

RECOVERY SERVICES

MARY GRIFFIN, ATTORNEY AT LAW

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SEATTLE SPECIAL EDUCATION PTSA

ABOUT ME

Former president of Seattle Special Education PTSA, 2013-2014

Mother of former SPS student with multiple disabilities

2017 Graduate of Seattle University School of Law

WHAT ARE RECOVERY SERVICES?

- This term is used by OSPI to describe the special education and related services and supports provided to students with disabilities to address the ongoing impact of the COVID-19 pandemic and spring 2020 school facility closures. ¹
- Recovery services are designed to address lack of appropriate progress on IEP goals, due to missed or limited special education and related services or for other reasons as a result of the pandemic.
- Defined by OSPI in guidelines, not found in state or federal law
- Should be considered for every student with an IEP

RECOVERY SERVICES ARE DIFFERENT THAN COMPENSATORY SERVICES

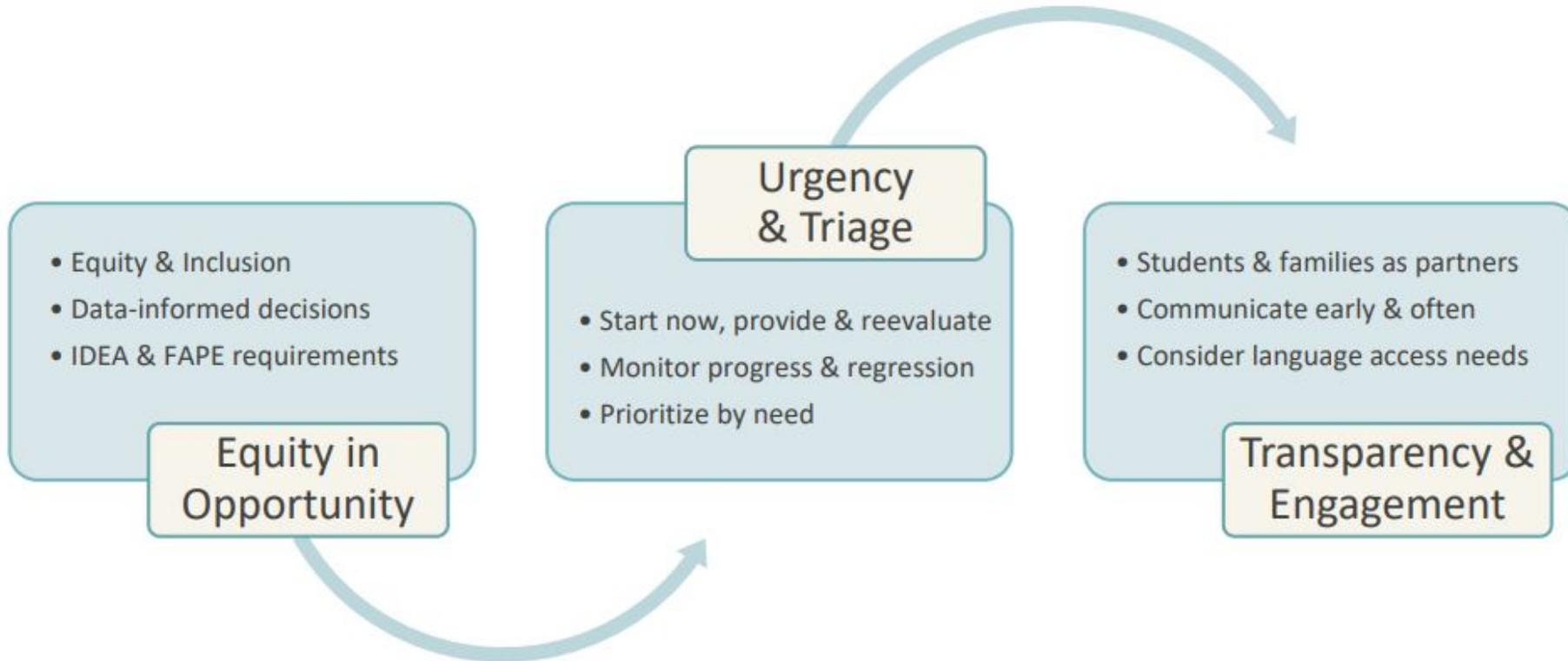
Recovery services
are decided by the
IEP team

Compensatory
services historically
awarded through
dispute resolution
process

OTHER DIFFERENCES BETWEEN RECOVERY SERVICES AND COMPENSATORY SERVICES¹

Recovery Services	Compensatory Services
Pandemic Specific	Generally available
Regression – Recoupment (looks at progress)	Inability or failure to provide FAPE
Approach is to close the gap	Elevate student to the position they would have occupied absent the school district's failures
Main approach to lack of progress during pandemic	Still available, but OSPI/ALJ may look at whether progress has been made
Source is OSPI guidelines	Source is case law under IDEA

