



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 10.1

Meeting Date: November 18, 2021

Subject: Plan to Address Learning Recovery and Compensatory Services

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: _____)
- Conference/Action
- Action
- Public Hearing

Division: Academic Office

Recommendation: N/A

Background/Rationale:

As acknowledged by federal and state guidance on special education, it is presumed students with disabilities may not have made anticipated progress during the COVID-19 pandemic and the resulting school closures and the delivery of distance learning and virtual instruction and services; as such, additional education and services may be needed.

The U.S. Department of Education and California Department of Education (CDE) have stated that the Local Educational Agency (LEA/District) (in collaboration with the IEP team) must make an individualized determination whether and to what extent learning loss and compensatory services may be needed.

Learning Loss vs. Compensatory Education

The term "*learning loss*" implies that a District provided FAPE. However, the student did not make meaningful progress in the virtual platform, and the student's educational benefit was impacted. Therefore, IEP teams should consider working with parents to develop a student plan to address any loss of skills or lack of progress caused by the COVID-19 suspension of services.

The term "*compensatory education*" describes educational services provided as an appropriate equitable remedy when the responsible District has failed to provide a student with a disability with an appropriate education as required by the Individuals with Disabilities Education Act (IDEA). The remedy of compensatory education is designed to deliver an eligible student with the services that the student should have received pursuant to the IDEA's guarantee of FAPE (Reid v District of Columbia, 43 IDELR 32 (D.C. Cir. 2005)).

Learning Loss	Compensatory Education
<i>Services were provided as written in the IEP but learning loss occurred as a result of lack of access to in person instruction because of COVID-19</i>	<i>LEA/District was unable to provide all the services in the IEP through its remote learning program</i>

In addition to this guidance, SCUSD is also framing the Learning Recovery and Compensatory Education Plan on corrective actions identified by the California Department of Education stemming from two state compliance complaints for missed assessment timelines.

The District has developed a plan to:

- Identify interested staff in providing learning recovery and compensatory education services
- Provide professional learning to staff on determining learning loss and compensatory education needs as a part of the IEP process, documenting those needs, and developing a plan for the delivery and monitoring of those needed services
- Provide compensatory education services on site campuses through the 2022-2023 school year

Financial Considerations:

The District will be providing learning recovery support associated with impacts to learning due to school disruptions stemming from COVID -19 during the period of March 13, 2020 to September 1, 2021.

The District has been provided one-time funding of \$3,663,260 to support the implementation of learning recovery support.

LCAP Goal(s): LCAP Goal 3: Integrated Services

Documents Attached:

1. Executive Summary
2. Plan to Address Learning Recovery & Compensatory Services
3. Considerations in Determining Loss of Learning Due to Suspension of In-Person Instruction

<p>Estimated Time of Presentation: 10 minutes Submitted by: Geovanni Linares, Director, SELPA Approved by: Christina Baeta, Chief Academic Officer</p>

Board of Education Executive Summary

Special Education

Plan to Address Learning Recovery and Compensatory Services

November 18, 2021



I. Overview/History of Department or Program

Beginning in March of 2020, school closures ordered in response to the COVID-19 pandemic resulted in special education services being adapted to meet the needs of eligible SCUSD students through distance learning and the virtual learning platform. While SCUSD made substantial efforts to provide a Free and Appropriate Public Education (FAPE), students may not have made expected progress during this time and educational benefit may also have been impacted.

Additionally, state compliance complaints filed with the California Department of Education (CDE) found that the District's special education department failed to meet statutory timelines for the assessment of students with (and suspected of) a disability. A number of corrective actions were identified by CDE to support the District being in compliance.

The District has met a number of the identified corrective actions and is still working on the following:

- District shall have provided the CDE with on-going weekly spreadsheets or weekly reports, showing outstanding assessments needed and completed
- District shall provide letters to the parents/guardians respectively, with plans for the provision of compensatory services as appropriate, if agreed to by the parents/guardians, based on the delay in completing the assessments and timely holding and completing the IEPs. Acceptable evidence should include a copy of the students' IEPs and plans for providing compensatory services over and above the regular services already included in the students' IEPs, if applicable.

SCUSD has outlined the following plan to ensure that learning recovery opportunities and compensatory special education services are being provided to all students who qualify.

