

WHAT ARE COMPENSATORY SERVICES AND WHEN SHOULD THEY BE OFFERED?

Compensatory services are services provided to the family to make up for a lapse in services attributed to the First Steps system. Compensatory services should be offered:

- When the initial IFSP meeting date exceeds the 45 day timeline due to system delays.
- When the early intervention services cannot begin because there are no providers available to implement services.
- When the service provider is unable to provide services due to his/her own illness or other scheduling conflicts.
- If the annual IFSP meeting did not take place in a timely manner and services were stopped because providers did not have authorizations.
- If the failure of Part C personnel to conduct the age three transition process according to the transition policy in the state regulations for Part B and C results in a delay in the child receiving Part B ECSE services or lapse in Part C summer services for children with summer birthdays.

WHAT ABOUT CHILDREN REFERRED AFTER AGE 2.5?

For late referrals, decisions and compensatory services will need to be based on a variety of factors. (e.g. At what age was the child referred to First Steps? Did First Steps have adequate time to make a referral that would allow the LEA to determine eligibility prior to the child's third birthday? Did the SPOE take prompt action in making the referral to the public school, with parent permission?) Keep in mind that schools are not required to conduct evaluations over the summer or during periods of scheduled school breaks, and the school's timelines for making eligibility determination are outlined in the Part B Special Education Compliance Program Review Standards and Indicators. If the child is almost three when referred to First Steps and the First Steps personnel address transition promptly, it is likely that no compensatory services will be owed by First Steps, even though the child may not be able to start ECSE services by his/her third birthday.

WHAT IF CHILDREN MISS SERVICES DUE TO ILLNESS OR FAMILY SCHEDULING CONFLICTS?

Children who miss services that were scheduled on a specific day due to illness, appointments, or family scheduling conflicts are not required to be offered compensatory services. This is also true if the child receives services in a Center and that center is closed on the day(s) the child is scheduled to receive services.

If a child receives early intervention services at an agency that provides early intervention services and that agency is closed for Christmas vacation or other scheduled breaks, no compensatory services are required for services on that Service Provider's schedule that were missed during that time. If a provider in these situations is willing and able to reschedule such services, they may do so, but they are not obligated to do so. Families should be made aware that this is not an obligation under First Steps Regulations. For these reasons, it is important for service providers to keep clear records of when their services are scheduled and when the child missed services due to child or family illness or agency closings. In addition, clear records should be kept and the parent informed when it was necessary for the child to miss services for administrative reasons and when those services were made up or will be made up.

In light of these issues, it is crucial that providers have a set schedule for service delivery so that it is clear to all involved what day and time the child is to receive a specific service. Without this specificity, it is impossible to determine whether compensatory services are due, and consistency and communication are compromised. It is also important to show the frequency and intensity of the service on the IFSP in the smallest increment appropriate (e.g. per day, per week, per month). It is not appropriate to show the total units or hours per year or even per month if the time can be expressed in units or minutes per week or per day.

HOW ARE COMPENSATORY SERVICES DETERMINED AND AUTHORIZED?

Compensatory services should either be provided on a minute for minute basis to compensate for the amount of services missed due to the failure of the First Steps system, or the IFSP team should meet to consider what if any compensatory services are necessary based on the circumstances related to the individual child and family. In either case these services should be documented in the IFSP and discussions should be summarized in case notes. Early intervention services,

whether group or individual, can only be authorized and reimbursed if they are provided by an enrolled First Steps provider.