

IEP Implementation and Compensatory Education/ Recovery Services

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Presenters



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Presentation Outcomes

- Review **IEP implementation** during hybrid and the return to full in-person services
- Explain **compensatory education/recovery services** and how they differ from **general education recovery efforts**
- Explain the **process** for determining compensatory education/recovery services for students with IEPs
- Prepare for **parents' role, rights, and responsibilities** in the process



Do any of these situations sound familiar? My child . . .

- hated virtual learning!
- didn't get anything out of virtual
- missed 20 minutes of speech each week
- needed assessments that were delayed for months
- had a service that could not be provided safely
- needed behavioral support during virtual learning
- is falling behind even with hybrid school



So how do we address learning loss, lack of some services, and the educational impact of COVID-19 on students with disabilities?

Recovery efforts -- general education

COVID Impact Supports--
supplemental support provided
by DSE to groups of students

Compensatory education/
recovery services -- special
education

Who is accountable?

Schools are accountable for providing instruction and a free appropriate public education (FAPE) to students with disabilities. If virtual instruction is not working or did not work, and the school did not offer an alternative, parents cannot be held accountable.

When my child returns to the school building, which IEP will the team implement?

Normal operations IEP

or

IEP with the Alternative Service Delivery Model (ASDM) Amendment



IEP Implementation

Upon return to school, if the goals, objectives, related services, supplementary aids and supports

can be fully provided = NORMAL OPERATIONS IEP

cannot be fully provided = IEP with the ASDM amendment

Further revisions to the ASDM Plan may be necessary for hybrid or in-person learning.

Child returns to school

IEP Case Manager
determines if Normal
Operations IEP can be
implemented or IEP with
ASDM Amendment is
needed

IEP Case Manager
communicates the plan with
parents

“the process” – part 1

Recovery Efforts
General Education

Compensatory
Education/Recovery
Services
Special Education

Students move
forward

“the process” – part 2

Recovery Efforts—General Education

Each local school system was required to develop a Recovery Plan for general education.

Recovery efforts are general education services provided to students with and without disabilities to support the loss of instructional time/lack of progress. School systems were required to provide information on how to address student groups.

Recovery Efforts—General Education

MSDE: “The Recovery Plan must continue to evaluate whether each student with a disability is being provided with FAPE.”

Maryland Together: Maryland’s Recovery Plan for Education

Compensatory Education/Recovery Services

Special education instruction and/or related services owed to a student with disabilities as a result of a school system's failure to provide the student with services in accordance with their individualized education program (IEP).

Compensatory Education/Recovery Services

The purpose of these services is to remediate the negative impact experienced by students due to the loss of FAPE.

Compensatory Education/Recovery Services

- Not unique to the pandemic
- Not necessarily an hour by hour calculation
- Based on assessed needs
- Designed to place students where they would have been if not for the denial of FAPE

Compensatory Education/Recovery Services

- Not *just* about regression
- Also about the progress made or not made
- When students receive FAPE, we expect they will have moved forward and made measurable progress

How will we know whether a child has regressed, not made adequate progress, or has new or different needs?

Data collection and analysis

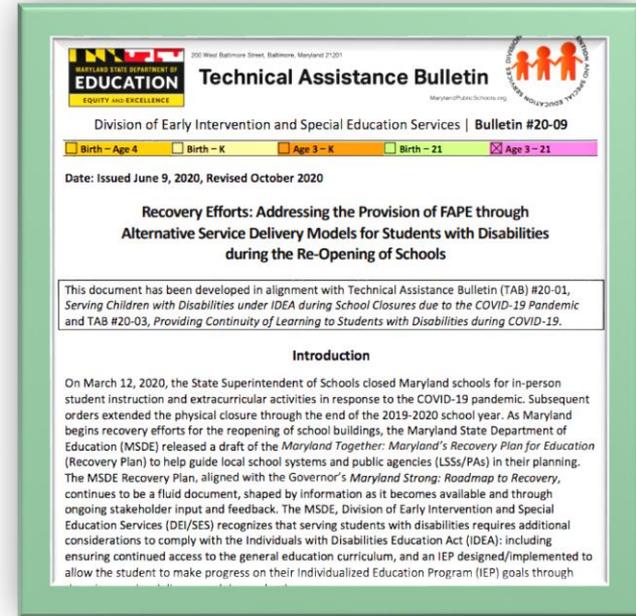
Progress monitoring



MSDE: “Recovery process must include . . .”

