring indicates a lack of progress, AND (2) addressing the need for recovery services if there is a loss of FAPE. Depending on the process adopted by the LEA to re-open school buildings, these responsibilities may need to be revisited multiple times.

As a reminder, this is a student-centered process, driven by data and the goal of continued learning for the student. All services should begin as soon as possible to prevent the student from falling behind and to ensure continued progress on their IEP goals.

Q2. How should the LEA prepare to make determinations about the appropriateness of the IEP in effect and the need for recovery services?

- A2. Special education under the IDEA is centered on the individual strengths and needs of the student with a disability. All decisions related to the special education programming for the student should be driven by data. This means that before an IEP committee can make a determination about whether the IEP in effect is appropriately written (or needs to be amended/revised), or if the student may be entitled to compensatory education/recovery services, the LEA should review data on the student.

The LEA should look at data prior to the extended school closure from the period of extended school closure and during the re-opening of schools. Data may take the form of grades, progress reports, classwork, informal/formal evaluation tools, teacher/service provider observation(s), parent feedback, comparison to the progress of all students, interdisciplinary consults, or any data or evidence that supports the student's progress or lack thereof.

The LEA is encouraged to work with their instructional specialists to identify assessment tools that will be used for all students as they return to the building and tools that more appropriately capture changes over shorter periods of time.

¹ FAPE means special education and related services that are: (a) provided at public expense; (b) meet the standards of the State Education Agency; (c) include an appropriate education; and (d) are provided in conformity with an IEP that meets the student's needs that result from the disability to enable the student to be involved in and make progress in the general education curriculum. (34 CFR §300.17). For more information on FAPE and educational standards, please see the [Office of Special Education and Rehabilitative Services Dear Colleague Letter from November 16, 2015](#).

In some circumstances, it may be appropriate for the student to receive an updated formal evaluation. The LEA should follow standard procedures for obtaining and documenting parent consent to perform these evaluations.

As soon as traditional, hybrid or virtual instruction restarts, LEAs should continue implementation of each student's current IEP.

Within the first few weeks of in-person instruction resuming, LEAs should:

- Gather baseline data on each student's current present educational levels;
- Compare Fall 2020 baseline data to 2019-20 school year progress monitoring data for each student to determine if there is a regression in skills and/or behavior patterns and/or a lack of progress;
- Initiate recoupment services for a student if comparison data evidences the student's regression in skills and/or behaviors and/or failure to make progress as a result of the extended school closure; and
- Track progress of each student receiving recoupment services associated with the COVID-19 pandemic.

Q3. How does the LEA determine whether the IEP in effect is appropriate?

A3. The LEA is responsible for ensuring that the student's IEP in effect is written and implemented to enable the student to make progress in the general education curriculum and on their IEP goals. In making this determination, the LEA should consider the following two questions:

1. Can the IEP in effect be implemented as written through the new service delivery model(s)?
2. Are there any new student and/or family-specific needs to be addressed resulting from the new service delivery model(s)?

If a student's service delivery model changes due to health and safety concerns, then the LEA must ensure the student's IEP remains appropriate and can be implemented as written. If the student's IEP cannot be implemented in a particular service model as written, then the IEP committee should make necessary revisions to the IEP. If the IEP Committee agrees, these revisions may be made through the amendment process. If the IEP cannot be implemented as written, then the LEA should revise the IEP in effect.

As under normal circumstances, the LEA must review and revise, as appropriate, the IEP to address any lack of expected progress or information about the student's needs. Each LEA is responsible for ensuring that progress monitoring continues throughout this evolving situation. If the student data indicates that the student has new, additional, or different needs as a result of the extended school closure and changing service delivery model, then the IEP should be amended/revise to address those needs.

For example, a student with Autism may engage in escalating behaviors when their schedule changes drastically. For that student, the IEP committee should meet and

determine what special education and related services should be put in place in order to address the student's ability to transition between schedule changes. Similarly, a student with an emotional disability may be experiencing an increase in anxiety attacks related to the pandemic; the IEP committee should meet and determine how to address that anxiety in the educational context.

