

EXTENDED SCHOOL YEAR SERVICES
Technical Assistance Resource Guide
Definitions, Guidelines and Process

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EXTENDED SCHOOL YEAR SERVICES

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Definitions, Guidelines and Process

This document is provided as a review of the Extended School Year (ESY) referral process and criterion.

State Law Pertaining to Extended School Year Services

- (1) Extended school year services means services meeting state standards that are provided to a student eligible for special education consistent with (5), (6), Least Restrictive Environment and Highly Qualified;
 - (a) beyond the normal school year;
 - (b) in accordance with the student's IEP; and
 - (c) are provided at no cost to the parents of the student.
- (2) School districts must ensure that extended school year services are available when necessary to provide FAPE to a student eligible for special education services.
- (3) Extended school year services must be provided only if the student's IEP team determines, on an individual basis, that the services are necessary for the provision of FAPE to the student.
- (4) A school district may not: limit extended school year services to particular categories of disability or unilaterally limit the type, amount or duration of those services.
- (5) The purpose of extended school year services is the maintenance of the student's learning skills or behavior, not the teaching of new skills or behaviors.
- (6) School districts must develop criteria for determining the need for extended school year services that include regression and recoupment, time based on documented evidence or if there is not documented evidence, on the determinations of the IEP team, based on the professional judgment of the team and consideration of factors including the nature and severity of the student's disability, rate of progress, and emerging skills.
- (7) For the purposes of subsection (5):
 - (a) Regression means significant loss of skills or behaviors if educational services are interrupted in any area specified in the IEP;
 - (b) Recoupment means the recovery of skills or behaviors to a level demonstrated before interruption of services specified in the IEP.

Overview:

Students must meet separate eligibility requirements in each service area (academics, SLP, OT, PT, etc.) to receive ESY in that area. The building IEP team will make this determination via an IEP meeting based upon supportive data. 'ESY Services', created on the 'Plan' tab in IEP Online, will be completed with documentation attached.

NOTE: New goals may not be added into 'ESY Services'.

If the IEP team cannot reach consensus regarding the need for ESY services, questions should be directed to the Student Support Department. If the team suspects there may be disagreement at the IEP meeting regarding the decision to not offer ESY, contact the Student Support Department for guidance and/or attendance at the IEP meeting.

EXTENDED SCHOOL YEAR SERVICES DEFINITION:

- Extended school year services are for those students with IEPs who will suffer *irreparable harm* if not provided with those services.

ESY services are:

- to maintain learned skills, not develop new skills;
- to target goals and objectives (if applicable) addressed during the current school year;
- determined on an individualized, case by case basis;
- provided at no cost to families;
- provided without restriction to type or amount of service(s);
- provided in a variety of environments;
- evaluated annually and based on data collected during the current year to determine eligibility;
- available to any student with an IEP who is eligible for them.

ESY services are not:

- **Because a student has received ESY services before. Each year the need for ESY is considered anew and must be based upon the individual needs of the student.**
- **Provided solely on the basis of the student not achieving one or more of the IEP goals, objectives (if applicable) or benchmarks. The determination must be based on those services needed in order for the student to receive FAPE.**
- Provided because a student "might" regress. Research data exists proving that all student regress to a certain extent over breaks. Thus, general educators review skills after long breaks.
- Provided because a student is having a particularly tough time learning. This is why the student qualified for special education. If a student is having an especially difficult time, review of the goals and objectives (if applicable), materials, instructional program, reinforcers, etc., is the first step as this review and changes in the instructional program would be required before the student is considered for ESY.
- To supplement an already appropriate IEP for additional education gains.
- Provided because some sort of activity, daycare, or structure is needed for the student over the summer.
- To provide continued school or practice (i.e. summer school).
- To make up for absences incurred during vacation, suspension or expulsion.
- To continue services provided during the regular school year program.

GENERAL GUIDELINES FOR EXTENDED SCHOOL YEAR SERVICES:

An appropriate IEP is the critical first step in establishing FAPE and, ultimately, the need for ESY. The IEP should reflect progress toward IEP goals and objectives (if applicable). The IEP team members should be reviewing and documenting ongoing interventions in efforts to identify appropriate objectives, methods, materials, placement, and/or time which will result in reasonable educational progress. This documentation must be reviewed when considering the need for ESY services.