II. Driving Governance:

SCUSD has a legal and ethical responsibility to ensure that students with disabilities receive a free appropriate public education (FAPE) in the least restrictive environment (LRE) possible. The District is cognizant of missed IEP and assessment timelines during the COVID-19 pandemic and the implications those missed timelines may have had in student achievement.

We are committed to building capacity within the organization to identify the need for compensatory services as a part of the IEP process, documenting that need, identifying the

Board of Education Executive Summary

Special Education

Plan to Address Learning Recovery and Compensatory Services

November 18, 2021



services to provide, and monitoring the implementation of those services to best support student achievement.

III. Budget:

The District has been allocated \$ 3,663,260 by CDE to support Learning Recovery Services

- Provide learning recovery support associated with impacts to learning due to school disruptions stemming from COVID -19 during the period of March 13, 2020 to September 1, 2021
- Match these funds on a one-to-one bases with other funds spent for the same purpose
- Not use these funds to supplant existing expenditures or obligations
- Not use these funds for attorney's fees

IV. Goals, Objectives and Measures:

The goal is to implement a comprehensive plan to support students with disabilities receiving the Learning Recovery & Compensatory Education services needed as identified by IEP teams.

V. Major Initiatives:

Special Education

VI. Results:

VII. Lessons Learned/Next Steps:

The Special Education will continue to collaborate with community agencies and other District groups to continue to finalize plan details.

Professional Learning recordings on identifying compensatory education are available and ready for dissemination.

Professional learning recordings on documenting and monitoring compensatory education plans are available and ready for dissemination.

Compensatory Education teams (based on staff interest survey) are ready to be assembled.

Sacramento City Unified School District (SCUSD)
Plan to Address Learning Recovery & Compensatory Services

Introduction:

Beginning in March of 2020, school closures ordered in response to the COVID-19 pandemic resulted in special education services being adapted to meet the needs of eligible SCUSD students through distance learning and the virtual learning platform. While SCUSD made substantial efforts to provide a Free and Appropriate Public Education (FAPE), students may not have made expected progress during this time and educational benefit may also have been impacted. SCUSD has outlined the following plan to ensure that learning recovery opportunities and compensatory special education services are being provided to all students who qualify.

Draft Plan:

Learning Recovery & Compensatory Service Plan: Action Steps	
Phase 1: Pre-Planning	
<i>Proposed Timeline</i>	<i>Action</i>
July 30, 2021	Submit draft plan to CDE in response to Case S-0297-20-21, Corrective Action #8
August 4 & August 18, 2021	Collaborative meetings with Disability Rights of California (DRC) regarding Plan.
August 18, 2021	Meet and confer with bargaining unit partners.
August 17, 2021	Present Draft Plan to Community Advisory Committee (CAC) with feedback survey
August 27, 2021	Share Draft Plan with community organization (Warmline) for greater community feedback
September 3, 2021	Draft Plan and feedback survey will be shared via email to District Special Education Family distribution list for additional feedback
August-October 2021	Continue refinement of Plan to reflect feedback
November 18, 2021	Present Plan to SCUSD Governing Board (providing information inclusive of ADR/ Learning Recovery Plans)

Sacramento City Unified School District (SCUSD)
Plan to Address Learning Recovery & Compensatory Services

Phase 2: Training & Parent Communication	
<i>Proposed Timeline</i>	<i>Action</i>
October 4, 2021	Written communication will be provided to parents regarding access to learning recovery & compensatory services in their primary language.
November 2021	Adult professional learning will be provided to site based IEP teams regarding procedures for determining and documenting offers of learning recovery and compensatory services.
October 18, 2021 - June 16, 2022	Site based IEP teams will meet with families to review relevant data and discuss and document potential needs for learning recovery and compensatory services. The District is establishing ADR practices to support addressing disagreements at the lowest level possible. The District is investing in ADR support to help IEP teams navigate potential conflict
Phase 3: Plan Implementation	
<i>Proposed Timeline</i>	<i>Action</i>
December 6, 2021	Students will begin accessing compensatory education on school site campuses.
TBD	Call for exchange of compensatory services for non-district summer learning opportunities will be disseminated.
Phase 4: Plan Monitoring	
<i>Proposed Timeline</i>	<i>Action</i>
November 29, 2021 - June 30, 2023	Compensatory service delivery will be monitored by the District.