OSPI PRIORITIES FOR RECOVERY SERVICES



MORE ON RECOVERY SERVICES

- Families should not have to ask for IEP teams to consider
- Generally not provided in the same amount that was missed
- Generally should not be provided during the school day
- Can be remote, in-person or hybrid
- Can be provided before or after school, as well as over school breaks including summer vacation
- Can include in-person structured play groups or peer social groups before or after school or during school breaks
- Can include compensatory education

HOW TO DETERMINE RECOVERY SERVICES

Decisions regarding recovery services focus on what the student's expected progress would have been, if the pandemic had not occurred, compared with the student's current present levels, progress, and access to special education and related services.¹³

	Present Levels	Progress	Services
Pre-COVID (Baseline)	<i>What were the student's present levels of performance before COVID?</i>	<i>What was the student's level of progress (on IEP goals) before COVID?</i>	<i>What special education and related services were documented on the student's pre-COVID IEP?</i>
From Spring 2020 to Present	<i>What concerns have been raised by the parent(s)? What is the difference between the student's current present levels of performance, compared with the student's expected level of performance had the pandemic not occurred?</i>	<i>To what extent has the student's level of progress (on IEP goals) decreased or slowed compared to baseline levels?</i>	<i>What special education and related services were offered to the student in Spring 2020 and during the 2020–21 school year compared to the baseline offer of FAPE? To what degree did the student access the offered services in Spring 2020 and during the 2020–21 school year?</i>
Recovery Services Decision	<i>How and when will the student access the recovery services? What options are available for inclusive access, whether recovery services are provided during or outside of the school day?</i>	<i>Based on the student's current rate of progress, age, and developmental level, what is the timeline for the student to achieve the expected level of progress for the identified recovery services areas? How and how often will parents be informed of progress on recovery services, including how the IEP team will address any lack of reasonable progress?</i>	<i>Based on the student's present levels of performance and missed or reduced services during the pandemic, what special education or related service areas or IEP goals require recovery services? For the identified recovery services areas, what amount of services is needed to help the student achieve the level of progress expected had the pandemic not occurred?</i>

¹³<https://www.k12.wa.us/sites/default/files/public/specialed/pubdocs/WA-Roadmap-SpEd-Recovery-Services-2021.pdf>

HOW TO PREPARE FOR AN IEP MEETING TO DISCUSS RECOVERY SERVICES



You will need:



Your student's most recent pre-covid IEP (not the CLP). This is likely an IEP dated from March 21, 2019 through March 20, 2020.



Progress report for June 2021 (other progress reports may be useful)



Patience

PARENT REVIEW PRIOR TO MEETING

- Compare each goal from prior IEP with progress made on June 2021 Progress Report
- Note areas where student did not make sufficient progress or may have regressed
- Look at IEP service matrix for both Specially Designed Instruction and Related Services to determine if instruction and services were missed
- Generally OSPI will not fault a district for not providing instruction/services during spring 2020 building closures
- District is accountable for FAPE starting with beginning of 2020-2021 school year

ANNUAL GOAL – DISCUSSION

Annual Goal: Written Expression

By 09/03/2014, when given a writing prompt [REDACTED] will write or type a paragraph of at least 6 sentences that includes sentence and supporting details improving clarity and effectiveness from 0 out of 5 opportunities to 4 out of 5 opportunities measured by classroom based assessment.

How will progress toward this goal be reported? (check all that apply)

Written in Progress Report

EXAMPLE OF SERVICE MATRIX

Enter your search term: **09/04/2013 - 09/03/2014**

Concurrent	Service(s)	Staff Responsible for Delivering Service	Monitor	Frequency	Location (setting)	Start Date	End Date
Special Education							
No	ADAPTIVE/LIFE SKILLS	Special Education Teacher	Special Education Teacher	30 Minutes / 5 Times Weekly	Special Education	09/04/2013	09/03/2014
No	COMMUNICATION	SLP	SLP	30 Minutes / 6 Times Monthly	Special Education	09/04/2013	09/03/2014
No	MATH	Special Education Teacher	Special Education Teacher	55 Minutes / 5 Times Weekly	Special Education	09/04/2013	09/03/2014
No	SOCIAL/BEHAVIOR	Special Education Teacher	Special Education Teacher	55 Minutes / 5 Times Weekly	Special Education	09/04/2013	09/03/2014
No	STUDY/ORGANIZATION SKILLS	Special Education Teacher	Special Education Teacher	30 Minutes / 5 Times Weekly	Special Education	09/04/2013	09/03/2014
No	WRITTEN LANGUAGE	Special Education Teacher	Special Education Teacher	55 Minutes / 5 Times Weekly	Special Education	09/04/2013	09/03/2014
Total minutes per week student spends in school:				<u>1800 minutes per week</u>			
Total minutes per week student is served in a special education setting:				<u>1170 minutes per week</u>			
Total minutes per week student is served in a general education setting:				<u>0 minutes per week</u>			
Total minutes of SDI and Related Services:				<u>1170 minutes per week</u>			
Percent of time in general education setting:				<u>35% in General Education Setting</u>			

CONCERNS

- IEPs prior to building closure may now be two years old or older – goals may not have been updated
- Student may not have been available for data collection and or district may have been unwilling/unable to collect data
- Goals may not have been appropriate for remote setting
- Goals may have changed during the last two years
- Progress reports may be missing data
- Progress reports may be very vague or not measure in same terms
- What about general education concerns?
- What is effect if student made progress because parent hired tutor, or quit job to assist/tutor student?
- What is effect if district blames parent for lack of student's progress because parent was working or unavailable during school day?