Q4. What are compensatory education/recovery services?

A4. Compensatory education/recovery services are a remedy available under the IDEA for a loss of FAPE. While compensatory education/recovery services are traditionally awarded when an LEA has failed to meet their legal obligations, these services are not intended as a punishment for the LEA. The purpose of compensatory education/recovery services is to remediate the negative impact experienced by the student due to the loss of FAPE.

The MDE, OSE recognizes that during this period of extended school closure and heightened health and safety needs, an LEA may not have been able to provide some specially designed instruction, related services, and supplementary aids and supports. While this may have occurred through no fault of the LEA, the obligation to provide a student with FAPE remains, and the student may be entitled to additional services. For example, some students may require remediation, some may require an increase in supports, while others may require an increase in related services or the addition of a special education or related service that was not previously necessary.

Q5. How does the LEA determine if compensatory education/recovery services are required?

A5. As was shared at the outset of the closure of school buildings, the IDEA does not provide for a waiver of FAPE during the COVID-19 pandemic. The ED and the MDE, OSE have shared that if there is a delay in determining or providing appropriate services during extended school closure resulting from the COVID-19 pandemic, individualized determinations must be made about whether, and to what extent, compensatory education/recovery services may be needed.

During these exceptional times, FAPE must be provided consistent with the need to protect the health and safety of students with disabilities and those individuals providing education services to these students. Therefore, LEAs were instructed to provide FAPE to the maximum extent possible during the period of virtual and/or distance learning (and should continue to do so as schools re-open) to mitigate the need for compensatory education/recovery services. This is NOT a waiver of the FAPE requirement under IDEA.²

² Blanket policies adopted by LEAs during the school closure to not provide certain special education and related services is NOT an individualized determination about what a student requires for FAPE; therefore, the LEA will need to address whether the student requires compensatory/recovery services due to this LEA decision.

While a student is not guaranteed a specific educational outcome, the law requires that the student receive an appropriate educational program. Therefore, IEP Committees will need to determine if the special education and related services provided to the student during the period of school closure and re-opening were provided as outlined in the IEP and allowed the student to be involved with and make progress in the general education curriculum as well as the student's IEP goals.

In instances where a student's access to FAPE was impacted by school closures or a change in service delivery model and resulted in loss of skills, significant regression, or a lack of progress, the IEP Committee should consider the compensatory education/recovery services that will support and ensure the student's progress moving forward.

The decision about whether the student is owed compensatory education/recovery services is driven by information and data collected from a variety of sources. This information will guide the IEP committee's decision-making process. Important information for the LEA to collect and provide to the IEP for consideration includes:

- Data on the student's progress prior to and during the school closure to assess academic and/or behavioral progress in the general education curriculum and on the student's IEP goal(s). Data may take the form of grades, progress reports, classwork, informal/formal evaluation tools, teacher/service provider observation(s), parent feedback, comparison to the progress of all students, and interdisciplinary consults.
- Data on the student's ability to recoup skills and make progress on IEP goals after an IEP meeting to determine the needs of the student.
- Documentation of accommodations and/or services provided (e.g., amount of instruction and services, including dates, times, and duration), as well as accommodations and/or services the LEA was unable to provide during the extended school closure and re-opening of school. Documentation of why services could not be provided will be necessary as well.
- Length of school closure (e.g., time without any instruction, time with virtual and/or distance learning, etc.), including information related to the general education curriculum provided to all students and the student's ability to access virtual and/or distance learning opportunities.

The IEP Committee must use the data provided by the LEA to determine what compensatory education/recovery services can be provided to the student to help recoup lost skills or address a lack of progress due to the student's FAPE being impacted by school closures. Decisions regarding compensatory education/recovery services should be made on an individual basis and should support the recoupment of lost skills, the mitigation of regression, and/or implement special education and related services to support the student's progress moving forward.