Sacramento City Unified School District (SCUSD)
Plan to Address Learning Recovery & Compensatory Services

Learning Loss & Compensatory Education Delivery Model:

Learning loss and compensatory special education services will be available to SCUSD students during the 2021-22 and 2022-23 school years. Services will be available at SCUSD school site campuses immediately following the school day on Tuesday and Wednesday for a maximum of sixty (60) or ninety (90) minutes, depending on the age and grade level of the students. Transportation will continue to be provided to those students who qualify.

To provide more options and flexibility for students and families, an opportunity to exchange compensatory services offered during the 2022-23 school year with those provided by a contracted non-public agency will be designed.

Documentation & Resources:

SCUSD is currently collaborating with statewide organizations, county offices of education, school districts, community based partners, and legal representation to finalize:

- A form which will allow IEP teams to document the level of compensatory education services that will be provided to individual students,
- Training presentation and FAQs for administrative designees, IEP teams, and families,
- Communication to families, and
- Updates to the guidance documents which were disseminated in 2020-21.

CONSIDERATIONS IN DETERMINING LOSS OF LEARNING DUE TO SUSPENSION OF IN-PERSON INSTRUCTION

This document provides guidance around potential learning loss and the possible need for learning loss services and/or compensatory education resulting from COVID-19 related school closures or suspension of in person instruction.

Federal and State Guidance on Loss of Learning

U.S. Department of Education and California Department of Education (CDE) have stated that the Local Educational Agency (LEA/District) (in collaboration with the IEP team) must make an individualized determination whether and to what extent compensatory services may be needed, consistent with applicable requirements, including the remediation of any lost skills (learning loss).

Learning Loss vs. Compensatory Education

The term "*learning loss*" implies that an LEA/district provided FAPE. However, the student did not make meaningful progress in the virtual platform, and the student's educational benefit was impacted. Therefore, IEP teams should consider working with parents to develop a student plan to address any loss of skills or lack of progress caused by the COVID-19 suspension of services.

The term "*compensatory education*" describes educational services provided as an appropriate equitable remedy when the responsible LEA/district has failed to provide a student with a disability with an appropriate education as required by the Individuals with Disabilities Education Act (IDEA). The remedy of compensatory education is designed to deliver an eligible student with the services that the student should have received pursuant to the IDEA's guarantee of FAPE (Reid v District of Columbia, 43 IDELR 32 (D.C. Cir. 2005)).