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



Data to be considered

- **Pre-Virtual Instruction Data—March 2020**

Data that reflects how the student was performing when they were in a school building prior to closures, one year ago

- **Virtual Instruction Data—March 2020-Winter 2021**

Data that reflects the student's progress, engagement, attendance, and the provision of services, accommodations, supports, etc., during virtual learning and small groups

- **Return to School Data—Spring, Summer, Fall 2021**

Data that will be collected upon the student's return to buildings to obtain a new baseline, measure progress/regression, and monitor recoupment of skills and knowledge



Data collected at home may have included:

- Notes, video, photos, or work samples
- Notes about the supports provided by an adult in order to complete assignments or participate in instruction
- Charts with information about prompts/cues needed
- Dates/times your child was not able to participate in virtual instruction



Once all of the data has been collected and shared, how can we analyze it?

What should we look for?

How should we evaluate the offer for compensatory education/recovery services?

How should we prepare for discussions about compensatory education?

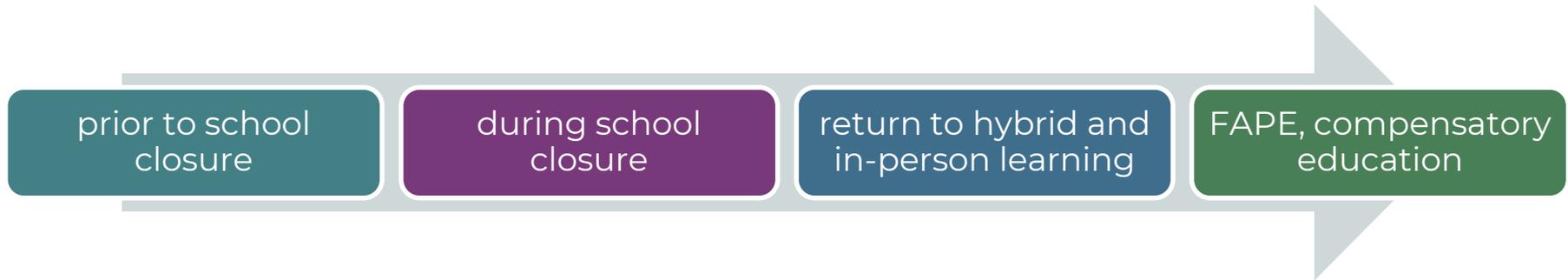
Analyzing the data collected

Student Learning	<ul style="list-style-type: none">• What was the student expected to learn? (based on IEP goals)• What did the student learn?
Student Engagement	<ul style="list-style-type: none">• How did the student learn?• Were there patterns of behaviors or engagement challenges?• What information was gathered about engagement, frustration, effectiveness of teaching for this student in the distance learning model through behavioral information?
Student Gaps	<ul style="list-style-type: none">• Have any student gaps narrowed?• Is there evidence of any new gaps in learning?

Process to determine compensatory education

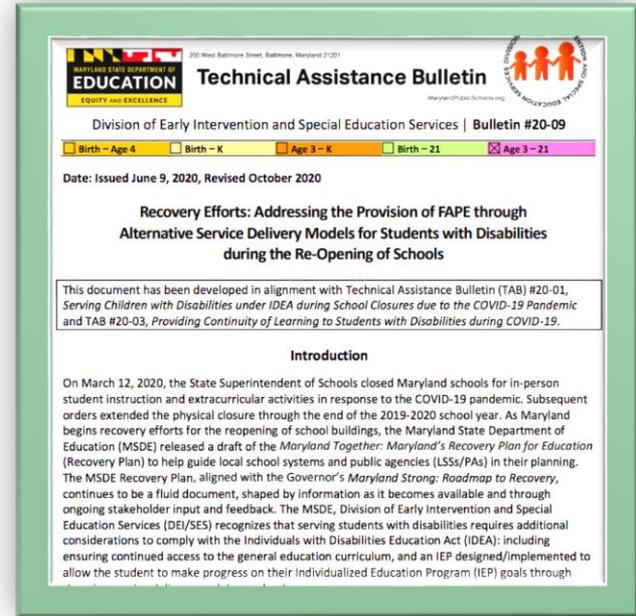
Data must always be the basis, the foundation, of discussions and determinations on student progress.