It is crucial to remember that a compensatory education/recovery services award will not always reflect the same services (nature, amount, frequency) that were missed. Decisions about the individual student's compensatory education/recovery

services award should be made collaboratively with the IEP committee. Creativity in identifying compensatory education/recovery services will be necessary and may include the scheduling and delivery of services through an extended school day, weekends, and/or summer. It is important for the IEP team to remember that awarded services should support, not replace, the services already included in the student's IEP.

Q6. How must the determination of the need for compensatory education/recovery services be documented?

A6. LEAs may use the same documentation processes they have traditionally employed to capture determinations of compensatory education/recovery services. However, it is important to ensure that there is documentation that the parent and those responsible for implementing the compensatory/recovery services have been informed of the decision so that it will be implemented. Documentation should include holding an IEP committee meeting to make the determination and documenting in the Prior Written Notice (PWN).

Q7. How long does the LEA have to consider the need for and to provide compensatory education/recovery services?

A7. Decisions about compensatory education/recovery services should be made as soon as reasonably possible based on the availability of data. As valid data on student performance is necessary to make determinations regarding whether compensatory education/recovery services are owed to a student, the MDE, OSE recognizes that the timing of these determinations may vary. Each LEA should exercise its discretion in ensuring there is both appropriate data to make thoughtful decisions due to COVID-19 and *no unreasonable delay in serving students*.³

The ED has informed States that, in carrying out the responsibility for general supervision of the LEA, when noncompliance is identified, it must be corrected within one (1) year from the date of identification of noncompliance. Therefore, during this evolving situation, as information arises that a student has experienced a loss of FAPE requiring compensatory/recovery services, the LEA should generally provide those services within one (1) year of the termination of the services.

However, in some circumstances, providing a remedy could take more than one (1) year to complete. For example, there may be an insufficient amount of time in a school day to provide a student with the compensatory education/recovery services within one (1) year while providing ongoing IEP services, and the student may not be available for services outside of school hours. If it is anticipated that the services will need to be provided over a length of time that exceeds one (1) year, this decision and the basis for the decision should be included as part of the documentation of the compensatory education/recovery services determination.

³ The LEA must ensure that the IEP team considers any information or concerns provided by the parent in a timely manner.

As with the provision of compensatory education/recovery services for the loss of FAPE under normal circumstances, an individualized decision must be made for each student with respect to the period over which the services will be provided. That decision, like all decisions regarding FAPE, should be based on the student's needs and not administrative convenience. Decisions regarding compensatory education/recovery services should be made on an individual basis and should support the recoupment of lost skills, the mitigation of regression, and/or implement special education and related services to support the student's progress moving forward. Again, it is crucial to remember that compensatory education/recovery services award will not always reflect the same services (nature, amount, frequency) that were missed.

Q8. What happens if a parent disagrees with an offer of compensatory education/recovery services?

A8. If an agreement cannot be reached with the parent regarding compensatory education/recovery services, the IEP committee must document the determination, and the parent must be provided with PWN of the decision so that the parent has the opportunity to exercise the procedural safeguards to resolve any dispute.

Q9. Can parents require the LEA to enroll students who received a Mississippi High School Diploma at the end of the 2019-2020 school year or who will turn 21 before the start of the 2020-2021 school year in another year of school because they experienced a loss of FAPE during the extended closure of school buildings?

A9. A parent cannot require the LEA to re-enroll a student who has graduated with a Mississippi High School Diploma or "aged out" of special education. A student's eligibility for FAPE under the IDEA terminates if a Mississippi High School Diploma is awarded or the student exceeds the age for provision of IDEA services, which in Mississippi is the end of the school year in which the student turns 21.

If there has been a loss of FAPE for such a student, then the LEA should consider whether the student needs compensatory education/recovery services. However, compensatory education/recovery services must be designed to remediate what was lost and is not simply a repeat of the last year of school with the same services that were required prior to the end of the 2019-2020 school year.