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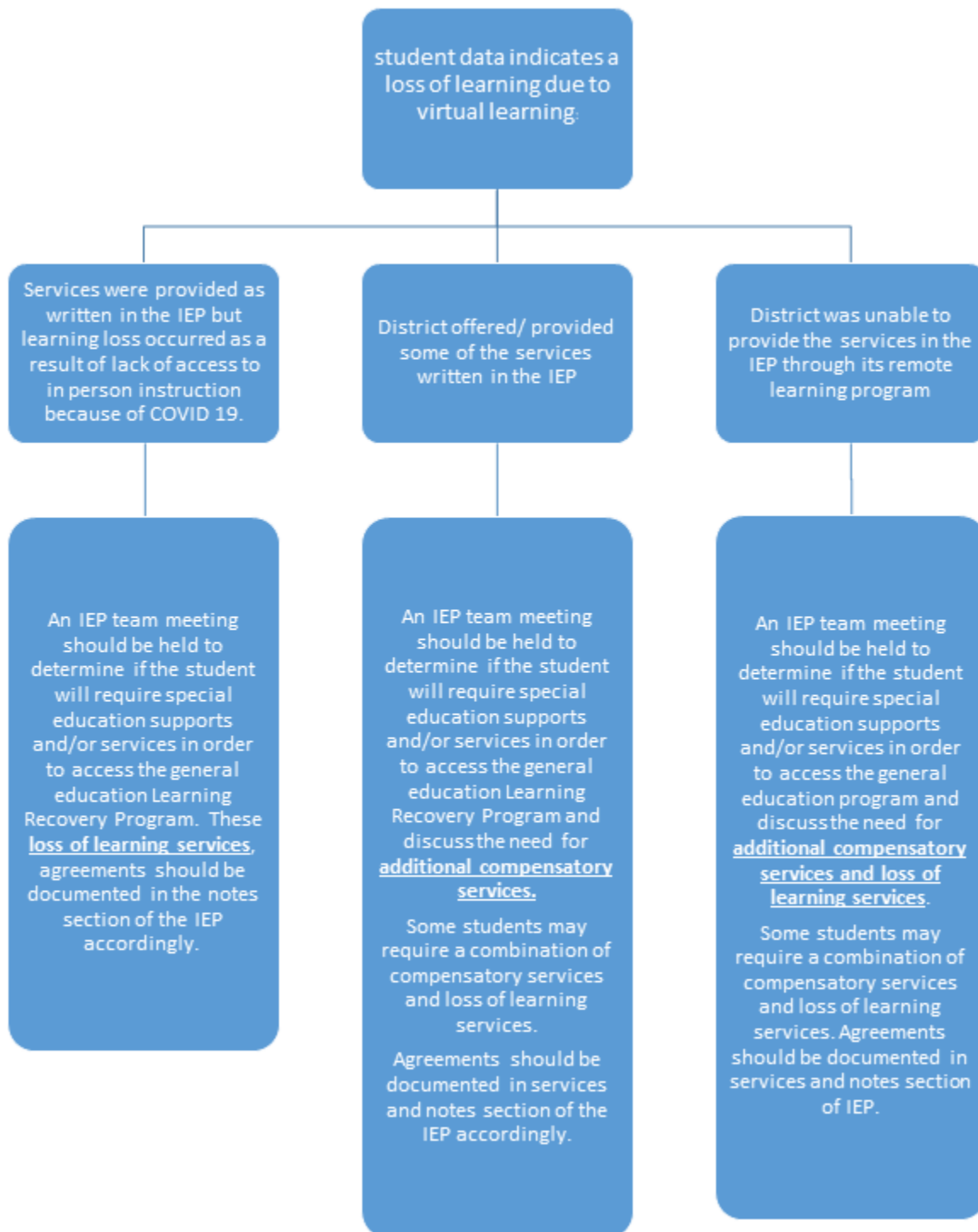
Reframing "compensatory education" as "learning loss" as much as is appropriate allows school districts to acknowledge the impact of the pandemic and provide learning recoupment opportunities in inclusive educational settings. This determination should be made on an individual basis and with input from all IEP team members. ***This is where we rely on the expertise of our administrators and admin designees. Your knowledge of individual needs at your site is invaluable.***

CONSIDERATIONS IN DETERMINING LOSS OF LEARNING DUE TO SUSPENSION OF IN-PERSON INSTRUCTION

Below are activities and strategies that can be used to help calculate learning loss and the need for learning loss service/ compensatory education.

<p>Proactive Strategies</p> <p>(Systems in place to document, discuss, and address lack of access to in-person instruction)</p>	<p>Documentation for Decision Making</p> <p>(Data points to review and consider as a team)</p>	<p>Questions to consider</p> <p>(Questions to consider reviewing in helping to determine “learning loss” vs. “compensatory education”)</p>
<p>Hold IEP meetings to discuss parental concerns</p> <p>Determine learning loss remediation opportunities that will be available to all students as a result of the pandemic. Prioritize equal access to these opportunities.</p> <p>Regularly track and monitor progress related to goals and services, provide progress reports if applicable</p> <p>Hold IEP meetings to amend services and supports if student data indicates loss of learning</p>	<ul style="list-style-type: none"> ● Was an Emergency Distance Learning Plan presented to the parent through the IEP process? ● What special education services were provided and to what extent? <ul style="list-style-type: none"> ○ This may require reviewing service logs which includes dates, times services were provided and the duration of the service. ● How were the services provided during the suspension of in-person services? ● Were there any delays in providing services and accessibility of services? ● What is the student’s level of progress during the suspension of in-person services vs. prior to school closures? <ul style="list-style-type: none"> ○ This will require the review of IEP Progress Reports. ● What attempts were made to address a student's lack of progress through the IEP process? ● Is there student data to show the amount of time the student required to recoup skills once the student returned to in-person instruction or during long breaks (summer or winter break) prior to school closures? 	<p>According to student data and documentation, did IEP services and supports provide educational benefit?</p> <p>Did the student make meaningful progress towards goals?</p> <p>What parent input did the IEP team receive?</p> <p>Were all services provided as written in the IEP/amendment?</p> <p>Was the student made available for services during distance learning or virtual instruction? If “no”, did the IEP team explore, address and support potential barriers to access including family needs related to distance learning?</p>