The district is not required to maintain the full continuum of placement options maintained for the regular school year nor create new programs as a means for providing ESY services for students with disabilities in integrated settings if the district does not provide services at that time for its non-disabled students. The district is required to maintain those placement options that are necessary to implement the student's IEP for ESY.

The following criteria are suggested to assist IEP teams in determining the need for ESY services to provide FAPE.

I. Regression/Recoupment:

The concepts of "recoupment" and "likelihood of regression or retention": have formed the basis for many standards that States use in making ESY eligibility determinations and are derived from well-established judicial precedents....**States may use recoupment and retention as their sole criteria,** but they are not limited to these standards and have considerable flexibility in determining eligibility for ESY services and establishing State standards for making ESY determination.

WAC 392-172A-02020 repeats the federal law listed above.

Students often lose skills during regular breaks from school, including summer. Most students take six (6) to nine (9) weeks to recover these skills. ESY may be considered when data (pre- and post-school breaks) document regression resulting in an inordinate or unacceptable length of time regaining skills (recoupment) in a reasonable amount of time (i.e. longer than the length of the break). The team must look at and submit the following data to support excessive length of time needed to recoup a skill.

- a. Skill level prior to break and date that the data was taken.
- b. Skill level after break and date that data was taken.
- c. Date of recoupment of skill.
- d. List of interventions attempted, date and results.

II. Failure to Progress / Degree of Progress:

ESY may be considered when a student is not making progress on critical life skills despite changing interventions, strategies, objectives, methods, materials, placement, and/or time AND that without these services the student will be prevented from receiving benefit from his/her educational placement during the regular school year. The IEP team should formally review and submit the following information:

- a. whether the goal is really appropriate,
- b. the interventions attempted,
- c. the changes made, and
- d. the data demonstrating results of changes.

III. Exceptional Circumstances:

ESY may be considered when:

- a. A student is just beginning to show progress on an *emerging skill or breakthrough opportunity* in a critical skill and professional judgment indicates the need to provide an extended school year service to stabilize that skill. The IEP determines through documentation/data that without ESY services, the student is likely to not receive benefit from his/her educational program during the regular school year. The IEP team must review and submit the following information:
 1. the critical skill area,
 2. the date that the student began demonstrating significant progress (emerging skill/breakthrough opportunity).
 3. documentation of the professional judgment used to determine the student's need for ESY to stabilize that skill.
- b. Interfering Behaviors – IEP team determines whether without ESY services any interfering behavior(s) such as ritualistic, aggressive or self-injurious behavior(s) targeted by IEP goals, have prevented the student from receiving benefit from his/her educational program during the school year. The team also determines whether the interruption of programming which addresses the interfering behavior(s) is likely to prevent the student from receiving benefit from his/her educational programming during the next school year.

Factors that may need to be considered in light of the effect the factor may have on any / all of the above listed criteria include:

- The nature and severity of the student's disability,
- Interfering behaviors,
- The ability of the student to interact with non-disabled peers,
- The student's vocational needs,
- The ability of the child's parents to provide the educational structure at home.

DATA COLLECTION TO SUBSTANTIATE NEED FOR ESY:

On-going assessment of IEP goals and objectives (if applicable), as well as ongoing parent/teacher communication as they relate to regression and recoupment of a student's progress, work samples, test results, report cards, homework, progress reports and parent observations are excellent examples of highly detailed information to be reviewed by the IEP team when considering the need for ESY services. Establishing a series of measurement timelines is also helpful when considering ESY eligibility to establish and document regression/recoupment.

A schedule for collecting data about a student's progress is necessary to make a clear, well thought out decision about the need for ESY services. Collecting data related to IEP goals and objectives (if applicable) as they relate to ESY determination can provide the essential information needed for determining not only ESY eligibility but also the specific service that may be needed by the student.

