

Auxiliary and Remedial Services for Nonpublic Schools (Chapters 192 and 193) Special Guidance during the COVID-19 Pandemic

Eligibility for Chapter 192 Compensatory Education Services for Students in Grades 3-12

Because the circumstances resulting from COVID-19 may impact in-person administration of assessments used to determine eligibility for the 2021-2022 school year for Chapter 192 Compensatory Education Services for grades 3-12, final determinations based on assessments may be delayed until in-person testing resumes and or is acceptable by the parents, but in any case, *testing must occur by the fall 2021*. Until assessment results are available for determination of eligibility for the next school year, school districts must continue to provide Chapter 192 Compensatory education services to the maximum extent possible to students who were eligible to receive services in the current (2020-21) school year and have opted to continue those services. *The requirement to collect and process signed 407-1 forms for students requesting services for the 2021-2022 school year, albeit without the assessment documentation, remains in effect*. When testing resumes in the fall 2021, new and continuing students must be assessed for eligibility or continuation of compensatory education services in accordance with the Department's existing guidance¹. Once the 2021-22 school year begins, new students shall be determined eligible for compensatory education services when qualifying assessment results are included on the 407-1 form.

For the remainder of the 2020-2021 school year, any new students may be determined eligible for compensatory education services based on the following criteria, which must be agreed upon in consultation with the district, including at least two of three measures, listed below:

1. Samples of student's work collected over time (minimum 30 days in school in the current grade) that demonstrate need in a specific content area (math and/or ELA), including performance based assessments
 - a. The district may establish a minimum number of work samples that must be submitted.
 - b. Work samples must be original, include student's name and be graded appropriately.
 - c. All work must be in the subject (math or ELA) that the student needs services in and must be in English.
2. Tests and/or projects
 - a. Tests must have accurate scores.
3. Report card grades (low/failing)
 - a. Report cards must show academic level in subject for which services are being requested (i.e. math grades, writing grades, reading grades).

Please reference [Chapter 192/193 Guidelines](#) for information on Chapter 192 eligibility criteria and acceptable assessments.

¹ It is the intent of the existing guidance that students be tested for eligibility once per year, either in the fall or spring, so services can be provided throughout the school year.