CONSIDERATIONS IN DETERMINING LOSS OF LEARNING DUE TO SUSPENSION OF IN-PERSON INSTRUCTION



CONSIDERATIONS IN DETERMINING LOSS OF LEARNING DUE TO SUSPENSION OF IN-PERSON INSTRUCTION

Addressing Compensatory Education Services in the IEP

If an IEP team determines compensatory education is owed, they must then discuss the manner in which compensatory services will be provided.

The most appropriate time for the IEP team to decide on compensatory services for the student is when the team has sufficient data to support their decisions. IEP teams may or may not have sufficient data to make determinations regarding compensatory education prior to reopening of in-person instruction. **If teams do not have data to make such determinations, they should seek to gather the data in a timely fashion and inform parents they will convene to discuss compensatory services as soon as possible with the data obtained.**

Compensatory services will vary by student and should be individualized. When IEP teams meet to discuss compensatory services, it is recommended that the IEP team review progress before, during and after the period of missed services.

Below are recommended steps when addressing the discussion of compensatory services in an IEP meeting:

1. Provide the parent(s)/guardian(s) a written copy of the procedural safeguards in their primary language.
2. Focus on data-based decision making and confirm what data will be used to inform the discussion and decision making round learning loss and compensatory education.
3. Determine the amount of learning loss vs. compensatory services that was not offered/accessed, during the COVID-19 pandemic.
 - a. Contact your site Program Specialist prior to the IEP meeting for assistance with this calculation, if needed.
4. Determine how to compensate for missed services
 - a. Create a clear understanding of the purpose and nature of the compensatory services being provided. Define the need based on the current deficit (as indicated by the data).
 - b. Determine the time frame, location, number of service minutes and frequency of sessions that will be necessary.
 - i. Please note: The compensatory services shall be offered during the 2021-22 school year. If you believe that compensatory services should be offered beyond this timeframe, please contact your site's *Administrator of Teaching and Learning prior to the IEP.*
 - c. Determine the service provider that will deliver the service(s).

CONSIDERATIONS IN DETERMINING LOSS OF LEARNING DUE TO SUSPENSION OF IN-PERSON INSTRUCTION

- i. Please note: If the IEP team service providers are not available to deliver the compensatory services, please contact your site's Administrator of Teaching and Learning prior to the IEP, to confirm arrangements.*
5. Consider how much service the student can tolerate in a period of time.
 - a. For example, if a student has speech 2 times a week, it may not be in the best interest of the child to now have speech 4 times per week.
 - b. Look at the overall time owed- for example 400 minutes- then space the obligation over a reasonable amount of time.
 - c. It may not be necessary to match compensatory services hour-for-hour. Focus on need as defined by the current deficit.
 - d. Question for IEP team consideration: *Given the level of service in the prospective offer of FAPE (services moving forward), what is a reasonable level of compensatory service that student can tolerate?*
6. While compensatory services may be provided over the summer, participation in Extended School Year (ESY) shall not count as a compensatory service. Eligibility for ESY is determined by the IEP team based on a consideration of the student's difficulty with regression and recoupment of skills following extended school breaks.
7. **Document the offer/agreement with the parents in the notes page of the IEP document.**
8. Service providers shall ensure full implementation of compensatory services by maintaining service logs.
9. Service providers shall provide periodic updates on compensatory services in order to:
 - a. Create a consistent communication system between family and site team,
 - b. Create opportunities to revisit plan, and
 - c. Create opportunity to address any barriers that may have developed (i.e. student refusal and/or missed sessions by staff).

Determining Learning Loss and the need for Compensatory Education is a very new topic in special education. There is a lot to navigate and the landscape is changing almost daily. Special Education is grateful for your partnership in helping to determine the level of support our students need as we continue to increase our opportunities for in-person learning and really begin to see how this pandemic has affected their growth.