



COMPENSATORY SERVICES RELATED TO COVID-19: PARENT SURVEY RESULTS AND RECOMMENDATIONS

November 2021

BACKGROUND

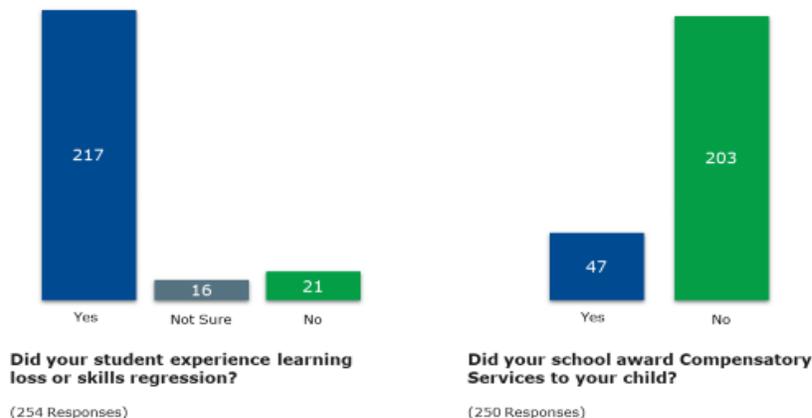
In order to gather information regarding students with disabilities and their experiences with compensatory services related to COVID-19, the Council of Parent Attorneys and Advocates (COPAA) conducted a survey of parents of students protected under the provisions of the Individuals with Disabilities in Education Act (IDEA). The survey was conducted during the period of October 27 – November 12, 2021. COPAA received a total of 254 responses representing 36 states and 206 school districts.

The U.S. Department of Education (ED) issued [guidance](#) regarding COVID-related compensatory services in March 2020 and then issued [clarifying guidance](#) in September 2021. The latest guidance provides information regarding the impact of COVID on provisions of IDEA including the process for determining and awarding compensatory services in light of a student’s inability to access a free and appropriate education (FAPE) due to school closures and interruptions related to the COVID pandemic. State departments of education, in turn, issued corollary guidance to their school districts to provide further localized information. Prior to conducting the survey, COPAA issued an October 2021 [report](#) that highlighted state guidance, trends and offered recommendations. The survey was conducted as a follow-up to the October report.

KEY FINDINGS FROM PARENT SURVEY

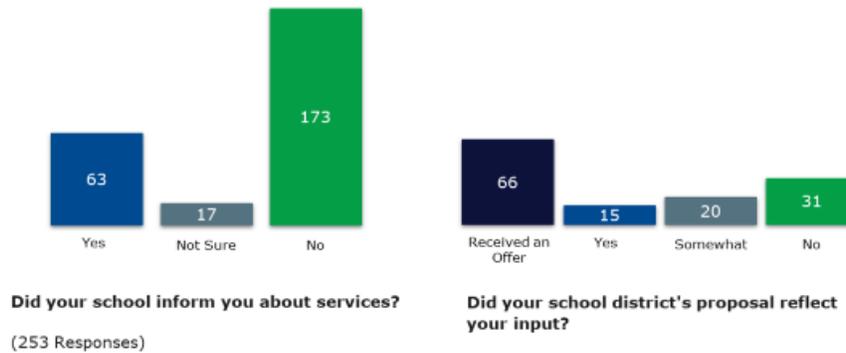
Finding #1: Very few students with disabilities are benefiting from compensatory services related to COVID, despite evidence of significant impacts and need, and despite federal guidance on the topic.

- While more than 5 in 6 parents (86 percent) reported their students experienced learning losses, regression or slower than expected progress towards learning goals (the main determining criteria to award services), less than 1 in 5 students (18 percent) received any award offer for compensatory services related to COVID.



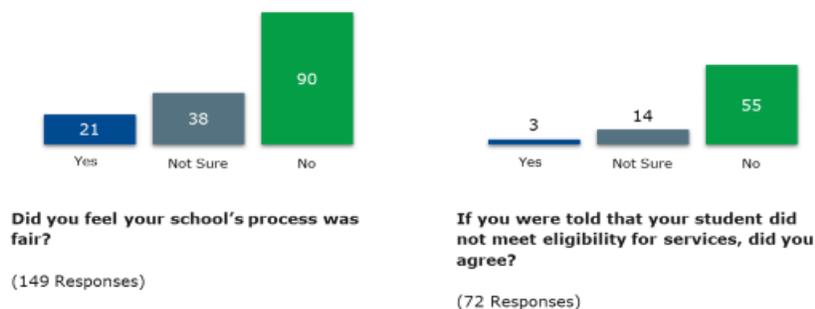
Finding #2: School districts appear to be ignoring or incorrectly interpreting state and federal guidance on compensatory services related to COVID.

