



Sample Letter Requesting Meeting to Discuss Compensatory Services with Extended School Year Component

NOTE: There has been no announcement yet that schools will not be providing ESY services this summer. This is a sample letter should such an announcement be made.

Case Manager
 School/School District
 Town, New Jersey

Date

Dear [Name of Case Manager]:

I am writing to request an IEP meeting to discuss the provision of compensatory education services to my child, _____, to make up for the missed special education and related services s/he experienced when schools were closed due to the Coronavirus.

My child was out of school and was not receiving her/his complete special education and related services from _____ [start date] through [end date - last day of school your child would have attended if school had been open.] My child received no special education services from _____ [start date] through [end date], and only partial special education services from _____ [start date] through [end date.] My child received no related services from _____ [start date] through _____ [end date] and only partial related services from _____ [start date] through _____ [end date.]

Service in IEP	Dates without any service	Partial service delivered	Dates of partial service	Missed services

As you know, the US Department of Education has issued guidance indicating that the IEP team must meet to determine whether the lack of special education and related services requires the provision of compensatory education. "Schools must consider the impact of a provider's absence or a child's absence on the child's program and performance and determine how to ensure the continued provision of FAPE [a free, appropriate public education] in order for the child to continue to progress and meet the annual goals in his or her IEP. Whether an interruption in services constitutes a denial of FAP is an individual determination that must be made on a case-by-case basis." See <http://www2.ed.gov/policy/speced/guid/idea/letters/2007-1/clarke030807disability1q2007.pdf>. This guidance was reinforced in guidance from the US Department of Education issued in March, 2020, at <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-covid-19-03-12-2020.pdf>. Further, the US Court of Appeals for the Third Circuit (which covers NJ) has indicated that the relief for a denial of FAPE is an hour-for-hour provision of compensatory services.

In addition, my child routinely receives Extended School Year (ESY) Services. Unfortunately, due to schools being closed and not reopening until September, and to the continued need for physical distancing and the closures of summer camps and other places where ESY services could be provided, my child was not able to access the needed ESY services.

As you know, ESY services are required in a child's IEP if there is a likelihood of regression or slow recoupment should a child not receive services throughout the summer. Being without ESY services resulted in regression and will likely lead to a slow recoupment of that knowledge and skills. Thus, I am requesting additional compensatory services to address the lack of ESY services. Typically, my child has received ____ hours of ESY services each week for ____ weeks. Thus, my child has lost approximately ____ additional hours of service.

I sincerely appreciate your efforts to provide some of my child's special education and related services during the difficult period when schools were closed. However, the [lack of provision of any special education or related services] [failure to provide all of the special education and related services] contained in my child's IEP including ESY services has led to a failure of my child to achieve their IEP goals and objectives [and in fact caused regression in their knowledge and skills.] For these reasons, I am requesting an IEP meeting to discuss the compensatory services my child needs and will receive in the new school year.

Thank you for your prompt attention to this matter.

Sincerely,

Name of Student and/or Parent/Guardian

Contact information (include address, phone and email)

CC: *List any other persons who were copied on this letter such as other school administrators, etc...



Example of Completed Letter Requesting Meeting to Discuss Compensatory Services with Extended School Year Component

NOTE: There has been no announcement yet that schools will not be providing ESY services this summer. This is a sample letter should such an announcement be made.

Case Manager
School/School District
Town, New Jersey

Date

Dear Ms. Jones:

I am writing to request an IEP meeting to discuss the provision of compensatory education services to my child, Anita Smith, to make up for the missed special education and related services s/he experienced when schools were closed due to the Coronavirus.

My child was out of school and was not receiving her complete special education and related services from March 16th through the last day of school she would have attended if school have been open, June 24th. My child received no special education services from March 16th through April 3rd, and only partial special education services from April 6th through June 24th. My child received no related services from March 16th through April 3rd, and only partial related services from April 3rd through June 24th.

Service in IEP	Dates without any service	Partial service delivered	Dates of partial service	Missed services
Specialized instruction – reading 1 hr/day	3/16-4/3 15 days/15 hours of no service	Specialized instruction- Reading 2 hrs/wk	4/6-6/24 8.5 weeks of only 2 hrs/week	15 hours + 25.5 hours = 40.5 hours
Speech services: 1 hour 3 x/week	3/16-4/3 (3 wks.) 9 hours no service	Speech services: 1 hour 1x/week	4/6-6/24 8.5 weeks of only 1x/week speech	9 hours + 17 hours = 26 hours
Physical therapy- 1 hour x 3x/week	3/16-4/3 (3 wks) 9 hours no service	PT: 1 hour 1x/week	4/6-6/24 8.5 weeks of only 1x/week PTI	9 hours + 17 hours = 26 hours

As you know, the US Department of Education has issued guidance indicating that the IEP team must meet to determine whether the lack of special education and related services requires the provision of compensatory education. "Schools must consider the impact of a provider's absence or a child's absence on the child's program and performance and determine how to ensure the continued provision of FAPE [a free, appropriate public education] in order for the child to continue to progress and meet the annual goals in his or her IEP. Whether an interruption in services constitutes a denial of FAP is an individual determination that must be made on a case-by-case basis." See <http://www2.ed.gov/policy/speced/guid/idea/letters/2007-1/clarke030807disability1q2007.pdf>. This guidance was reinforced in guidance from the US Department of Education issued in March, 2020, at <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-covid-19-03-12-2020.pdf>. Further, the US Court of Appeals for the Third Circuit (which covers NJ) has indicated that the relief for a denial of FAPE is an hour-for-hour provision of compensatory services.

In addition, my child routinely receives Extended School Year (ESY) services. Unfortunately, due to schools being closed and not reopening until September, and to the continued need for physical distancing and the closures of summer camps and other places where ESY services could be provided, my child was not able to access the needed ESY services.

As you know, ESY services are required in a child's IEP if there is a likelihood of regression or slow recoupment should a child not receive services throughout the summer. Being without ESY services resulted in regression and will likely lead to a slow recoupment of that knowledge and skills. Thus, I am requesting additional compensatory services to address the lack of ESY services. Typically, my child has received 20 hours of ESY services each week for 8 weeks. Thus, my child has lost approximately 160 additional hours of service.

I sincerely appreciate your efforts to provide some of the special education and related services in my child's IEP during the difficult period when schools were closed. However, the failure to provide all of the special education and related services contained in my child's IEP including ESY services has led to a failure of my child to achieve their IEP goals and objectives and in fact caused regression in their knowledge and skills. For these reasons, I am requesting an IEP meeting to discuss the compensatory services my child needs and will receive in the new school year.

Thank you for your prompt attention to this matter.

Sincerely,

Ms. Smith
Ms.smith@aol.com; xxx-xxx-xxxx (cell phone)