Q10. What happens if a student graduated with a Mississippi Certificate of Completion at the end of the 2019-2020 school year, but experienced a loss of FAPE during the extended closure of school buildings during the year?

A10. So long as the student will not reach the age of 21 before the start of the 2020-2021 school year, the student is entitled to re-enroll for next school year, regardless of whether the student experienced a loss of FAPE during the 2019-2020 school.

Alternatively, compensatory/recovery services can be considered for the student without re-enrolling the student in school for another year. As with a student who is awarded a Mississippi High School Diploma, consideration of compensatory/recovery services is also an option if the student's eligibility for FAPE will terminate upon reaching the age of 21 prior to September 1st, 2020.

Q11. If the LEA provides formalized educational services through online instruction to the general student population, would the LEA be required to provide services to students with disabilities during that same period?

A11. If a Local Educational Agency (LEA) continues to provide educational opportunities to the general student population during a school closure, the school must ensure that students with disabilities also have equal access to the same opportunities, including the delivery of Free Appropriate Public Education (FAPE).

Q12. How will special education services be provided to my child during school closures?

A12. If the district is not providing educational services to students during the closure, then there is not a requirement to provide special education services to students with disabilities during the same time.

Q13. What will happen if my child is not able to receive certain special education services during school closures?

A13. Any need for compensatory services related to school closure or inability to fully implement a student's Individualized Education Program (IEP) can be addressed after school resumes and should be addressed on a case-by-case basis. This might include discussions of compensatory education and extended school year (ESY) services, made on a case-by-case basis. When your district resumes standard operations, the district should collect student data to determine any student progression or regression on annual IEP goals. This data can be used to inform IEP Committee decisions and assist in compensatory service decisions.

Q14. What should I do if my child's IEP will expire during school closures?

A14. Districts are currently considering alternate ways to use virtual technology (e.g., Zoom, conference calls, Skype, etc.) to the extent possible to provide annual IEP meetings if staff and parents are available but not able to attend in person. IEP Committee members may contact you to schedule meetings while schools are closed. These meetings can be hosted virtually as long as a student's parent or legal guardian consents. Each student

decision will be handled on a case-by-case issue.

Q15. What should I do if my child had an evaluation/eligibility meeting that was scheduled during the school closure?

A15. Districts are currently considering alternate ways to use virtual technology (e.g., Zoom, conference calls, Skype, etc.) to the extent possible to conduct meetings pertaining to evaluation if staff and parents are available but not able to attend in person. If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents. IEP Committee members may contact you to schedule virtual meetings while schools are closed.

Q16. What will happen to my child's services if school remains open, but my child is sick at home?

A16. Students who are sick and who need to stay home for more than 10 days may need to receive homebound instruction. The IEP committee must meet to determine how to provide services for your child. This may include schoolwork packets, virtual online instruction, or some other type of learning adapted to the student's needs and location.

Q17. What is the format for delivering services and providing a student with a Least Restrictive Environment?

A17. Mississippi recognizes three different ways to describe educational options available for students. These services are:

Traditional: This option requires students to be physically present in school with scheduling modifications to follow Center for Disease Control (CDC) and Mississippi State Department of Health (MSDH) recommendations.

Hybrid: This option combines online and face-to-face instruction for students. Schools must meet distance learning requirements.

Virtual: This option provides instruction through distance learning only.

Listed below is a link that provides examples of traditional, hybrid and virtual learning scenarios.

