

# Understanding Minnesota Special Education Recovery Services and Supports

Many students with Individualized Education Programs (IEPs) have experienced gaps in their services and/or have not been able to make meaningful progress toward their IEP goals because of the impacts of COVID. Federal and State laws have been passed to help make up for these educational losses and the lack of access to a free appropriate public education (FAPE). This information will help parents of students with IEPs in Minnesota to discuss your child's potential eligibility for special education recovery services and supports.

## IEP meeting to discuss impacts of COVID

Minnesota passed a law that requires school districts and charter schools to **invite parents/guardians to an IEP team meeting** to talk about whether your child has experienced:

1. Lack of progress on Individualized Family Service Plan (IFSP) or IEP goals
2. Lack of progress in the general education curriculum
3. Loss of learning or skills due to disruptions related to COVID

The team needs to discuss whether new or different special education services and supports are needed to address these losses. Your child's IEP team is required to send you an invitation to this meeting as soon as practicable, but no later than December 1, 2021<sup>1</sup>. This meeting can be part of an annual IEP meeting.

The IEP team must consider 6 things when determining eligibility and deciding what kind of services are needed:

1. The services your child had in their IEP before COVID
2. Your child's ability to access services and supports
3. Your child's progress toward their IEP goals and in the general education curriculum
4. Skills your child has lost because of disruptions in their education
5. Important reasons why your child couldn't fully participate in school including: losses your family experienced, family changes such as housing or income, other trauma and illness
6. The types of services that would help your child learn

At this meeting, the team should also make sure that the **present levels of academic achievement and functional performance (PLAAFP)** section of your child's IEP is up-to-date. The PLAAFP section is a snapshot of your child's current skills and needs. If the team decides that more data is needed, or if you request it, the school district may conduct a reevaluation. Any reevaluation must consider all areas of educational need, even those that are not usually associated with the disability category listed on your child's IEP.<sup>2</sup>

If you decide with the rest of the IEP team that your child is eligible, any changes to their special education services must be added to their IEP. Due process procedures must be followed. That means the district must provide you with a **Prior Written Notice (PWN)** and a copy of the proposed IEP. Services can be added to the IEP in the form of: extended school year (ESY) services, additional IEP services, compensatory services, or other appropriate services. Each of these types of services are described on the following page.

<sup>1</sup> Laws of Minnesota 2021, 1st Special Session, chapter 13, article 5, section 1, subd. 1

<sup>2</sup> *Updated Guide to Addressing the Impact of the COVID-19 Pandemic on Students with Disabilities*; MN Dept. of Ed., updated July 2021

## Extended school year (ESY) services

ESY services are special education services provided when school is not usually in session. For example, they may take place in the summer or before or after regular school hours. Regression, gaps in education, or unique needs caused by the pandemic can be considered when determining whether your child should get ESY services as a form of special education recovery.

## Additional IEP services

Your child may have new needs related to their disability, new social-emotional needs, or areas where they lost skills. They may need new or different support. This could mean increasing the frequency or length of existing IEP services or adding new services and supports. It is important that the IEP team has a complete and up-to-date picture of your child's needs when considering additional IEP services.

## Compensatory services

Some students experienced delays in their IEP services caused by issues such as school closures and switching between different learning models. Many IEP services did not translate well into distance learning formats. Some IEP goals and services were based on the in-person school environment or required in-person social interaction. These and other challenges made it difficult for many students to make meaningful progress on their annual IEP goals or in the general education curriculum. The purpose of compensatory services is to make up for **loss in skills or lack of expected progress** caused during the pandemic. Eligibility for compensatory services is based on **student need**. The specific cause for disruption or delay of a student's IEP services does not matter. Even if your child has graduated from high school with a diploma or has reached the age where they are not entitled to a free appropriate public education (FAPE) anymore (July 1 after their 21st birthday), they may still be eligible for compensatory services. The IEP team determines the type, amount, and duration of compensatory services, on an individualized basis. This can take many forms, including new IEP services, tutoring, or reimbursement to parents for outside tutoring or programs.

The Minnesota Department of Education has published a list of suggested questions for IEP teams to consider when determining eligibility for compensatory services. The list is on page 12 of their [\*Updated Guide to Addressing the Impact of the COVID-19 Pandemic on Students with Disabilities\*](#) which you can find under the Due Process tab of this website: <https://education.mn.gov/MDE/dse/health/covid19/spedcovid19>.

## Other appropriate services

Many students both with and without IEPs may be returning to school with signs of regression or trauma. General education recovery services will be available to **all students**. They are designed to help students make up for educational losses and support new mental health needs. These services can include a range of support from after-school homework help to counseling and other mental health resources. These **do not** take the place of the special education recovery services (ESY, additional IEP, and compensatory services) described above.

## What if I disagree?

If you disagree with the rest of your child's IEP team about recovery services, you have the right to request a dispute resolution meeting to resolve your concerns. To find out more about your options, visit [PACER.org/learning-center/dispute-resolution/due-process-options](https://pacernet.org/learning-center/dispute-resolution/due-process-options) or call (952) 838-9000 and ask to speak with a PACER advocate.

**For more information**, review the following resources from the Minnesota Department of Education. You can load these documents by clicking their titles below. You can also find them under the Due Process tab here: <https://education.mn.gov/MDE/dse/health/covid19/spedcovid19>.

- [\*Frequently Asked Questions: The Start of the 2021-22 School Year and the New Minnesota Special Education Recovery Services Law\*](#)
- [\*Updated Guide to Addressing the Impact of the COVID-19 Pandemic on Students with Disabilities\*](#)