

A background image showing a group of students walking on a modern school staircase. The students are wearing backpacks and casual clothing. The staircase has metal railings and is set against a large window that looks out onto a green landscape. The overall scene is bright and airy.

Delayed or Denied Evaluations & Compensatory Services

Guidance for Admission, Review, and Dismissal Committees

October 28, 2021

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Compensatory Services Documents

Today's focus is on compensatory services guidance for ARD committees



Delayed or Denied Evaluations & Compensatory Services

The purpose of this guidance is to assist admission, review, and dismissal (ARD) committees in appropriately considering the provision of compensatory services for a student with an individualized educational program (IEP) who was not provided timely access to special education and related services due to an initial delay or denial in conducting an evaluation.

INFORMATION FOR ARD COMMITTEES:

COMPENSATORY SERVICES DEFINED:

Compensatory services are generally defined as educational services that a student needs to make up for progress or skills lost because a Local Education Agency (LEA) did not provide the student with a free appropriate public education (FAPE). This includes situations where a child does not receive special education services because he or she was denied a timely initial evaluation but is later found eligible. If an initial evaluation was denied when it should not have been, resulting in delayed access to FAPE, then compensatory services may be necessary to remedy the initial failure to identify.

HOW CAN SCHOOLS PROVIDE COMPENSATORY EDUCATION SERVICES?

Compensatory services can come in many forms and must be individualized to the student's unique circumstances. ARD committees have discretion to determine the compensatory services that will remedy the LEA's failure to provide FAPE during the time the student did not receive special education services.

Compensatory services can be provided during the regular school day, before or after school, over weekends, during school breaks, or by outside service providers.

If compensatory services are to be provided during the school day, the student's least restrictive environment cannot be altered due to the provision of compensatory education services.



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There is also an overview document with information for families on compensatory services



Delayed or Denied Evaluations & Compensatory Services



INFORMATION FOR FAMILIES:

WHAT ARE COMPENSATORY SERVICES?

Compensatory services are used to help students make up for progress or skills they lost when their special education services were not provided. This includes situations where a child does not get special education services because he or she was denied a timely initial evaluation, but later found eligible.

If an initial evaluation was denied when it should not have been, compensatory services may be needed to make up for the delay in your child getting special education services.

WHO DECIDES IF COMPENSATORY SERVICES ARE NEEDED?

Admission, Review, and Dismissal (ARD) committees decide if compensatory services are needed and what those services will be. Parents and guardians are members of the ARD committee. Your participation is very important.



Decisions about compensatory services have to be made for your child as an individual. The ARD committee will discuss the amount and type of special education services that your child did not receive and any non-special education supports, services, or interventions that were provided.

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Compensatory Services

Compensatory Services



Compensatory services are generally defined as educational services that a student needs to make up for progress or skills lost because a Local Education Agency (LEA) did not provide the student with a free and appropriate public education (FAPE).

Evaluations and Compensatory Services

Student was denied a timely initial evaluation but is later found eligible.

If an initial evaluation was denied when it should not have been, resulting in delayed access to FAPE, then compensatory services may be necessary to remedy the initial failure to identify.



How Schools Provide Compensatory Education Services

Providing Compensatory Services

Compensatory services can come in many forms and must be individualized to the student's unique circumstances. ARD committees have discretion to determine the compensatory services that will remedy the LEA's failure to provide FAPE during the time the student did not receive special education services.