Data is used to update a **student's present levels** and to consider whether **compensatory education services** are necessary.



MSDE: “Driven by . . . data collected”

“The decision about whether the student is owed compensatory education/recovery services must be driven by information and data collected from a variety of sources. This information will guide the IEP decision-making process.”



Information to be considered

Data collected 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
- interdisciplinary consults

Information to be considered

Data on the student's **ability to recoup skills** and make progress on IEP goals upon the return to school.

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 school system was unable to provide during the extended school closure and reopening of school.

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.

Information to be considered

Were the educational services provided to the student during the period of virtual instruction and reopening appropriate to allow the student to be involved in and access the general education curriculum and make progress on their IEP goals?



When should parents request compensatory education? Does it require an IEP meeting?

Since so many students will likely need compensatory education, each student will be evaluated and each parent/family will be notified.

Disability Rights Maryland advice on “when”

The decision should not be made until there is enough information about:

- The services your child did and did not receive
- How your child did academically, functionally, socially, and behaviorally during the time out of the school building; and
- How your child is doing once back in the school building full time.

You may have to ask the school to collect data during the remaining period of virtual learning and during the period of time following the return to the school building or full IEP implementation. This will allow the team to fully determine how the failure to provide a particular service or instruction has affected your child. [DRM Parent Guide #5]

Each student with an IEP will be evaluated for compensatory education/recovery services

- Parents will receive a “parental input form” from case manager prior to any decisions--****PROVIDE INPUT****
- Parents will receive a Compensatory Education/Recovery Services Offer from HCPSS

Each student with an IEP will be evaluated for compensatory education/recovery services

- Once the offer letter is received, parents will have the to option to:
 - ❑ Submit agreement with the proposed offer
 - ❑ Submit additional input and/or requests for consideration
 - ❑ Submit disagreement with request for an IEP meeting

Case manager sends home Parental Input Form; parents complete and return to case manager

Compensatory Education/Recovery Services Offer from HCPSS

Parents will either agree, submit additional information for consideration, or disagree and request IEP team meeting

When in agreement, compensatory education/recovery services will be provided

“the process” – part 3

What if the school denies compensatory education or a parent disagrees with the offer?

- Request an IEP meeting
- Contact others who may be able to assist: SECAC, HCAS, PPMD, FSRC, other parent support groups, HCPSS Department of Special Education
- Parent may file a complaint with the Maryland State Department of Education
- Parent may request mediation and/or file for a due process hearing request

MSDE Complaint

- Disability Rights Maryland has a sample complaint letter
- Guides family on important information to include
- Provides examples of how students may have been affected; parents may select category and provide explanation/support
- Provides information on who to address, where to send copies of the letter

Are IEP Team Meetings Required?

- No, however, it is highly recommended that parents talk with case managers, share information, and, if necessary, meet with the team when their child returns to full in-person services to discuss and analyze all of the data collected
- Parent input—especially on virtual learning—is critical
- Once parents receive the compensatory education determination/offer, they may still request an IEP meeting to discuss

Resources

MSDE Technical Assistance Bulletin #20-09: Recovery Efforts: Addressing the Provision of FAPE through Alternative Service Delivery Models for Students with Disabilities during the Re-Opening of Schools

http://marylandpublicschools.org/programs/Documents/Special-Ed/TAB/TAB_20-09_Recovery_Efforts_%20Jan_2021.pdf

HCPSS Department of Special Education Parent FAQ: IEP Implementation and Compensatory Education/Recovery Services

Resources

- HCPSS Department of Special Education
- HCPSS Family Support and Resource Center
- HCPSS Special Education Community Advisory Council (SECAC)

<https://www.hcpss.org/special-education/>

- Howard County Autism Society (howard-autism.org)
- Disability Rights Maryland (disabilityrightsmd.org)
- Parents Place of Maryland (ppmd.org)

Additional “Compensatory Conversations” by HCPSS

The HCPSS Family Support and Resource Center (FSRC) will host additional sessions on compensatory education/recovery services.

