

Compensatory Services

Every student who is eligible for special education services has an Individualized Education Program (IEP.) The IEP is a written document specific to an individual student that details the content of the student's educational plan, including information about the services that will be provided for the student.

The IEP is a legally binding document. All services described therein must be provided. Conversely, if something is not documented within the IEP, the school has no obligation to provide it.

If, for any reason, a school district cannot provide the services listed in the IEP, the law requires that the parents be notified by the school district. When services have not been provided, the student *may* be entitled to "compensatory services." Compensatory services are services that "make up for" the services the student missed.

The manner in which compensatory services are to be delivered is not addressed in special education law, but is decided on a case-by-case basis by parents, schools, and sometimes the Massachusetts Department of Elementary and Secondary Education (MDESE.)

Keep the following points in mind:

1. A student generally will not be awarded compensatory services unless the lack of those services has had a negative impact on the child's progress.
2. It is expected that school staff will miss a service session, here and there, throughout the year due to illness, family emergencies, etc. Generally, one would not seek compensatory service for these few missed service sessions.
3. The number of hours of compensatory service offered will not always exactly equal the number of hours of service that were missed.

4. Compensatory services will not be provided when the services missed were the result of parent choice (i.e., family vacations, etc.)

If your child has missed IEP services (whether or not you received the required notification from the school) and you feel s/he may be entitled to compensatory services, begin by simply asking your school to provide those services. It is best to make such requests in writing.

If your school feels that compensatory services are not necessary, you will need to file a complaint with MDESE. Do this by calling MDESE at (781) 338-3700. Indicate that you would like to file a complaint because IEP services were not delivered and you wish to request compensatory services. MDESE will send you a brief form to fill out, and you must return the form to MDESE within thirty (30) days. MDESE will then investigate your complaint, and will issue a Letter of Finding that will either agree with the school district's position, or will instruct the school district to work out a schedule of compensatory services with you. If you and your school cannot agree on a schedule of compensatory services, MDESE will generally impose its own schedule.

Your school may not charge you for compensatory services.

Copyright © 2008 Ellen M. Chambers. All rights reserved. SPEDWatch is not engaged in rendering legal, educational, medical, therapeutic, or other professional advice.