Options for Providing Compensatory Services

1

During the regular school day

2

Before or after school

3

Over weekends

4

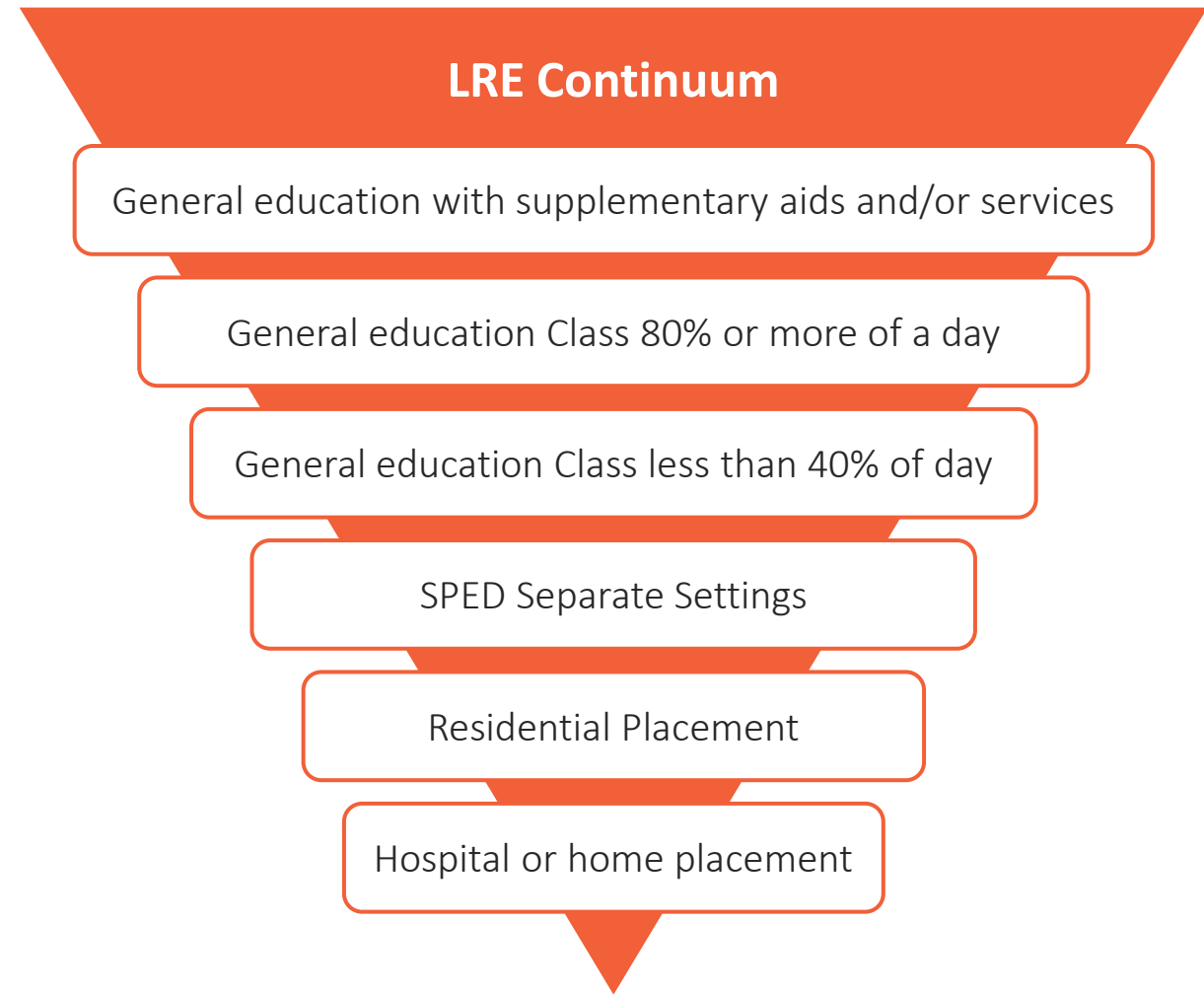
During school breaks

5

By outside service providers

Compensatory Services & Least Restrictive Environment

If compensatory services are to be provided during the school day, the student's least restrictive environment (LRE) **cannot be altered** due to the provision of compensatory education services.





Compensatory Services: Guidelines for ARD Committees

Totally of circumstances for each individual student

Determinations about compensatory services are made based on the totality of the circumstances for each individual student.



When does the ARD Committee Consider Compensatory Services?



- As part of the initial ARD meeting to develop the IEP if a student was previously denied an evaluation or if the evaluation was late.
- Anytime the need for compensatory services is raised, the ARD committee should consider the need as soon as possible, but in no case later than the next ARD committee meeting.

The ARD Committee Will Consider:



The length of time



Amount and type of special education and related services that the student did not receive



And any non-special education supports, services, or interventions that were provided during the time the evaluation was delayed or denied.

Data-based Decision Making

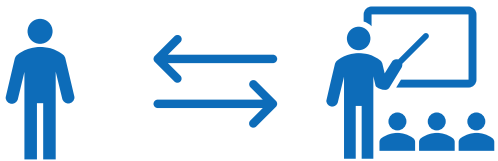


Decisions about compensatory services should be data-based. The ARD committee will review student data and progress during the time that the student should have been but was not receiving special education services.

Use Data to Carefully Consider:



Was the student making progress (i.e., evidence of student growth)?



Was the gap between the student's skills and grade level expectations increasing or decreasing (i.e., was the student catching up to peers or falling further behind)?

Existing Skill Deficits



Students for whom a lack of special education services exacerbated existing skill deficits when compared to grade level expectations are likely to need compensatory services.

Description of Compensatory Services

The ARD committee must consider and, as applicable, include in the student's IEP, the:

Type

Location

Frequency of
services

Duration

Amount

The ARD Committee Needs to Think About:



How to reduce the impact of missed services.

Ways to accelerate the student's progress.

Rather than simply making up for service minutes that were not provided.

