

**\*All new/updated information is highlighted throughout this FAQ.\***

In order to ensure a strong start to the 2020-2021 school year, each school system will need to take action to conduct a review for *Strong Start Compensatory Services* for every student with a disability, and provide *Strong Start Compensatory Services* to eligible students, based on their individual need.

School systems should begin planning now to ensure students with disabilities can receive *Strong Start Compensatory Services* as soon as possible. School systems can begin providing services over the summer, and/or within the first month of the 2020-2021 school year.

This frequently asked questions (FAQ) document can help school systems understand the key steps they should take to conduct a review for *Strong Start Compensatory Services* and provide services to students with disabilities, as appropriate. School systems should consult their legal counsel and special education professionals to create processes that consider individualized, student-specific scenarios.

## FREQUENTLY ASKED QUESTIONS

### 1. **What are *Strong Start Compensatory Services*?**

School systems are required to provide a free and appropriate education (FAPE) to students with disabilities during the extended school facility closure, to the extent possible.<sup>12</sup> The sudden and unexpected shift to continuous learning may have impacted some of the special education and related services provided to students with disabilities. *Strong Start Compensatory Services* are services offered to students with disabilities to address progress or skills lost due to the extended school facility closure. *Strong Start Compensatory Services* address the impact school closures had on the student's progress toward goals outlined in the student's IEP or IAP, including any distance learning/individual contingency plan. These services are in addition to the special education and related services necessary to provide students FAPE as documented in the IEP or IAP.

### 2. **What is the difference between *Strong Start Compensatory Services* and *Compensatory Education*?**

*Compensatory Education* is a long-standing, judicially created remedy designed to prospectively compensate a student with a disability when a school system fails to provide or deliver an appropriate special education and related services under the IDEA's guarantee of FAPE. *Compensatory Education* is also appropriate when a school system's procedural errors result in a delay in the provision of special education or related services required by a student's IEP or a substantial FAPE deprivation. *Strong Start Compensatory Services* are services offered to students with disabilities to address progress or skills lost due to the extended school facility closure.

<sup>1</sup> U.S. Department of Education, [Questions and Answers on Providing Services to Children with Disabilities During the Coronavirus Disease 2019 Outbreak](#), p. 2, March 12, 2020.

<sup>2</sup> U.S. Department of Education [Non-Regulatory Guidance on Flexibility and Waivers for Grantees and Program Participants Impacted by Federally Declared Disasters](#), p. 14, September 2017.

3. **How are Strong Start Compensatory Services different for students under IDEA versus Section 504?**

*Strong Start Compensatory Services* are available to both students with an IEP (under IDEA) and students with an IAP (under Section 504) when needed to address progress or skills lost due to the extended school facility closure. *Strong Start Compensatory Services* decisions for students with IEPs are made by IEP Teams unless the parent and the school system agree not to convene the IEP Team as described in Question 4 below. *Strong Start Compensatory Services* decisions for students with IAPs should be made by appropriate personnel under Section 504.

4. **When should school systems conduct a review for Strong Start Compensatory Services?**

When the new school year begins, for each child with an IEP, “the IEP Team must determine whether the child was denied educational benefit because of the disruption in educational services.”<sup>3</sup> These are individualized determinations for each child with an IEP.

The parent and the school system may agree not to convene an IEP Team meeting and instead develop a written plan addressing *Strong Start Compensatory Services* as part of an amendment or modification to the child’s current IEP.<sup>4</sup> Accordingly, school systems could begin to reach out to parents now to develop written *Strong Start Compensatory Services* plans if appropriate and if the parent agrees.

School systems could:

- Begin reviewing data now, including distance learning data, progress towards IEP goals, related service information, and fourth quarter report cards and progress reports. Additional data, including parent surveys, screening, and student observations may be collected, as appropriate.
  - Note: Ensure reviews for *Strong Start Compensatory Services* include students who were enrolled in the 2019-2020 school year, but have reached the maximum age of eligibility, or have graduated.
- Develop a plan to make a *Strong Start Compensatory Services* determination for each student with a disability that ensures parents (1) have opportunities to be actively involved and (2) understand they can request an IEP Team meeting to make this determination.
- If a parent agrees to consider the school system’s *Strong Start Compensatory Services* determination without convening the IEP Team, notify parents in writing about the *Strong Start Compensatory Services* determination. Notifications must include an opportunity for parents to request an IEP team meeting if they disagree with the school system’s decision on *Strong Start Compensatory Services*.
- If the parent agrees to the *Strong Start Compensatory Services* determination, inform the IEP Team of the plan and, if applicable, develop a [Strong Start Compensatory Services plan](#) for the IEP file and document that the student is receiving *Strong Start Compensatory Services* by referencing the plan on the student’s next IEP, as appropriate.

