

Extended School Year (ESY) Services Guidelines

For purposes of extended school year (ESY) services, the terms have the following meaning:

1. Break-through learning opportunities are learning situations in which critical skill development will be lost or greatly reduced if not addressed in a timely fashion.
2. ESY services are special education and related services provided to a child with a disability:
   1. Beyond the normal school year of the public agency;
   2. In accordance with the child’s individualized education plan (IEP); and
   3. At no cost to the parents of the child.
3. Critical skills are academic, social, functional, and behavioral skills that are:
   1. Linked to the IEP goals; and
   2. Are critical to the student’s school and community functioning. For example:
      1. Skills designed to increase the student’s independence from caretakers.
      2. Skills required across a variety of environments.
      3. Skills or behaviors that increase the student’s independence in the school or community.
      4. Skills designed to allow the student to move to or remain in a less restrictive environment.
      5. Skills that permit the student to decrease or eliminate behaviors that interfere with functioning at school or in the community.
      6. Skills essential for the student’s maintenance of academics, behavior, communication, or self-sufficiency and independence.
4. Recoupment refers to the student’s ability to regain or recover the level of critical skills attained prior to a break in school services within a reasonable amount of time following that school break.
5. Regression is a significant decline in the performance level of a critical skill that occurs during a break in instruction.
6. Predictive data is information and data used by the case conference committee (CCC) to analyze the child’s potential regression-recoupment problems in the absence of formal regression-recoupment data. This information and data may include, but is not limited to, other service provider reports, past experiences with recoupment and regression, parallel tasks of the student, and professional judgment in consultation with the child’s parent.

General procedures for determining the need for ESY services:

1. The CCC must review and consider formal and informal data from a variety of sources, including information provided by the parent. The data may be historical or predictive in nature. Examples of supporting documentation and information the CCC may review include: The student’s current and previous IEP’s, progress reports, other reports (attendance, pre-and post-test data, observations and notes regarding the student’s experience before and after interruptions in service; nature or severity of a student’s disability, regression and recoupment analysis, medical/other agency reports, etc). Teachers should use checkpoints throughout the year to monitor if ESY services are needed. For example, over a holiday break are there signs of extraordinary regression? ESY services are not used when a student fails a course or grade.
2. Under some circumstances the CCC may not be able to determine the student’s need for ESY services at the time the CCC is convened. In this case the CCC report/IEP must indicate the date it will reconvene to make the ESY services determination and the plans for collecting data or other information to make the decision on ESY services. A decision on ESY services may not be postponed until after summer to gather data on critical skill regression and recoupment. The CCC meeting for ESY services should be conducted sufficiently in advance to permit the school and the parent to exhaust administrative remedies (if necessary) prior to the time when ESY services would be expected to be initiated. Summer school is not ESY services, but ESY services can be accomplished in a summer school program if included in the IEP.
3. If ESY services are anticipated a special education administrator must be contacted.
4. Decisions for students needing ESY services must be made by March 15th of each school year

Questions to consider:

1. What critical skills is the student working on?

* Does the student’s IEP have annual goals with skills essential for the student’s maintenance of academics (for preschool children-maintenance of appropriate activities), behavior, communication, or self-sufficiency and independence?
* Is the student working on skills that are required across a variety of environments?
* Is the student working on decreasing behaviors that interfere with the student’s functioning at school or in the community?
* Is the student working to develop behaviors to increase the student’s independence or functioning at school or in the community?
* Is the student working on skills designed to increase the student’s independence, such that if the student cannot perform the skills, assistance from another person will be necessary (e.g., daily living skills, academic skills, behavioral skills)?

1. Were any IEP goals unmet?
2. Are there any barriers to the student meeting IEP goals? If so, what are they?

* Has the student had frequent health related absences that have impeded the student’s progress on his or her IEP goals?
* Has the student experienced behaviors that have interfered with the student’s ability to progress toward achievement of his or her IEP goals?

1. Are there other reasons for the student not meeting one or more of the IEP goals?
2. What is impacting rate of progress?

* Is the student’s rate of progress or lack thereof likely to prevent the student from receiving educational benefit during the school year? (lack of progress on goals and objectives is not a prerequisite to ESY services)

1. Is there anything unique about the student’s present level of performance or the nature or severity of the student’s disability that would indicate the need for ESY services?
2. Is there historical or predictive data that the student has or will experience skill regression during an interruption of educational services or that the student has or will experience difficulty recouping lost skills?

* Do the student’s difficulties with regression and recoupment make it unlikely that the student will maintain the critical skills and behaviors relevant to the student’s IEP?

1. Is there a likelihood of the student being placed in a more restrictive placement?

* Is the student working on skills designed to allow the student to move to a less restrictive environment or to prevent placement in a more restrictive environment?

1. Are continuous or year-round services an integral part of the student’s ability to acquire or retain a skill or behavior?

* Is the student at the point of readiness for acquiring a critical skill such that an interruption of services will result in the loss or significant reduction of the student’s ability to acquire the skill?

1. Are there special circumstances unique to this student’s situation and not addressed by the other factors that will have an impact on the student’s need for ESY services or the provision of a free appropriate public education?

* Is the student at a critical point of meeting an IEP goal related to self-sufficiency and independence?

1. If a student’s behaviors have previously interfered with the student’s ability to acquire a critical skill, is there a window of opportunity for assisting the student to acquire that skill because the previously interfering behavior is currently under control or otherwise diminished?

The CCC should utilize the information resulting from answering the questions above, as well as any other relevant information, to determine:

1. If the student will or is likely to experience a regression in the mastery of one or more critical skills, as well as difficulty in recouping that level of mastery within a reasonable period of time;
2. If the student is at a critical point or window of opportunity for acquiring a skill; or
3. If there are special circumstances that make ESY services necessary to the provision of a free appropriate public education to the student.

Developing the IEP for ESY services:

When an ESY program is identified for a student, the case conference must discuss why it is needed (justification) and indicate this on the IEP and CCC notes. The committee should determine the critical goals and benchmarks the student needs to work on during the ESY program. The IEP goals must be part of the current IEP. The committee should also discuss the amount of time needed to complete these goals and indicate this on the IEP. The following should be used as a guide in developing the IEP:

1. The IEP should identify the needs that should be continued into the extended year goals and benchmarks.
2. Less time may be needed to just maintain the student's skills. The IEP needs to be specific with the number of days and hours per day for the ESY. The typical summer program is four (4) to six (6) weeks for three (3) to four (4) hours per day.
3. What related services are needed to support the ESY services (occupational therapist (OT), physical therapist (PT), transportation, etc.) and the amounts of time needed are to be included on the ESY IEP. Not all related services may be needed for support of the ESY goals and services.
4. Answer the following questions:
   1. Could the student's needs be met in a regular education summer school or remedial summer program, or does the student require a specific special education program to meet their needs?
   2. Could the student's needs be met by sending work home for the parents to complete with the student?
   3. What other options can be considered? Such as:
      1. Community-based day camp.
      2. Providing the parents with materials and instruction.
      3. Community agencies or summer programs (YMCA, recreation programs, day camps etc.).
      4. Tutoring programs at a designated center or in the home.
5. The teacher of record (TOR) should attach the extended school year decision-making guide to the IEP and send to the Student Services Department within one (1) week of the conference.
6. The ESY special education teacher will follow the ESY IEP and record the student’s progress on ESY IEP goals. A copy of the IEP report will be sent to the student’s parent/guardian, as well as to the Student Services Department no later than one (1) week after ESY IEP is completed.
7. Progress reports will be completed using *ISTART7*.