- May 3 12:00-1:00 pm
- May 13 6:30-7:30 pm
- May 26 6:30-7:30 pm
- June 2 6:30-7:30 pm for Spanish speaking families

Registration forthcoming via FSRC e-newsletter. Or email FSRC@hcpss.org for more information.

Q&A—please type questions in chat box

Q: Who will provide the compensatory education/recovery services and when?

- A. As with IEPs, compensatory education/recovery services will be individualized and may look different from one child to another. For one, it could mean a few extra minutes of speech each session; for another, it might mean adding something (e.g. reading group); and still for another, it might mean contracted tutoring or related services. In some situations, it may be the child's current teachers who provide the additional services; in others, it may be contracted with outside providers.

Q: My child turned 21 and is expected to exit in June. Is it possible for the IEP team to consider extending his education for another school year to complete studies, work, experiences, or CCE?

A. Compensatory education/recovery services will be examined for all students, including students who are scheduled to exit this year. If the data shows that the student requires compensatory education/recovery services, those services will be delivered. Because the decision is individualized, some students may require a shorter period of time than others (perhaps not the entire year).

DSE is still examining options to support services for transitioning students. More information to come.

Q: My child attends a nonpublic school. How does this process apply to students in nonpublics? Are they eligible for compensatory education/recovery services? Does HCPSS make that determination?

- A. The nonpublic case manager from HCPSS will work with the nonpublic school to go through the process of determining whether a student requires compensatory education/recovery services.

Q: My child only had his IEP for two weeks before the school closures. What data will be used to assess progress?

- A. The child's initial evaluation to determine eligibility and develop the IEP will be considered (where the child was prior to the school closure) as well as progress made during the school closure, and where the child is today (present levels).

Q: My child's initial assessment for an IEP was delayed for months? Will compensatory education/recovery services be considered?

- A. Yes, if it is determined that your child qualifies for special education services, compensatory education/recovery services will be considered.

**Q: Does anyone outside of the school team give input on compensatory education/recovery services?
Who has the final say if the parent and school team disagree?**

- A. As with any other step in the IEP process, families are an integral part of the IEP team. Parental input will be sought and considered when making compensatory education/recovery service decisions. If after working with the school team, parents may contact the Department of Special Education (central office) for further discussion. If there is still disagreement, parents can exercise their rights to (1) request an IEP meeting, (2) file a state complaint, (3) file for mediation and/or due process hearing.

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Q: If parents paid for private speech or related services during the closure because the school could not provide them, can parents seek reimbursement?

- A. Parents will be asked for their input prior to a compensatory education/recovery services determination and offer. Parents may provide this information (service received, hours, costs) to the school team for consideration.

Q: Once compensatory services are agreed upon, when will the services begin?

A. At this time, HCPSS is developing options both with HCPSS staff as well as outside providers to deliver the services.

Q: If my child has returned to school and in-person learning, when should I expect to hear from the case manager about which IEP is being implemented?

- A. Case managers will notify families whether the full IEP can be implemented upon a student's return to in-person learning, or whether an ASDM amendment will continue to be necessary. If your child has returned to school at this time, and you have not yet heard from your child's case manager, please email them and ask whether the "normal operations IEP" is now in effect, whether the IEP with the ASDM amendment is still in effect, or whether new or different amendments are necessary.

Q: How will compensatory education services be provided during the school day, when there is already limited time?

- A. Compensatory education services will be individualized to meet your child's assessed needs. Decisions about when and where these services will be provided are still being made. Keep in mind that it may take more than a few months to make up all compensatory services to which your child is entitled.

Q: Where will pre-pandemic, virtual, and hybrid school year data/progress/regression be outlined in the IEP? Where will comments from the “compensatory education parental input form” be captured in the IEP?

A. Data from pre-pandemic, virtual, and hybrid progress and regression can be found in the Present Levels of Academic Achievement and Functional Performance (PLAAFP) and the Quarterly Progress Reports. Parent input will be captured on the *Parent/Guardian Input for Compensatory Education/Recovery Services Decision-Making* form. All forms that are part of the Compensatory Education/Recovery Services decisions will become part of the student record.

Q: What will the offer letter include? Will it include the data that was considered in the decision, details on services being offered—what, how, when, where, by whom?

A. If the data shows that the student requires compensatory education/recovery services the offer will include the area of impact, service nature, provider type, and number of hours.

THANK YOU!



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