



PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION June St. Clair Atkinson, Ed.D., *State Superintendent*

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February 28, 2013

MEMORANDUM:

TO: Directors, Exceptional Children Programs
Directors, Charter Schools

FROM: Mary N. Watson, Director *MNW*
Exceptional Children Division

SUBJECT: Indicators 11 and 12

On October 18, 2012, a memo was sent to all local educational agencies (LEAs), charter schools and State-operated Programs regarding corrective actions required for exceeding the timelines for Indicators 11 and 12. In response to questions from the field regarding the implementation of the corrective actions, a Questions & Answers (Q&A) document has been developed. A copy of the Q&A is attached. Also attached are a sample template for a compensatory education services plan and parent notification letters. These documents will be available on the Division's website. The use of these documents is not mandatory; however, the compensatory education services and parent notification must be documented.

In addition to the document noted above, *the Indicator 11 and 12 Compensatory Education Data Follow-Up* form is included in this mailing. This form will serve as documentation of the completion of compensatory education services that were provided to eligible students. This document must be submitted on November 16, 2013, along with the *2013 Indicators 11 and 12 Follow-Up* forms.

Thank you for your continued efforts on behalf of students with disabilities and their families. If you have any questions, please contact Bobbie Grammer, Monitoring Consultant, at 919-807-3980 or bobbie.grammer@dpi.nc.gov.

MNW/IBW/BG:gdh

Attachments

EXCEPTIONAL CHILDREN DIVISION

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AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

Indicators 11 and 12 Compensatory Education Corrective Actions

Questions and Answers

1. Will compensatory education be required if a third birthday is missed for Indicator 12 or is compensatory education only related to Indicator 11?
Compensatory education is required for both Indicators 11 and 12 for any students where timelines were exceeded.
2. Does compensatory education have to be offered during the life of the initial IEP?
Yes, the compensatory education plan must be offered during the life of the initial IEP.
3. Do we have to match hour for hour?
The parent and the LEA must mutually determine the amount of time needed for compensatory education when determining the time needed. They should consider various factors, including the number of days exceeding the timeline(s); the amount of services needed to compensate for the delayed services; and whether the delay in services has affected the educational benefits that the student would have likely accrued from special education services.
4. Does compensatory education (instruction) have to be by an Exceptional Children teacher?
Compensatory education is required when exceptional children services have been delayed. These services must be provided by licensed EC teachers and/or related service providers.
5. Can compensatory education be offered during school hours, even though the student would be away from same age peers?
Compensatory education must be provided outside of the student's instructional day.
6. If the school offers a plan and the parent refuses that plan because of time or any other reason, does the school offer another plan?
The plan must be mutually developed by both the LEA and parent(s). The LEA and parent could agree to have a mediation session to attempt to resolve the concerns.
7. Are we required to provide transportation for students receiving compensatory education?
If transportation is required to access compensatory education then transportation must be provided by the LEA (at no expense to the parent).
8. Do we have to offer it at the parent's convenience?
The plan must be mutually developed by both the LEA and parent(s).

9. If a student transfers from out of state and the 90 day timeline was exceeded, must compensatory education be offered if:
- Comparable services were provided upon enrollment, and
 - After developing or amending the IEP, the services differ from the comparable services provided?

If the areas and frequency of services are the same between the (out-of-state IEP, and the comparable services plan and the initial IEP, then there is no denial of FAPE, and no compensatory education services would be required. If additional services/time were added to the IEP at the IEP meeting, then compensatory education would need to be provided for the services that were added, but not implemented.

10. What happens if compensatory education services are warranted and the child moves before this can be offered or the sessions are completed?

The LEA initially responsible for compensatory education is required to complete the services even though the student transfers in state or out of state. Documentation of these services is required.

11. When the timeline(s) is exceeded by only one or two days, is compensatory education required?

Yes, compensatory education is required. The plan must be mutually developed by both the LEA and parent(s).

12. Should compensatory education be indicated on the IEP?

No, compensatory education should not be indicated on the IEP. The mutually developed plan documents compensatory education.

13. Is compensatory education subject to Prior Written Notice (DEC 5) requirements?

No, Prior Written Notice is not a component of compensatory education.

14. What documentation will be required and when will it be required?

A copy of each student's compensatory education plan will be the required documentation. This documentation must be submitted with the Indicator 11 and/or 12 *Data Follow-up Form*. When compensatory education has not been completed by the submission date, a copy of the plan signed by both LEA and parent indicating completion must be submitted to the monitoring consultant assigned to the LEA within two weeks of completion.

15. Will there be a place or way to show that compensatory education was offered, but declined?

Yes, there is a place on the plan for the parents to sign stating that they are declining compensatory education.

16. What if halfway through the compensatory education services being provided, the parents decide not to complete the additional sessions?

Document on the plan that the parents declined the remainder of the compensatory education. Have the parents sign and date the plan.

17. When should the compensatory education plan be developed?

The compensatory education plan must be developed as soon as possible, after the development of the initial IEP.