- *Parents were not informed about compensatory services.* Only 1 in 4 parents of eligible students (25 percent) received information from their school regarding the availability of compensatory services, and few schools shared their process for determining awards with parents (15 percent).
- *Failing to follow guidance.* Despite guidance that directs schools to seek parents’ input in the determination process, only about one quarter of award proposals (23 percent) reflected parents’ input. Parents also reported that services offered were often not individualized or appropriate for their child as required by guidance, nor were they adequate to offset learning losses.
- *Delayed implementation.* Despite initial guidance being issued in March, 2020, many parents who received an award reported delays or uncertainty as to when services would commence, with 44 percent of surveyed parents reporting they were unsure when services would begin and another 16 percent reporting that services just began this Fall.



Finding #3: Parents believe the process of awarding compensatory services was unfair.

- Only one in seven parents (14 percent) felt the process was fair.
- Of those parents informed by their school that their child did not meet eligibility for services, only 4 percent agreed with the school’s determination and nearly half sought to overturn the decision.



RECOMMENDATIONS

Parents/Guardians/Students

- Parents should ask their school for their policy on compensatory services related to COVID.
- Parents should request compensatory services through the child’s IEP team when warranted/as needed and work with the team to design an appropriate, workable program of compensatory services.
- If they think their request for compensatory services has not been appropriately addressed, parents should seek remedy (e.g., due process hearing or complaint to their state department of education or the Office of Civil Rights).

School Districts and States

- States and Local Educational Agencies (LEAs) should reopen the compensatory services award process if needed to ensure the 2020-21 and 2021-22 school years are included in the eligible time frame.
- State and local educational agencies should proactively communicate with parents about the new guidance and continued availability of compensatory services.
- School districts should require IEP teams to conduct:
 1. an annual review of current levels of academic achievement and functional performance;
 2. a determination of what services were provided during the period since March 13, 2020 and whether they were different from what was provided in the previous IEP;
 3. a determination of whether such services were effective, utilizing data collected by the parent as well as observations and testing results;
 4. a determination of whether the student made the progress expected from the prior IEP;
 5. a determination of what services, over and above what is necessary to provide a FAPE, need to be provided to place the student in the position the student would have been in had the IEP services been provided; and
 6. an honest and direct discussion about how the compensatory services can be provided, in what time frame, to actually benefit the student.
- State Departments of Education should clarify and, where necessary, update or correct [guidance](#) on compensatory services to align with Federal guidance issued September, 2021 and proactively ensure their local educational agencies (LEAs) receive, understand and implement the new guidance.
- State departments of education should publicly report data on the number of compensatory service requests and awards in their state.

Federal Government

- ED should urge states to update guidance to align with the ED September 2021 guidance and proactively reach out to state educational agencies to ensure they are following the law's requirements to include parents in decision making and to make individualized determinations based on present levels of performance.
- ED should provide ongoing technical assistance to states given the availability of federal education stimulus funding through the Elementary and Secondary School Relief Funding (ESSER) that is available to support the provision of compensatory services to students with disabilities, including providing training and support to school teams responsible to provide these services.

SAMPLING OF PARENT RESPONSES

“Nothing about this process has been transparent: our district’s approach to compensatory services appears to be an effort to close the books on distance learning without addressing individual needs of the students who were denied FAPE [free and appropriate education]. Our district is now referring to compensatory services as “recovery services” in an effort to absolve itself from its legal responsibility to implement our son’s IEP with anything approaching fidelity. An honest effort to address “recovery” would include a long-term plan to bring our son back to the level where he should be at this point, but every day, he falls further behind because of the losses he suffered during that time.”

- Allison Wohl, parent, Montgomery County Public Schools, MD

“My district did not offer IEP (Individualized Education Program) services during spring 2020, and has consistently maintained that they do not have an obligation to provide compensatory services for that time period. To my knowledge no children have been offered any services, nor has the district brought it up at any IEP team meetings [with parents]. Part of the strategy is to wait as long as possible so they [school officials] can point out that some progress has been made so the student therefore doesn't need compensatory services.”

- Colleen Walston, parent in Concord, MA

"In working with my school district to seek COVID-related compensatory services, I have been told that no schools across our state have been authorized to have these vital and necessary conversations. No one disagrees that schools were placed into unique and challenging situations, however these services are critically necessary."

- Teresa Olafson, parent in North Dakota

“In New York City, public school parents received no information about compensatory services from their schools, nor we were told about the option to discuss compensatory services during an IEP meeting. Instead, we were offered “Special Education Recovery Services,” which do not address a student's unique needs or missed services. If services offered by the school do not match the family schedule, the parents are not told they are officially refusing the service.”

- Rachel Ford, parent of two students in New York City and advocate at Special Support Services, LLC