A recommended schedule for data collection includes:

- At the end of the regular school year;
- At the end of the summer program;
- At the beginning of the subsequent school year;
- At the end of the subsequent school year;

- Before/after school vacations;
- On an ongoing basis throughout the school year, and
- Before/after the student has been out of school for other reasons

Additional Sources of Data May Include:

- Historical data;
- Review of current and previous IEPs;
- Documented regression and recoupment time;
- Documented clinical evidence;
- Classroom observation;
- Progress notes;
- Standardized tests;
- Curriculum based evidence;
- Samples of the student's work;
- Behavior logs;
- Parent interviews;
- Attendance information;
- Other objective evidence; and
- Expert opinions.

ESY STRUCTURE:

The IEP team will determine the type, duration, and frequency of services for a student receiving an ESY program. The goals and objectives (if applicable) should be a continuation of all or part of the school year IEP, although the ESY services may be modified to provide maintenance of acquired skills during periodic interruption of school.

Like any special education service decision, the individual needs of the student determine the program and services to be provided. ESY options may include, but are not limited to, the following:

- Support services for maintenance of skills such as math, behavior, etc;
- Home instruction or consultation to provide parents with support and materials to prevent regression;
- Individual or group instruction;
- Recreational services to provide for the maintenance of identified IEP skills; and
- Services during periods of school vacation.

What the Services Can Look Like:

The requirement regarding placement in the least restrictive environment (LRE) during the normal school year applies to ESY services as well. However, while the school district must consider LRE, it is not required to create artificial settings during the summer months to meet the LRE requirement.

Services must be provided by qualified personnel. ESY progress should be reported to the student's teacher(s) for the coming school year.

Examples of Services may include:

- The teacher and parent working together (materials sent home with student progress monitored periodically by the teacher);
- Home-based programs;
- Grouping students with similar goals;
- School-based programs;
- One on one, direct services.

The IEP team should document the following:

- All options considered. This includes the justification for those chosen or rejected;
- whether or not transportation is necessary in order for the student to participate in ESY services;
- which persons will be responsible for providing services.

Some parents will decide **not** to have their child participate in ESY services. School personnel should document this parental decision and have the parent sign it.

ESY Terms and Definitions:

Critical life skills include any skill determined by the IEP team to be critical to the student's overall educational progress, including social and behavioral skills. These skills lead to independent functioning (i.e. toileting, feeding, mobility, communication, dressing, self-help, social-emotional, etc.) taken in conjunction with the student's age, ability, skills required across current / future environments, and the number of years the student has left in school.

Emerging Skill or breakthrough opportunities mean the IEP team determines whether any IEP objectives targeting critical life skills are just emerging and whether the interruption of instruction on the critical life skill caused by the school break is likely to prevent the student from receiving some educational benefit from his or her educational program during the regular school year without ESY services.

Exceptional Circumstances means the IEP team determines whether exceptional circumstances (e.g. acute/regressive physical/psychiatric condition, emerging skills) are such that the interruption of instruction caused by a school break on the critical life skills on the IEP is likely to prevent the student from receiving some benefit from his or her educational program during the regular school year.

Interfering Behaviors means the IEP team determines whether any IEP objectives targeting interfering behaviors, such as stereotypic, ritualistic, aggressive, or self-injurious behavior(s) have prevented the student from receiving *some benefit* from his or her educational program during the previous school year, or whether the interruption of programming which addresses the interfering behavior(s) is likely to prevent the student from receiving some benefit from his or her educational program the next school year.

Recoupment (recovery) means the ability to recover a loss of skills in reasonable time following a normal school break. Most students with disabilities recoup skills within 60 calendar days. Reasonable recoupment rates vary among individuals based on individual learning abilities and rates. Some students may require more than 60 days. The district's standard is recoupment of a skill that takes longer than the length of the break.

Regression means a substantial loss of any critical life skill. Some degree of loss in skills typically occurs with all students during normal school breaks and would not be considered substantial.

Some benefit means an improvement in meeting the critical life skills objective as determined by the student's progress toward meeting the objective as written in the IEP for the current school year. Examples include percent gained, number of successful trials, frequency of demonstrated behavior, etc.