



Protect Your Child's Right

to

Compensatory Education NOW



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.

5. 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, it must provide 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.

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



Any 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 is not required to show regression in order to be eligible.

6. 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 should be entitled to compensatory education.

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.


7. 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.

4. How is compensatory education determined?



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

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

8. Is there a deadline to request compensatory education for my child?

The NJ statute of limitations for special education claims is two years from the date a parent knew or should have known of the problem. For example, if you knew on March 18, 2020 that the district was not fully implementing your child's IEP or that virtual instruction wasn't working for your child, you should file for due process no later than March 18, 2022. Filing after that date could likely result in the loss of at least part of your claim and remedy.

More information on Compensatory Education in Response to COVID-19 can be found at:

<https://bit.ly/compedCOVID>

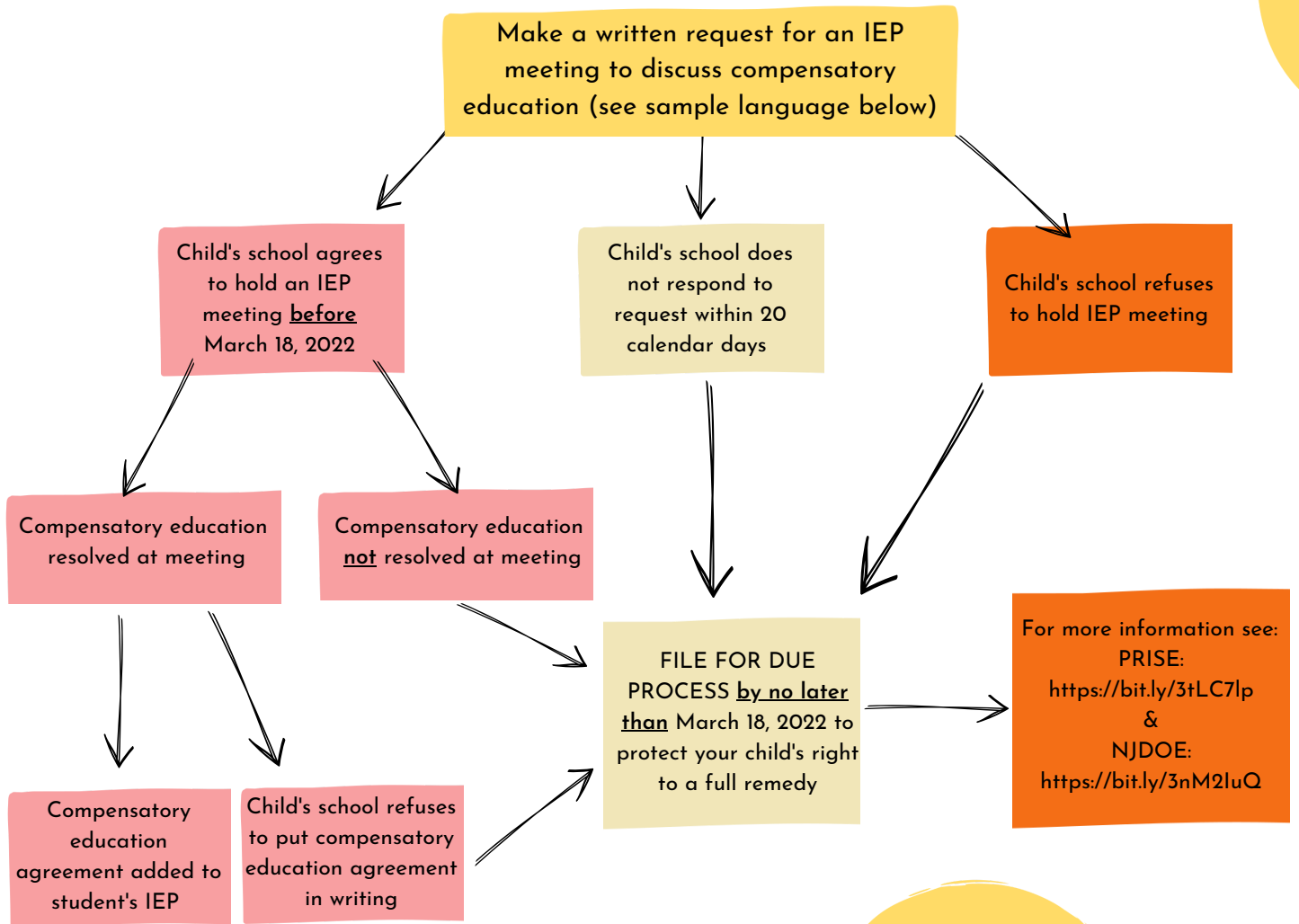


Please note:

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.

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