

Comparison of Compensatory Education and Recovery Services Due to COVID-19

June 2020

Compensatory Education	Recovery Services Due to COVID-19
Results from a state complaint or due process hearing or focused monitoring corrective action, for district identified noncompliance leading to educational loss and a denial of a free appropriate public education (FAPE).	Results from a loss of instructional time due to the COVID-19 pandemic and the additional impact of the instructional loss for an individual student with an individualized education program (IEP).
Remedy to “place children in the position they would have been in but for the violation of the Act.”	Provide additional support to assist the student in meeting IEP goals as well as make progress in the general curriculum.
Provided outside of the normal school day.	Can be provided within the normal school day.
Services are based on the individual needs of the student and should align with the IEP goals and objectives as determined by the district with input from the parent as directed by the MDE OSE or the administrative law judge (ALJ).	Services are based on the individual needs of the student and should align with the IEP goals and objectives as determined by the IEP team, including the parent.
Must be provided based on the conditions defined by the MDE OSE or the ALJ.	Must be provided within the IEP timeframe or within the school year (including summer).
Support to the student aligns with the IEP, with additional requirements for the district to address the area of identified noncompliance leading to the additional requirement for compensatory education.	Supplemental support to the individual student’s identified needs based on the additional impact of the COVID-19 pandemic and aligned with the IEP goals and objectives.
Type, amount, frequency, and duration are determined by the MDE OSE or the ALJ.	Type, amount, frequency, and duration are determined by the IEP team including the parent, and is based on student level data.
Timeframe of a state complaint must not exceed one year from the date of filing a request for a state complaint investigation, or two years for a request for a due process hearing.	Timeframe specific to the mandatory school closure due to the COVID-19 pandemic and consistent with Executive Order 2020-65.
Decisions to award compensatory education must be made within 60 days of the filing of a state complaint, or the timeline established because of focused monitoring or by the ALJ as the outcome of a due process hearing decision.	Decisions regarding recovery services due to COVID-19 must be made within the first six months of the 2020-21 school year, including the summer. (December)

Note: *Extended School Year (ESY) services is a **predictive analysis** based on how the student has fared in the past during periods of breaks in instructional time. In determining whether recovery services are required, the IEP team must consider the **ACTUAL IMPACT** of the extended school closure on the student’s ability to retain skills and make progress toward their IEP goals and in the general curriculum.*