<sup>3</sup> U.S. Department of Education, [Letter to Pergament](#), p. 1, December 20, 2013.

<sup>4</sup> See Letter to Pergament. See also 34 CFR 300.324(a)(4)(i).

- Begin providing *Strong Start Compensatory Services* as soon as possible. School systems can begin providing *Strong Start Compensatory Services* over the summer and/or within the first month of school.

School systems can use a similar process for students with IAPs.

**5. Must all students with disabilities receive *Strong Start Compensatory Services*?**

No. The nature and amount of *Strong Start Compensatory Services* to be provided is an individualized determination made for each student with a disability whose services were disrupted due by school facility closures. Whether, and which, *Strong Start Compensatory Services* are appropriate depends on the extent to which each student was denied educational benefit because of the disruption.<sup>5</sup>

**6. Should student need for *Strong Start Compensatory Services* be considered for students who have graduated or exceeded the age of eligibility?**

Yes. IEP Teams (or school systems if parents agree not to convene the IEP Team) and appropriate Section 504 personnel must conduct a data review and provide *Strong Start Compensatory Services*, as appropriate, to all students with disabilities enrolled in their school system during the extended school facility closure. If a student with a disability who exceeds the age of eligibility graduated in the 2019-2020 school year is eligible for *Strong Start Compensatory Services*, they can receive those services after the end of the 2019-2020 school year.<sup>6</sup>

**7. If a school system closed and did not provide any educational services, should student need for *Strong Start Compensatory Services* be considered?**

Yes. Even if a school system did not provide any educational services to the general student population, IEP Teams (or the school system if parents agree not to convene the IEP Team) and appropriate Section 504 personnel must conduct a review for *Strong Start Compensatory Services* for each student with a disability. *Strong Start Compensatory Services* address the impact the extended school facility closure had on the student's progress toward skills or goals in the IEP or IAP, including any distance learning/individual contingency plan. A full school closure does not exempt a school system from the obligation to provide *Strong Start Compensatory Services*, as appropriate.<sup>7</sup>

**8. If a school system provided educational services during the extended school facility closure, should student need for *Strong Start Compensatory Services* be considered?**

Yes. If a school system provided educational services, including special education and related services, IEP Teams (or the school system if the parent agrees not to convene the IEP Team) and appropriate Section 504 personnel must conduct a review for *Strong Start Compensatory Services* for each student with a disability. *Strong Start Compensatory Services* address the impact the extended school facility closure had on the student's progress toward skills or goals in the IEP or IAP, including any distance learning/individual contingency plan. Special education and related services provided during the extended school facility closure can provide educational

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<sup>5</sup> Letter to Pergament.

<sup>6</sup> See, for example, U.S. Department of Education, [Letter to Riffel](#), August 22, 2000.

<sup>7</sup> U.S. Department of Education, [Questions and Answers on Providing Services to Children with Disabilities During the Coronavirus Disease 2019 Outbreak](#), p. 2, March 12, 2020.

benefit to students and reduce or eliminate the need for *Strong Start Compensatory Services*. However, school systems must still conduct an individual data review for *Strong Start Compensatory Services*, and provide *Strong Start Compensatory Services*, as appropriate.

**9. If a school system offered educational services, but a student with a disability did not participate, should student need for *Strong Start Compensatory Services* be considered?**

Yes. The IEP Team (or school system if the parent agrees not to convene the IEP Team) and appropriate Section 504 personnel must evaluate the impact of the extended school facility closure on each student with a disability, and offer *Strong Start Compensatory Services*, as appropriate.

**10. What information should be considered when making *Strong Start Compensatory Services* decisions?**

34 CFR §§ 300.320-330.324 applies to students with disabilities under IDEA, and it mandates that IEP Teams must make decisions about the delivery of special education and related services necessary to provide FAPE.<sup>8</sup> *Strong Start Compensatory Services* are not exempt from those requirements. If the parent and school system agree not to convene the IEP Team, then the school system should consider the totality of the circumstances, including parent input, when determining whether an individual student with a disability needs *Strong Start Compensatory Services*. School systems should use a systematic approach that considers individual student information in their decision-making. School systems should use assessment and progress monitoring data collected before and during the school facility closure. Some illustrative, non-exclusive elements school systems should consider include:

- Services and supports provided to student (both current and modified; offered and delivered)
- Ability of the student to access services and supports
- Student attendance, engagement and participation in services
- Staff who provided the services and supports
- Student response to services and supports
- Progress, or lack of progress, toward IEP goals and Louisiana student standards
- Regression or lost skills
- Comparison of unfinished learning gaps between student and same-aged peers

Appropriate Section 504 personnel could consider similar elements for students with IAPs.

