



# 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](mailto:bobbie.grammer@dpi.nc.gov).

MNW/IBW/BG:gdh

Attachments

### EXCEPTIONAL CHILDREN DIVISION

Mary N. Watson, *Director* | [mary.watson@dpi.nc.gov](mailto:mary.watson@dpi.nc.gov)

6356 Mail Service Center, Raleigh, North Carolina 27699-6356 | (919) 807-3969 | Fax (919) 807-3243

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

## Indicator 11 and 12 Compensatory Education Data Follow-Up

The North Carolina Department of Public Instruction, Exceptional Children Division monitors the corrective actions for Indicators 11 and 12. Documentation of compensatory education services provided to each eligible student whose eligibility determination and IEP development exceeded the 90 day or 3<sup>rd</sup> birthday timeline(s) during the period covering July 1, 2012 – June 30, 2013 is required. Provide specific information for each eligible student in the table below. By November 16, 2013, submit the completed table to the Monitoring Consultant assigned to your region.

**LEA Name/Number** \_\_\_\_\_

Student ID	Compensatory Education Plan Date	Parent Agreement Date	Parent Decline Date	Compensatory Education Plan Completion Date

Person Completing the Form \_\_\_\_\_ /Date \_\_\_\_\_

LEA Director \_\_\_\_\_ /Date \_\_\_\_\_

Date

ABC County Schools (example)  
124 Smith Road  
Any City, North Carolina 12345

Dear Parent,

Your child has been determined eligible for special education and related services by ABC  
County Schools (example). Each public agency must ensure that the initial evaluation is conducted; eligibility determined; and for an eligible child, the IEP developed and placement completed within 90 calendar days of receipt of a written referral. In your child's case, the timeline was exceeded by \_\_\_\_\_ calendar days.

To compensate for the special education and related services your child missed because of the delayed completion of this process, we are required to meet with you to develop a compensatory education plan. This plan will include the amount of services to be delivered, who will deliver the services, and where and when the services will be delivered.

The meeting is scheduled for \_\_\_\_\_ (date) at \_\_\_\_\_ (time) at \_\_\_\_\_ (location). If this time is inconvenient for you, we will be happy to reschedule the meeting at a mutually agreeable time. Please call \_\_\_\_\_ at \_\_\_\_\_ (phone number) or email us at \_\_\_\_\_.

Sincerely,  
Name and Title

1<sup>st</sup> Attempt Sent: \_\_\_\_\_ by \_\_\_\_\_ Method of Delivery: \_\_\_\_\_

Additional Attempts Sent: \_\_\_\_\_ by \_\_\_\_\_ Method of Delivery: \_\_\_\_\_

Date

ABC County Schools (example)  
124 Smith Road  
Any City, North Carolina 12345

Dear Parent,

Your child has been determined eligible for special education and related services by ABC County Schools (example). For students transitioning from Infant/Toddler Services to Preschool services, each school system must ensure that the initial evaluation is conducted; eligibility determined; and for an eligible child, the IEP developed and placement completed by the child's third birthday. In your child's case, the timeline was exceeded by \_\_\_\_\_ calendar days.

To compensate for the special education and related services your child missed because of the delayed completion of this process, we are required to meet with you to develop a compensatory education plan. This plan will include the amount of services to be delivered, who will deliver the services, and where and when the services will be delivered.

The meeting is scheduled for \_\_\_\_\_ (date) at \_\_\_\_\_ (time) at \_\_\_\_\_ (location). If this time is inconvenient for you, we will be happy to reschedule the meeting at a mutually agreeable time. Please call \_\_\_\_\_ at \_\_\_\_\_ (phone number) or email us at \_\_\_\_\_.

Sincerely,  
Name and Title

1<sup>st</sup> Attempt Sent: \_\_\_\_\_ by \_\_\_\_\_ Method of Delivery: \_\_\_\_\_

Additional Attempts Sent: \_\_\_\_\_ by \_\_\_\_\_ Method of Delivery: \_\_\_\_\_

Indicators 11 and 12 Compensatory Education Plan

LEA: \_\_\_\_\_

School: \_\_\_\_\_

Student Name: \_\_\_\_\_

Grade: \_\_\_\_ Eligibility Area: \_\_\_\_

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

Eligibility Determination Date: \_\_\_\_\_ Initial IEP Development Date: \_\_\_\_\_

Number of Calendar Days Exceeding Timeline: \_\_\_\_\_

Duration dates of initial IEP: \_\_\_\_\_

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Compensatory Education Plan Components:

1. Compensatory education services will consist of (specify the special education and related services and the total amount of time for each):
  
2. Compensatory education services will be provided by (e.g. Special Education staff, such as Special Education teacher, SLP, OT, PT, etc.):
  
3. Compensatory education services will be provided (specify frequency, duration and location):
  
4. Other services required to implement the compensatory education plan (e.g. transportation):

This plan was mutually developed by:

NAME(s):

POSITION:

DATE:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ I accept the above Compensatory Education Plan.

\_\_\_\_\_ I decline Compensatory Education Services for my child.

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Parent Signature: \_\_\_\_\_ Date: \_\_\_\_\_

If the declines compensatory education services, document attempts to obtain parent agreement to implement the plan:

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

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

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Other:

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For LEA Use Only

Compensatory Education Services Completion Date: \_\_\_\_\_

Parent Signature: \_\_\_\_\_

## 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.