



Determining the Need for Compensatory Services at IEP Meetings for Charter School Students

IEP meetings during the 2022-23 school year must include individualized determinations as to whether the student needs any “compensatory” services (in addition to current services and any Special Education Recovery Services (SERS) that the student has received) to address lost skills and lack of sufficient progress, with a focus on services missed between March 2020 and August 2021. This conversation is required without regard for whether the parent has raised the question of whether their child needs services and must occur (at minimum) during the student’s annual review and following any evaluation.

The parent or school may request an IEP meeting at any time to determine whether the student may require additional services, including due to the impact of services not received during blended and remote learning. Parents and schools may also request a reevaluation at any time. Schools must seek a reevaluation when it appears student needs may have changed. Either a requested IEP meeting or a reevaluation may result in the student’s annual review being held at an earlier date than otherwise anticipated.

The IEP team’s determination as to whether compensatory services are required – including any disagreement with a parent request for services – must be documented on the IEP in SESIS. SESIS has been modified to include fields that capture compensatory education determinations and recommendations.

Resolving disputes

As detailed in the [Procedural Safeguards Notice](#), parents have the right to dispute decisions made by the IEP team, including determinations regarding compensatory services. In addition, parents may contact the DOE’s central Special Education Office (SEO) at SERS@schools.nyc.gov or by calling 311 to escalate any concerns or questions regarding IEP team decisions relating to compensatory services. SEO will work with Superintendents, CSE chairpersons, and their designees to support schools and parents in resolving such disputes, where appropriate.

CSEs are encouraged to use mediation (and inform parents of their right to do so) to resolve disagreements about the amount of, or continuing need for, additional services. Either the parent or school may initiate mediation. For additional information on requesting mediation, see the [SOPM](#) at page 117. CSEs should email SERS@schools.nyc.gov for assistance with the mediation process.

CSE chairpersons should notify SEO of situations in which a parent is dissatisfied with IEP team decisions about compensatory services, including instances where the parent has filed a request for impartial hearing or mediation, by emailing SERS@schools.nyc.gov.



Guidance for IEP Meetings

IEP teams are empowered to agree to compensatory services as appropriate, based on student need. During IEP meetings through the end of the 2022-23 school year, IEP teams should consider the following:

- Prior to any IEP meeting, consult with the student's teacher(s) and related service provider(s) to discuss the student's progress and need for additional services.
- Explain to the parent that the student's teachers and providers will continue the process of assessing the student's progress and needs and will discuss that progress at future IEP meetings. As needed, the district representative will also explain to parents that this ongoing assessment of student need does not imply that provision of additional services will be sufficient or necessary to address lack of progress due to the pandemic.
- Closely review current services and progress reports, teacher/provider reports and input, parent input and concerns, and any recent assessments, and update IEPs and/ or make referrals for reevaluation, as needed, with consideration to expected progress of student's IEP goal(s)
- Discuss additional services that may be required. The school should describe all services and interventions that it will offer the student during the school day, after school, or on weekends.

The following questions can be used to guide an IEP team when considering the need for compensatory services (adapted in part from the New York State Education Department's [Compensatory Services for Students with Disabilities as a Result of the COVID-19 Pandemic](#) policy brief):

- For how long did the student receive blended and/or fully remote learning?
- To what extent was the student provided instruction or services in a learning modality/modalities other than full in-person learning (e.g., remote synchronous and/or asynchronous instruction and/or related services)?
- What documentation is there to demonstrate that the student benefited from the learning modality/modalities described above? Was the student engaged and able to access the instruction and services?
- Is there documentation of the amount of instruction and services the student was provided during the learning modality/modalities described above (including dates, times, and duration)? If so, what amount of instruction and services did the student receive?
- Have there been changes in the student's educational progress and achievement, including anticipated progress toward meeting IEP goals, and ability to participate in the general education curriculum? What are those changes?
- Was there a delay in an initial evaluation, reevaluation, or in the development and / or implementation of an IEP?
- Are there indications that the student regressed during the time the student was not receiving full in-person learning? What specific skills regressed? What are the student's skills at this point in time?
- Is there a possibility that the student will require extended school year (ESY) services due to regression?¹
- Did any new needs develop for the student (e.g., emotional, medical, behavioral, academic) such that their IEP should be modified to provide additional or modified program(s) or related services? Does the student require a reevaluation to ascertain the extent and impact of any perceived new needs?
- What benefit has the student received from any SERS that have been provided? Could identified areas of need be addressed by additional services, or is a reevaluation required?