[Traditional, Hybrid, and Virtual Scenarios](#)

For more information, call 601.359.3498
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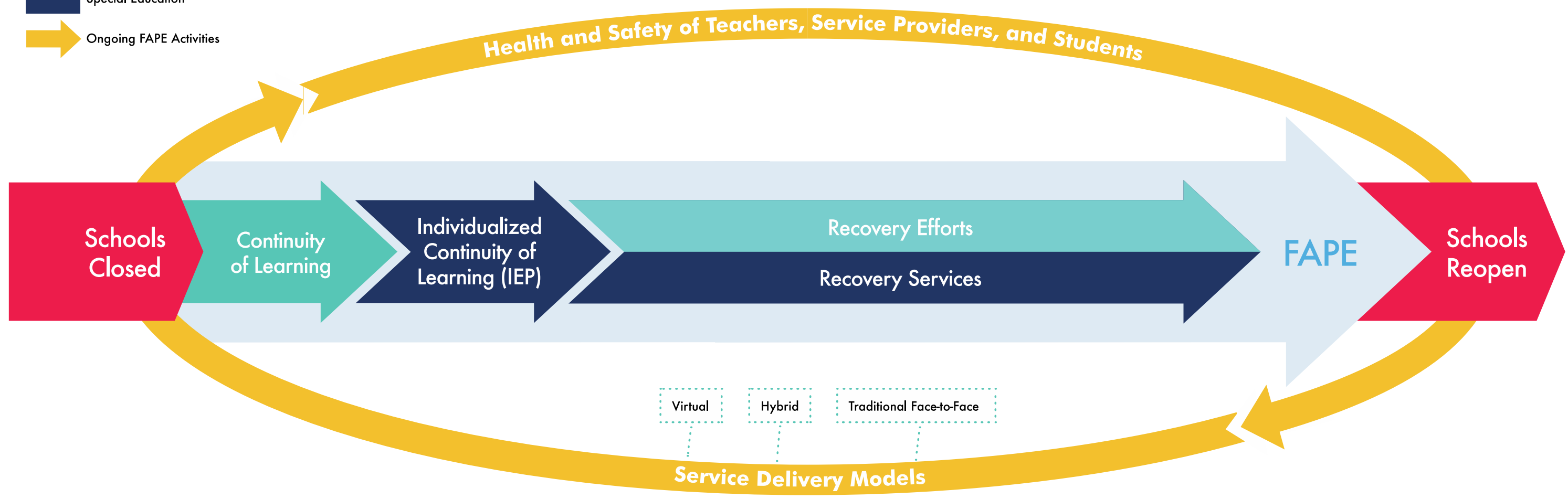
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MISSISSIPPI'S RECOVERY PLAN

Continuum of Teaching and Learning During the Extended School Closure and Beyond

KEY

- FAPE
- General Education
- Special Education
- Ongoing FAPE Activities



MISSISSIPPI'S RECOVERY PLAN

Local Education Agency (LEA) Recovery Plan + Communication Plan



RECOVERY EFFORTS:
Addressing the Provision of Free Appropriate Public Education (FAPE) through alternative service delivery models for students with disabilities during the reopening of schools

START HERE

Special education delivered through alternative service delivery models (e.g., virtual, blended, face-to-face, etc.)

- Determine whether and how equal access can be given to the instruction offered to nondisabled students through the LEA recovery plan (FAPE: 504/IDEA).
- Determine whether and how the IEP goals can be addressed (FAPE: 504/IDEA).

School districts must provide a FAPE consistent with the need to protect the health and safety of students with disabilities and those individuals providing education, specialized instruction, and related services to these students. Exceptional circumstances may affect how all educational and related services are provided.

REVIEW the appropriateness of the Individualized Education Plan (IEP) in effect (IEP as written/Amended IEP/ Revised IEP) when a change in service delivery model occurs or when student progress monitoring indicates a lack of progress.

Can the IEP in effect be implemented as written through the new service delivery model(s)?

CONSIDER:

- Specially Designed Instruction (SDI): learning, behavior, social emotional, and communication IEP goals and/or objectives
- Related services by alternative means
- Accommodations and modifications
- Home instructional materials individualized to the student's needs
- Providing individual and/or small group instruction for students with and/or without disabilities, as appropriate

Are there any new student and/or family-specific needs to be addressed resulting from the new service delivery model(s)?

