

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?

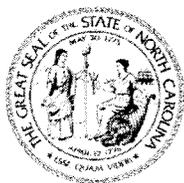
Yes, there is a place on the plan for the parents to sign stating that they are declining compensatory education.

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.



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TO LEA Superintendents

FROM June St. Clair Atkinson *JSA*

NC GENERAL ASSEMBLY'S READ TO ACHIEVE LAW

Last week, local superintendents Don Phipps, Darrin Hartness and I spoke at the Joint Legislative Commission on Governmental Operations meeting. I made the following recommendations:

1. Reduce the number of required passages for portfolio
2. Give school districts flexibility in conducting summer reading camps
 - Extended learning opportunities
 - Balanced calendar approach
3. Extend funding for K, 1 and 2 for summer intervention
4. Allow promotion to 4th grade if otherwise ready and maintain requirements for focused intervention
5. Provide consistency among charters and other public schools
6. Clarify details about testing exceptional children

Portfolio Options

The General Assembly's *Read to Achieve* law allows a student portfolio as one of several options to promote a child to 4th grade. G.S. §115C-83.1C(8) states:

“Student reading portfolio” means . . . [f]or each benchmark [12 standards], there shall be three examples of student work demonstrating mastery by a grade of seventy percent (70%) or above. (emphasis added)

It is a teacher's decision about how to calculate the 70% or above, however, two options include:

1. After a student has attempted three passages in a standard, teachers may divide the total number of items attempted (15) into the total number of correct items across the three passages to determine if the student met the 70% passing requirement. For example, a student who answers 11 of 15 items correct will have achieved 73% correct, which meets the 70% requirement.

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2. Teachers may average the scores of three passages. If a student has at least 70%, he/she has met the standard.

Teachers, principals, and central office staff may elect to use another method that meets the spirit of the law.

**Readability
Portfolio Passages**

The 120 passages that have been developed thus far have followed the industry standard of using the readability formula of Spache as just one indicator of third grade reading level. The 21-step process involves North Carolina elementary teachers, exceptional children experts, reading experts, and outside evaluators. Please see the released 3rd grade reading passages we have compiled from other states (Attachments II-VI). The passages are comparable to North Carolina's work since, typically, the same industry standard is followed.

Portfolio Security

If you use the portfolio process, please keep in mind the following: The Portfolio is a collection of reading selections to support reading instruction. After students have read a selection and answered the items, teachers may review the selection and the item responses with those students who have been assessed on the passage. This will provide needed feedback to students on their performance. Students' responses may also be shared with parents. Also, teachers should have access to all of the reading selections so they may decide which selections are most appropriate for their students based on their reading progress.

**Portfolio Processes
for 2014-15**

The portfolio will be available for use in the 2014-15 school year, allowing teachers to integrate it into their classroom practices all year. The NCDPI will increase the number of available selections in the portfolio to provide improved alignment of the selection with the student's needs. The intent is to eventually deliver the selections through Home Base.

Meeting Accountability

Students with a scale score of 442 or higher on the Beginning of Grade 3 English Language Arts/Reading Test have demonstrated proficiency and have met the reading promotion standards of Read to Achieve. These students, however, will have to take the End-of-Grade 3 English Language Arts/Reading Test at the end of the school year for inclusion in the growth analysis.

It is not appropriate to require these students to participate in the portfolio unless it is an instructional activity.

**Good Cause
Exemption for Students
with Disabilities**

For the school year 2013-14, the Good Cause Exemption for students with disabilities, as defined in G.S. §115C-106.3(1), whose individualized education program indicates the use of alternative assessments and reading interventions will include students who take **NCEExtend 1** and **NCEExtend 2**. This is the final year **NCEExtend 2** tests will be available for administration.

**Locally-Developed
Alternative Assessments**

Local school districts may submit a request to use a locally determined alternative assessment as a means to meet the proficiency requirement for Read to Achieve. It is not necessary to submit a request to the State Board of Education if the alternative assessment has previously been approved for another school system. We ask that you let us know about your use of an alternative assessment.

**Summer
Reading Camps**

In the January 28 presentation to the Joint Legislative Commission on Governmental Operations, I proposed giving district flexibility in scheduling the summer reading camps. I am optimistic about the General Assembly addressing this issue.

Advisory Committee

Last week, we had our first Reading Advisory Committee meeting. This committee is comprised of local and state board members, reading specialists, local superintendents, parents, and curriculum leaders. We had a very productive first meeting.

I will be sharing this information with teachers and principals and ask that you do also. Please call me if you have questions.

JSA:mw

Attachments (5)