Student and Family Input

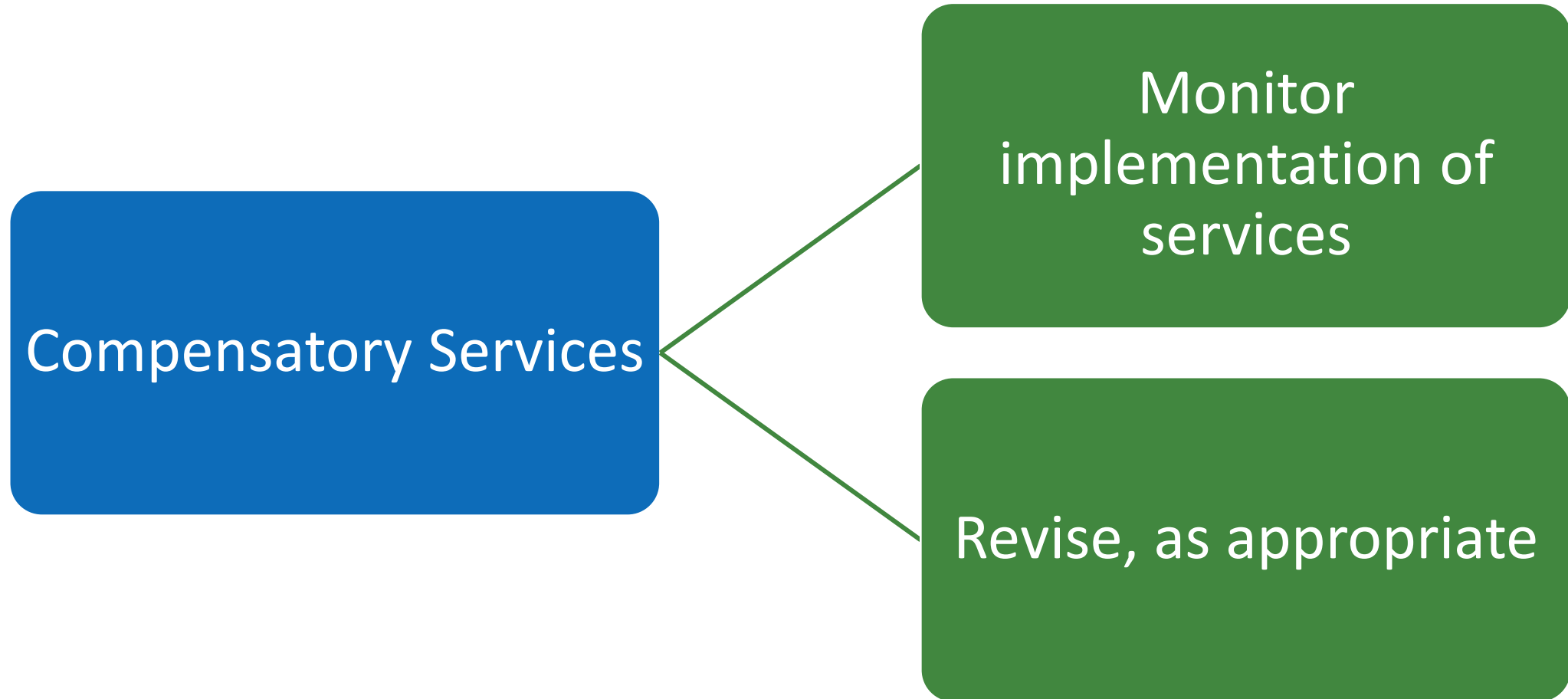


ARD committees must carefully consider the student and the family input when determining how and when compensatory services will be provided.

Overloading with compensatory services on top of existing services may do more harm than good

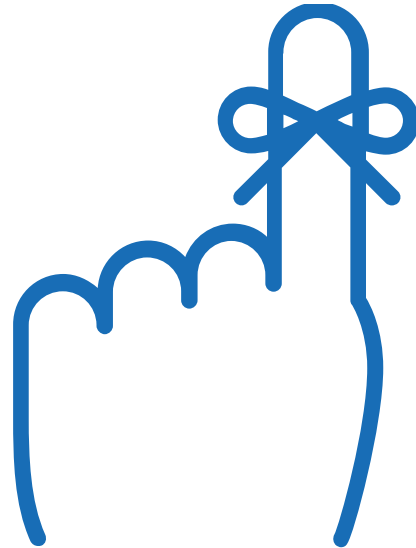
Removing a student too often from their routine and peers could have a negative impact on social and educational progress

After Determining Compensatory Services



Remember:

An LEA must not suggest, encourage, or pressure families to waive special education services for students, including compensatory services.



Resources

- [Delayed Evaluations and Compensatory Services ARD Committees](#)
- [Delayed Evaluations and Compensatory Services Families](#)



Thank You!

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