

# Protect Your Child's Right

to

## COVID-19-Related Compensatory Education

### 1. What is compensatory education?

Compensatory education is additional educational programming and services to make up for a school district's failure to educate a student with a disability properly.

### 2. Who is/may be eligible for compensatory education?

A student with a disability whose IEP was not fully implemented during COVID-19 or who could not participate in, or did not benefit from, virtual instruction is eligible for compensatory education. A student need not show regression to be eligible.

### 3. How do I ask for compensatory education?


Write a letter to your child's school district requesting an IEP meeting to discuss compensatory education for your child due to COVID-19. The district must hold a meeting within 20 calendar days.

### 4. What if I do not request a COVID compensatory education meeting?

School districts must hold an IEP meeting to discuss COVID-related compensatory education by no later than December 31, 2022, and sooner if requested by a parent.

### 5. How is compensatory education determined?

The IEP team determines if a student is eligible for compensatory education. In the case of disagreement, parents have the right to request a due process hearing.

 For more information on Compensatory Education due to COVID, visit: <https://bit.ly/compedCOVID>

Please note:

This flyer is intended for general information purposes only and does not constitute legal advice. It was produced by the Rutgers Education & Health Law Clinic in conjunction with Education Law Center and SPAN Parent Advocacy Network.

### 6. How much compensatory education will my child receive?


If a NJ school district fails to provide some or all programs and services required by the student's IEP, existing caselaw requires make-up services using a 1:1 ratio. For example, if a district did not provide 30 speech sessions, then the student is entitled to 30 make-up speech sessions unless the parent and district agree to deliver the compensatory education in another way.

### 7. Is compensatory education available if the school district could not provide services?

Even if the district claims it "did its best" to deliver special education and related services during COVID-19, a student still may be entitled to compensatory education.

### 8. What if the district denies my compensatory education request or does not respond?

The school district must provide written notice explaining its compensatory education decision. You have the right to challenge the district's decision by filing for due process.

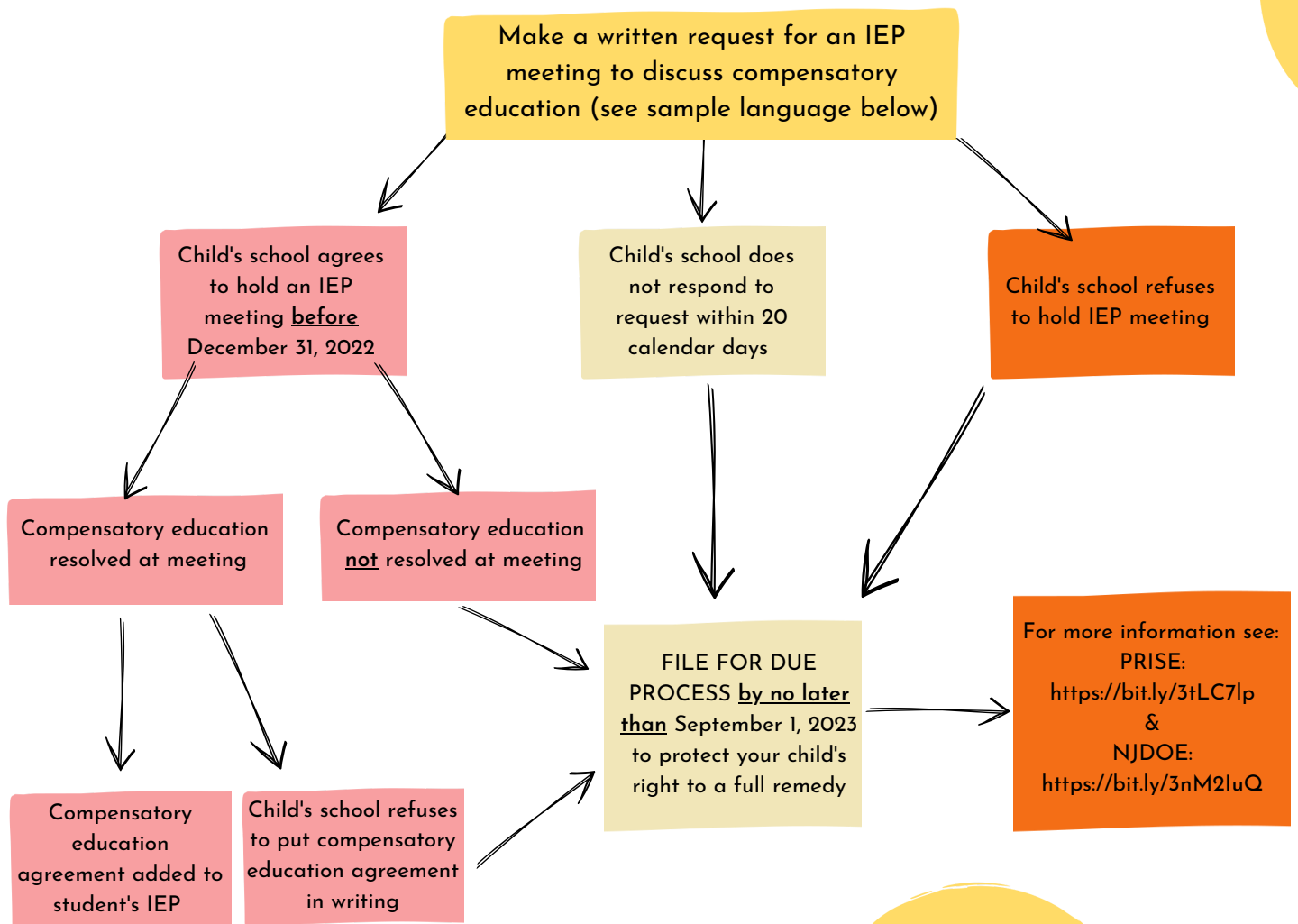
 To file for due process, forms are available at: <https://www.state.nj.us/education/specialed/due/>

### 9. Is there a deadline to request compensatory education for my child due to COVID?

If your child has a COVID-19-related compensatory education claim for the period from March 18, 2020 to September 1, 2021, and you are not able to come to an agreement with the district to resolve the claim, you MUST file for due process by no later than September 1, 2023. If you do not file for due process by the September 1, 2023 deadline, you will lose your right to compensatory education for this time period.

# HOW TO:

Protect your child's right to compensatory education



# HOW TO:

Request an IEP meeting for compensatory education

Date: \_\_\_\_\_

Dear \_\_\_\_\_ (name of child's case manager):

I am the parent of \_\_\_\_\_ (name of child), who is in the \_\_\_\_\_ (grade) at \_\_\_\_\_ (name of school). I am requesting an IEP meeting to discuss my child's need for compensatory education and services due to missed education or services and/or my child's failure to make appropriate progress during COVID-19. I look forward to meeting with the IEP team within 20 calendar days of this letter. I can be reached at \_\_\_\_\_ (phone number and/or email). Thank you.

Sincerely,

Your Name