**11. Are parents required to be included in the determination of *Strong Start Compensatory Services* for students with disabilities under IDEA?**

IEP Teams, which include parents, are generally responsible for making FAPE related decisions, including *Strong Start Compensatory Services*. Parents and school systems can agree not to convene the IEP Team. If so, school systems can reach out to parents to determine whether it is possible to agree to a written *Strong Start Compensatory Services* plan without an IEP Team meeting. In developing such a plan, the school system should actively seek and consider parental observations, data, and input when determining whether *Strong Start Compensatory Services* are needed, and if necessary, how those services will be delivered. Services should be offered in a manner that is feasible and appropriate for students. Parents should be notified in writing about the

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<sup>8</sup> See Letter to Pergament.

*Strong Start Compensatory Services* determination. Notifications should include an opportunity for parents to request an IEP team meeting if they disagree with the school system's decision on *Strong Start Compensatory Services*.

**12. What types of *Strong Start Compensatory Services* can school systems provide?**

*Strong Start Compensatory Services* provided, at the school's expense, may include, but are not limited to:

- additional special education and related services,
- small group or individual tutoring (can include reimbursement to parents for outside tutoring or programs, if included in the *Strong Start Compensatory Services*),
- additional services necessary to compensate for lost learning or lack of services,
- additional time at an out of district placement, and/or
- increased individualized supports.

**13. When can *Strong Start Compensatory Services* be offered?**

*Strong Start Compensatory Services* can be delivered during time periods when students are *not* receiving special education and related services defined in their IEP or IAP. This can include:

- summer school break or closure,
- school breaks or vacation periods,
- before school,
- after school, and/or
- during the school day, as long as the *Strong Start Compensatory Services* do not interfere with, or change, a student's least restrictive environment.

**14. Can school systems offer ESY services to all students with disabilities as *Strong Start Compensatory Services*?**

No. *Strong Start Compensatory Services* and ESY eligibility are separate services. ESY is designed to help students with disabilities maintain skills during school breaks or prevent skills loss that would not be recouped within a reasonable time once school resumes. Schools should not create blanket rules that apply to all students or groups of students by offering the same amount and/or type of *Strong Start Compensatory Services*.

**15. Does an offer of *Strong Start Compensatory Services* have to provide the exact amount (minute for minute) of service time missed from the IEP or IAP?**

No. *Strong Start Compensatory Services* should be determined by looking at the totality of circumstances for *each* student and determining which services and the amount of service needed to remedy the educational losses or deficit resulting from the extended school facility closure.

**16. Can the current IEP or IAP services be amended if *Strong Start Compensatory Services* are offered, to account for additional service time provided as *Strong Start Compensatory Services*?**

No. *Strong Start Compensatory Services* cannot change the services a student receives under his or her current individualized plan and must be provided in addition to the services implemented in the student's current plan. *Strong Start Compensatory Services* cannot interfere with a student's least restrictive environment.

**17. What documentation should school systems keep when implementing *Strong Start Compensatory Services*?**

School systems should document that the services offered were provided by maintaining service logs that track instructional minutes and activities. School systems should measure progress and report student outcomes to parents.

**18. Can a parent refuse *Strong Start Compensatory Services*?**

Yes. School systems should create a record of the *Strong Start Compensatory Service* offer and the parent's refusal.

**19. What happens if a parent disagrees with the offer of *Strong Start Compensatory Services*?**

School systems should document any disagreement, provide procedural safeguards, hold an IEP meeting, and consider dispute resolution options like mediation or [IEP Facilitation](#).

**20. What funding sources are available to pay for *Strong Start Compensatory Services*?**

School systems will need to consider a variety of funding sources to provide *Strong Start Compensatory Services* to eligible students with disabilities. School systems can use IDEA funds, [ESSERF formula grants](#) (CARES Act), and other allowable state and local funds, to cover compensatory service expenses for students with an IEP. The Department will make available funds to support costs related to *Strong Start Compensatory Services* for students with disabilities under IDEA and will provide details later this year once school systems have assessed needs.

**21. What obligation does a school system have to a student who was enrolled during school closure but withdraws from school at the end of the year?**

If a student withdraws from a school, the school system where the student was enrolled during school closures should still conduct a review to determine whether the student needs *Strong Start Compensatory Services*.<sup>9</sup> If a student is entitled to *Strong Start Compensatory Services*, the school system is responsible for ensuring *Strong Start Compensatory Services* is provided even though the student is no longer enrolled.

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<sup>9</sup> See, for example, U.S. Department of Education, [Letter to Anonymous](#), October 23, 2019.