

**Guidance for Considering, Calculating and Planning Compensatory Education
for Youth on IEPs who were Served at the Iowa Juvenile Home (IJH)
between 8-1-11 and 12-20-13**

Purpose of this Document

This document is intended to support AEA and LEA staff as they prepare to consider an individual's need for compensatory education as a result of the individual's placement at Iowa Juvenile Home between August 1, 2011 and October 7, 2013.

Definition of Compensatory Education

Compensatory education is provided when it has been determined that an individual was denied legally competent special education AND there is a gap between the individual's expected performance and actual performance. It consists of services and supports that are reasonably required for the individual to close the gap between expected and actual performance.

Compensatory education may be a simple 1:1 approach to time missed (e.g., sixty hours of services where FAPE was denied equals sixty hours of compensatory education) or it may differ based on the individual's needs (e.g., failure to appropriately identify a course of study and establish linkages resulted in the individual's exit from high school without a diploma equals support to complete an adult education diploma or equivalent). Compensatory education is NOT a monetary award to the individual or the individual's family.

Compensatory education is provided in addition to any IEP services or supports the individual may currently be receiving. It shall not supplant or replace required services.

Reason for Reviewing Individual Student Need for Compensatory Education

Two investigations of the Iowa Department of Education (DE) established violations of special education at Herbert Hoover High School located at Iowa Juvenile Home. On October 7, 2013 the DE released the findings of its regularly scheduled site visit in the document entitled *Targeted Special Education Compliance Review of Herbert Hoover High School*. Findings included violations in numerous areas including behavior, school removals, secondary transition and other procedural noncompliance.

On December 20, 2013 a decision was made regarding a complaint filed by Disability Rights Iowa. The systemic violations identified in the state complaint decision included: IEP development and content, Least Restrictive Environment (LRE), transition services, services during disciplinary removals and behavioral interventions and supports.

Both investigations required the consideration of compensatory education as a corrective action. Corrective action in the site visit review required that IEPs be reviewed for all students on IEPs residing at IJH between August 1, 2011 and October 7, 2013. The state complaint corrective action required that IEPs be reviewed for all students on IEPs residing at IJH between August 16, 2012 and December 20, 2013. While it has been established that there have been systemic violations, each

IEP team must meet to determine whether those violations constrained the individual student’s expected performance.

Process and Timeline for Considering, Calculating and Planning Compensatory Education

The determination of compensatory education requires numerous steps before it is actually allocated. Table 1 lists each action and relevant timelines and responsibilities. A brief description of the first three activities is provided in the narrative following the table. Further details on the sixth activity will be provided later.

Table 1. Actions Needed for Allocation of Compensatory Education

Action	Timeline	Responsible Party
1. IEP teams meet to review process and gather needed information.	Completed by March 5, 2014	LEAs
2. Contracted content experts review IEPs and develop considerations for IEP team review.	Completed by April 15, 2014	Contractors, DE
3. IEP teams meet to consider need for compensatory education. If determined it is needed, IEP team calculates recommendations for compensatory education.	Submitted to DHS by May 1, 2014.	LEA, AEA
4. DHS submits compensatory education plan to Department of Education.	May 5, 2014	DHS
5. DE responds to DHS compensatory education plan.	May 15, 2014	DE
6. DHS notifies IEP team regarding compensatory education decision and if appropriate, process for receiving approved compensatory education.	June 1, 2014	DHS, IEP team
7. DHS arranges for provision of compensatory education and monitors completion.	December 20, 2014	DHS

- 1. IEP teams meet to review process and gather needed information.** The intent of this meeting is to ensure that all IEP team members understand the process that will be used to determine whether the student requires compensatory education and the type of compensatory education to be provided, if required. While the meeting may be held by conference call or electronic means, it is important to make sure enough time and supports are provided to understand the complexity of the decisions that will be made. Parents and age-of-majority students may wish to invite representatives of advocacy organizations to also participate.

Participants should be relevant members of the student’s IEP team. In addition, the identified DHS representative should be invited to the meeting and all efforts made to schedule the meeting at a mutually convenient time. If the parent or age-of-majority student refuses to participate in the meeting use procedures that would typically be used to document attempts to meet.

A suggested agenda for the initial meeting can be found in Appendix A. The first three items are intended to ensure understanding of the entire process. The last two agenda items will help facilitate the consideration of compensatory education at the second meeting.

Answering the current status questions provided in Appendix B will help the content experts in their considerations. If the IEP team does not have sufficient information to answer the questions, they should identify how the information will be gathered and who will collect it. Several possible assessments are provided in Appendix B. (Note: Parents, or age-of-majority students need to give permission for administration of new assessments.

Refusal to participate in new assessments will not eliminate individuals from consideration of compensatory education but may affect determination of need.) Secondly, the team may wish to schedule the second meeting and identify any additional members who should be invited.

- 2. Contracted content experts review information and develop considerations for IEP team review.** Each student has been assigned to one of two phases for review. This is to expedite the process and ensure that the IEP team has all possible information available as it considers the need for compensatory education. Content experts will review data for students in Phase I and provide considerations by March 30, 2014. Considerations for students in Phase II will be provided by April 15, 2014. This information will be provided to the AEA Director of Special Education for distribution to IEP teams.

- 3. IEP teams meet to consider need for compensatory education.** Explicit instructions for considering the need for compensatory education will be provided with the considerations data of the content experts. In addition to the written instructions, a short video clip will be available for the team to review at the start of the meeting.

If determined it is needed, IEP team calculates recommendations for compensatory education. The Department of Human Services (DHS) will provide a process for recording recommendations regarding compensatory education. Specific instructions will be provided with the considerations from the content experts.

APPENDIX A

Suggested Agenda for Initial Meeting

Introductions

Purpose of the Meeting

Clarify Understanding of Compensatory Education

Review Process for Considering, Calculating and Providing Compensatory Education

Complete Student Information Form

Schedule Second Meeting

Adjourn

APPENDIX B

Current Student Information

1. How many credits does the student currently have towards graduation?
2. How many credits does the student need in order to graduate with a regular diploma?
3. What is the student's current reading level?
4. What are the student's current skills and needs in order to live independently?
5. What are the student's current career interests?
6. What are the student's current social skills and needs?

If information is not available to answer questions 4-6, the following measures are available online:

Measures:

- *A Life Skills/Personal Management measure:* (e.g., Casely Life skills--it's free and online: Life Skills Personal management Assessment: <http://lifekills.casey.org/>)
- *A Career Interest Inventory* (e.g., Iowa's I Have a plan: https://secure.ihaveaplaniowa.gov/Career_Planning/Learn_About_Yourself/Learn_About_Yourself.aspx or Onet Career Interest Inventory: <http://www.onetonline.org/>)
- *Social Skill Inventory:* (e.g., Social Skill Information System Rating Scales (Gresham & Elliott) ages 13-18) These have a cost to them, but can be used for progress monitoring. If you want something free, please contact Barbara Guy for a self regulation measure called the Effortful Control <http://www.pearsonclinical.com/education/products/100000322/social-skills-improvement-system-ssis-rating-scales.html>