CONSIDER:

- SDI to access remote learning technology
- Model instruction for parents/guardians to practice with their children
- Social skills instruction or opportunities for structured virtual interaction
- Gathering parent/guardian input on needs (e.g., training on remote technology, etc.) and child's progress, as appropriate

New/Different/Additional Student Needs **No New Student Needs**

AMEND IEP with parent/guardian agreement (outside of the IEP team meeting) to supplement student's IEP in effect.

- Document any changes, as appropriate, to the IEP in effect and the new service delivery model(s).
 - School staff and parent/guardian discussion
 - Accommodations, modifications, supplemental aids, and services to be provided (e.g., nature, frequency, providers, begin date, etc.)
 - Technology needs
 - Qualified personnel to deliver SDI
 - Data points that require ongoing progress monitoring
 - Ongoing communication
- Document that amendment(s) are only in place while student is receiving instruction/services through the new service model, as appropriate.
- Document parent/guardian agreement.
- Actions:
 - Provide a copy of the IEP amendment to parents/guardians and service providers.
 - Upload a copy of the IEP amendment to the local IEP system.

REVISE IEP if parent/guardian not in agreement to amend IEP (through the IEP team meeting).

CONDUCT an IEP team meeting by alternative means if a parent/guardian can participate.

IMPLEMENT only after PWN is provided.

Conduct annual IEP team meeting unless the parent/guardian agrees to delay due to a lack of sufficient data.

Conduct initial evaluation and reevaluation by alternative means if the parent/guardian consents.

Implement IEP

ONGOING COMMUNICATION

OTHER CONSIDERATIONS

CONSIDER need for compensatory education/recovery services due to the loss of FAPE (i.e., failure or inability to provide a student with a disability with appropriate IEP services).

The IEP team analysis for determining whether a student has experienced a loss of FAPE is fact specific. The IEP team should consider factors including, but not limited to:

- Data on the student's progress during the school closures/alternative service delivery model (progress monitoring)
- Length of school closure/recovery efforts, including without any instruction and instructional time delivered through alternative service delivery model(s)
- Data on the student's ability to recoup skills and make progress on the IEP goals as schools reopen
- Documentation of accommodations and/or services provided (e.g., amount of instruction and services including dates, times, and duration)
- Accommodations and/or services the IEP team was unable to provide

YES Are compensatory/recovery services required due to the loss of FAPE? **NO**

If the student has not received a FAPE and educational benefit, then the student should receive compensatory/recovery services.

Document the determination, including basis for the decision, that the student requires compensatory services and provide notice to the parent/guardian.

- Compensatory services should be designed to remediate the loss of a FAPE specific to the individual student.
- Missed services do not automatically result in a one-for-one compensatory/recovery service award.
- Compensatory/recovery services should supplement—not supplant—the student's IEP.

If the student received a FAPE, then the student does not require compensatory/recovery services.

Document the determination, including basis for the decision, that the student does not require compensatory services and provide notice to the parent/guardian.

Compensatory/recovery services are implemented in addition to the student's current IEP.

LOCAL FLEXIBILITIES

Prioritize timing and delivery of IEP/compensatory education decisions.

- Timing of decisions will be determined by the needs of the student and the availability of student data and may not occur at the same time (e.g., during school closure, during recovery efforts, and/or after schools fully reopen)
- Length of time to decide and provide compensatory/recovery services varies on a case-by-case basis in consult with the parent/guardian
- Creativity in developing compensatory awards in relation to the student-specific loss of FAPE

Determination/documentation options for compensatory services

- IEP team process/Prior Written Notice (PWN); or
- Outside of the IEP team process with parent/guardian and system agreement/written agreement; or
- School system offer/PWN (if not developed in agreement with parent/guardian)

ONGOING MONITORING OF STUDENT PROGRESS TO ENSURE FAPE

ONGOING DOCUMENTATION OF SUPPORTS DELIVERED

