



Health and Education Justice Initiative
Advancing justice in child health and well-being

KNOW YOUR RIGHTS: COMPENSATORY EDUCATION

Did you know? School districts must make sure that children with IEPs (“Individualized Education Programs”) receive a free appropriate public education. If your child did not receive all of the special education services they are entitled to, the child’s IEP team can decide whether compensatory education will be provided.

What is Compensatory Education?

- **Compensatory education is a set of services provided by a school district to help a child recover from a previous improper denial of special education minutes and services.**
- **Some reasons your child may qualify for compensatory services:**
 - Your child did not receive an evaluation in the time frame set out by applicable law;
 - Your child’s education was disrupted by staffing shortages or school closures;
 - The school did not sufficiently implement your child’s IEP; or
 - Your child did not receive the special education services they should have received.
- **Your child may be able to get compensatory services such as:**
 - Extra instruction time (i.e., time with a special education teacher or other teacher to work on subjects like reading, math, and writing); and/or
 - Extra therapy time (i.e. therapy in the area(s) in which your child should have received services but did not.
- **Note that schools may use another term (instead of compensatory education) to describe these services, such as “missed minutes” or “makeup services.”** Usually compensatory education services mean that the school has denied your child a free appropriate public education.
- **Compensatory education may be requested by:**
 - Writing an email or letter to your child’s IEP team, IEP Case Manager or special education teacher,
 - Bringing it up at an IEP meeting (see Tips for Parents below), or
 - Filing a Child Complaint or Due Process Complaint with the Missouri Department of Elementary and Secondary Education (DESE). (<https://dese.mo.gov/special-education/due-processchild-complaint>) if the school continues to refuse the request and has issued a Prior Written Notice denying the request.

Tips For Parents or Caregivers:

1) Take notes or keep a log of details.

It is important to write down details of the disruption, delay, or gap in services that your child experienced. This can include:

- The special education minutes your child should have received (i.e. located in the “services summary” section of the IEP) but did not receive.
- The dates that services were not provided, and the names of the staff members who typically provide the services, if you know.
- A description of the impact on the student caused by the disruption or delay in receiving services. Be sure to gather any evidence of the impact on the student, including grades, progress reports, disciplinary referrals, etc.
- Conversations (emails, text messages, phone calls, etc.) between you (the parent) and the school about your concerns.
- Any notes that you think are important based on your child’s unique circumstances.

2) Request an IEP team meeting in writing.

Your school is required to hold yearly IEP team meetings. They can be held online or by phone with your permission. You can also request a meeting if you believe something about your child’s plan needs to be changed.

- If you think a disruption or delay has set your child back in their academic or social/emotional learning, it is important to request an IEP meeting to discuss compensatory education as soon as possible. Be prepared with a specific request for the amount and type of compensatory services you believe your child is owed.
- Once you request a meeting, your child’s school has a reasonable amount of time (or 30 days) to schedule it.
- At the IEP meeting, the IEP team must make a decision specific to your child regarding the need for compensatory education.

3) Communicate.

It is important that parents communicate with their child’s school about any concerns they may have so that IEP teams can make decisions about services going forward.

4) What to do if you disagree:

If the IEP team disagrees that your child needs compensatory education, you can ask that a Notice of Action or Prior Written Notice be issued explaining the denial. You can then decide if you should move forward with filing a Child Complaint or Due Process Complaint.

Questions to discuss with the IEP team:

- How long was the disruption of services? Or how long did the child go without the services they should have received?
- Did the child experience a loss of learning or regression of skills as result of the delay or disruption?
- What information or evidence can help to determine the impact of the gap or delay?
- Did the delay or disruption result in any new special education needs for your child?
- Do you believe your child should be tested or evaluated again?
- Should your child be provided more services or should their services be changed?
- Moving forward, would your child benefit from receiving services during summer or other extended breaks in order to ensure they make progress?

**Health and Education
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