For more information, see <https://www.youtube.com/watch?v=FEtmJlkrtpo>

RECOVERY TRANSITION SERVICES¹

- Available for students 16-21+ who have not graduated from high school
- Students of transition age (generally ages 16 to 21) may have experienced disruptions to work-based learning and community access during this time.
- Students who turned age 21 during 2019-20 or 2020-21 and have not yet earned a diploma may also need transition recovery services.
- Discussion should address lack of reasonable progress on IEP goals or the IEP Transition Plan as well as missed or limited special education or related services.
- Support students to achieve expected levels of progress toward their postsecondary goals (as indicated in the IEP Transition Plan and High School and Beyond Plan).



EXAMPLES OF TRANSITION RECOVERY SERVICES

- Support to apply for eligibility with adult agencies, including Division of Vocational Rehabilitation (DVR), Developmental Disabilities Administration (DDA), etc.
- Fulfill job shadowing as indicated on the IEP Transition Plan.
- Additional in-person structured community or employment experiences.
- Support to access and prepare for ACT/SAT or other college entrance exams.
- Specially Designed Instruction (SDI) or Related Services (RS) to support:
 - Drafting and revising a resume.
 - Completing applications for jobs and further education.
 - Setting and maintaining a weekly budget.
 - Using functional communication strategies in community settings.
 - Independently using the public transportation system

DOCUMENTATION OF TRANSITION RECOVERY SERVICES

(SOURCE: OSPI)

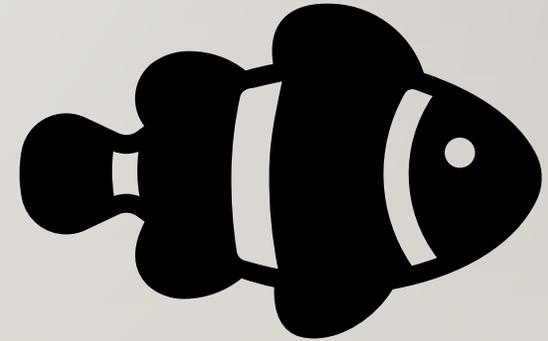
- Transition Recovery Services are generally documented in a prior written notice (PWN) similar to compensatory education.
- Transition recovery services and what a “school day” means may look different for students receiving transition services, especially past age 21.
- Students over the age of 21 are no longer eligible for a free and appropriate public education (FAPE) through an IEP. For students who have not yet earned a diploma, the IEP team may determine that transition recovery services are still needed.
- Rather than an IEP with progress reports, these transition recovery services and timelines would be documented through a PWN.

AT THE IEP MEETING

- Be prepared, have notes, old IEP, June 2021 progress record
- Discuss regression or lack of progress
- Be realistic about your student's stamina for long school days and vacation days
- Plan services AND transportation if needed
- Discuss timeframe for delivery – can extend to summer of 2023 if necessary
- Decisions should be recorded in the Prior Written Notice

SEATTLE PUBLIC SCHOOL APPROACH

- Different approach as to whether every IEP team must consider whether a student needs recovery services
- Data collection (why?)
- Example: “The IEP team needs to collect data, then an IEP team meeting needs to be held so that all team members can review student data/progress on IEP goals. The IEP team will then determine if Recovery Services are needed and the potential impact this may have on a student’s day.”



WHAT IF YOU DON'T AGREE WITH IEP TEAM?

- Dispute resolution options still available, per OSPI. This includes IEP facilitation, mediation through Sound Options, citizen complaint and due process.
- I am unsure how an Administrative Law Judge in a due process hearing would review a complaint about recovery services as recovery services are not available under IDEA
- So far, OSPI mostly concerned with did the district follow the procedures to consider the student's need for recovery services?
- If the student made progress on IEP goals, OSPI more likely to find that there was no “material impact” and will not find that there is a violation.
- No information at this time as to how OSPI might respond to other concerns about recovery services.

MY CONTACT INFORMATION

- I am of counsel at Johnston George LLP for most matters:
 - 2101 4th Ave., Suite 860
Seattle, WA 98121
 - Ph. 206 832-1820
 - Mary@JohnstonGeorge.com
- I also do pro bono and systemic advocacy at: mgriffin@specialledattorneys.org