



Compensatory  
Education for Students  
with Disabilities as a  
Result of COVID-19

*SEPAG*

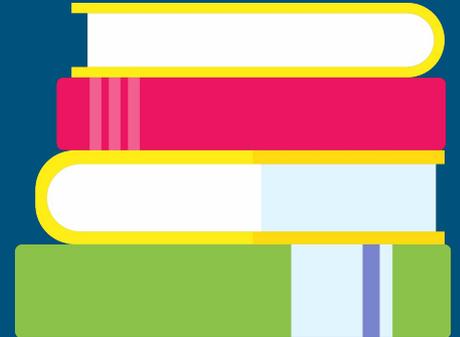
*November 7, 2022*



# Compensatory Education

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Students with disabilities who do not receive the services in their IEPs may be entitled to compensatory education if it is determined that the failure to provide those services caused a denial of the student's right to a free and appropriate education (FAPE).



# Overview of P.L.2022, c.2

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The law requires each LEA to hold an Individualized Education Program (IEP) team meeting by December 31, 2022, for every student with a disability who had an IEP between March 18, 2020, and September 1, 2021, to discuss the need for compensatory services.

# GOAL OF COMPENSATORY EDUCATION

To remedy the knowledge and skill deficits that result when missed services are determined to have caused a denial of FAPE.

IDEA & NJAC 6A:14 does not require a 1:1 ratio when calculating compensatory education. It is an IEP team decision to determine need, type, amount, frequency, duration, and location of services.

# Determining the Need for Compensatory Services

Review formative and summative, formal and informal assessment data to determine progress toward each student's IEP goals and objectives during the period of remote and hybrid instruction.

Determine what services were missed and what goals and objectives the student was expected to achieve but did not achieve due to the absence of services.

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If compensatory  
services are  
required...

The IEP team must determine the nature, frequency, and duration of those services and document them in the IEP.

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If compensatory  
services are not  
required...

The IEP team will discuss any concerns that may arise and document them in the IEP. If no concerns are present, that will also be documented in the IEP.

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# Parent's Rights in Special Education

Parents maintain due process rights: resolution session, mediation, due process hearings, etc.

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# Other Laws Impacting Special Education Students

P.L.2021, c.109 went into effect in June 2021, this law impacts students with disabilities who exceed, or will exceed the current age of eligibility for special education and related services (21 years old) in the 2021-2022 and 2022-2023 school years. The IEP team is responsible for determining the type, frequency, and location of additional or compensatory special education and related services.

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Questions?