



School Leaders and Special Education



THE GOVERNOR JOHN ENGLER

**CENTER FOR
CHARTER
SCHOOLS**

CENTRAL MICHIGAN
UNIVERSITY



Your Hosts

»
Kathy Barker

Special Education Consultant
CMU
kbarker@thecenterforcharters.org



»
Special Education Consultant
SUPO cshinsky@supo.org



THE GOVERNOR JOHN ENGLER

**CENTER FOR
CHARTER SCHOOLS**

CENTRAL MICHIGAN UNIVERSITY

Extended School Year

What/Who/How

OUTCOMES

- **Participants will understand:**
 - The legal definition of Extended School Year
 - Who determines ESY
 - Criteria for eligibility for ESY including information to review
 - When ESY is delivered
 - Planning for delivery of ESY services

WHAT IS ESY?

- Section 300.106

(b) **Definition:** *Extended school year (ESY) is defined as special education (specialized instruction) and related services that*

(1) ***Are provided to a child with a disability:***

- (i) Beyond the normal school year of the public agency;
- (ii) In accordance with the child's IEP; and
- (iii) At no cost to parents of the child; and

(2) Meet the standards of the state education agency (SEA)

THE DISTRICT'S RESPONSIBILITY

Section 300.106 Extended School Year Services

(a) General

- (1) **Each public agency must ensure that extended school year services (ESY) are available** as necessary to provide FAPE, consistent with paragraph (a)(2) – (next section)
- (2) **Extended school year services must be provided only if a child's IEP team determines**, on an individual basis, in accordance with sections 300.320 through 300.324, **that the services are necessary for the provision of FAPE to the child.**
- (3) In implementing the requirements of this section, **a public agency may not:**
 - (i) **Limit** extended school year services to particular categories of disability; or
 - (ii) **Unilaterally limit the type, amount, or duration of those services.**

WHEN IS ESY NECESSARY?

- **ESY services may be needed for the student to receive FAPE.**
 - Some students may experience losses of *social, behavioral, communication, academic, self-sufficiency, or other skills* during periods of *interruptions of services* that are so significant that they can *jeopardize progress* made during the normal school year.
 - ESY services are *individually determined* and are provided in different ways to address the student's unique needs.

Key Components - ESY SERVICES

- ❑ Purpose is to **maintain skills**, not to develop new ones
- ❑ Special education and/or related services
- ❑ Provided **beyond** the normal school year
- ❑ For the purpose of **providing a FAPE** to a student with a disability
- ❑ Offered at **no cost** to parents
- ❑ **Vary** by type, location, and length of time
- ❑ Dependent on the **individual needs** of the student

***The purpose of ESY is different from the purpose of enrichment programs, summer school programs offered to all students, or compensatory education programs, and are not simply an extension of the regular school year.**

ESY SERVICES ARE NOT

- ❑ for **teaching new** skills
- ❑ **based on** the category of student's disability
- ❑ **mandated** for all students with disabilities
- ❑ required 12-month programs
- ❑ for **credit recovery**
- ❑ a service to be provided to **maximize** each student's **potential**
- ❑ an automatic **continuation of the total IEP** provided to a student with a disability during the regular school year

WHO IS ELIGIBLE FOR ESY SERVICES?

- ❑ Must be **considered for every student** with an **IEP**
- ❑ A student with an IEP is eligible if ESY is essential to provide **FAPE**

***Each student has his or her own individual educational needs. Therefore, ESY services will accomplish different purposes for different students. Some students may suffer losses of social, behavioral, communication, academic, self-sufficiency or other skills during interruptions in an academic instruction year.**

REGRESSION/RECOUPMENT

- ❑ **All students**, whether in general or special education, **lose skills** over breaks in services.
- ❑ Most students, including students with disabilities, **recoup those skills** in a **reasonable amount** of time with re-teaching.
- ❑ Students with disabilities who **can recoup skills** in a reasonable amount of time are **not eligible for ESY services**. The IEP Team determines what a reasonable period of recoupment is for each student. [Note: Educators **generally regard 8 to 9 weeks** as a reasonable time period for most students.]
- ❑ The provision of ESY may not be limited to those students who have actually experienced serious regression and an unreasonable amount of time for recoupment. **The potential for regression/recoupment difficulties must also be assessed.**

NATURE/SEVERITY OF DISABILITY

In the context of ESY, the **IEP Team must consider** whether the **nature or severity of the student's disability** requires highly-structured or consistent programming without substantial breaks in service in order to make progress in the identified goal area(s) of concern. If a student requires more consistent and highly-structured programming techniques due to the severity of the disability, the student may be more vulnerable to the loss of essential skills when the school program is interrupted. A student with severe disabilities may revert to lower-functioning levels or exhibit more behaviors which interfere with learning after a long break in programming. **A student's mental, emotional, or physical health, or the chronic nature of his or her disability,** may also indicate the **need for ESY services** in order to **maintain skills that otherwise would be lost and not recovered in a reasonable amount of time.**

CRITICAL STAGE IN LEARNING

The IEP team must consider whether the student is in a critical stage of learning.

This is a time when learning must occur without delay. It is a critical stage because learning the skill(s) in the identified goal area(s) of concern will enhance the student's ability to function independently.

For example, very young students with significant disabilities may require ESY services to prevent loss of critical language, behavior, or self-help skills they learned during the school year.

Positive changes in a student's medical, physical or sensory status can sometimes result in accelerated learning opportunities.

When such changes occur relatively close to a scheduled break in programming, they should be reviewed as to whether it is possible to predict that there is now an opportunity for accelerated learning for a skill that is essential to self-sufficiency and independence.

If any one of the following four subset questions is true for the student, the student would be eligible for ESY

- 1. Is it a skill that needs to be mastered immediately in order to avoid a likely permanent reduction in the degree of mastery?**
- 2. Does it involve a critical stage of development where there is a window of opportunity that will be lost**
- 3. Are there changes in the student's medical, physical or sensory status that makes it possible to predict an opportunity for accelerated learning during a break in the school year?**
- 4. Does it involve a skill in a critical area of learning where a break in service will result in the loss of a window of opportunity for mastering the skill?**

THE ESSENTIALS

- ❑ ESY decisions must be made based on **individualized student data** and **clearly documented** in the students annual **IEP**, regardless of disability.
- ❑ The need for ESY must be due to a **significant concern about skill maintenance during a schedule break** in service
- ❑ The skills must involve at least **one IEP goal** area, and they must be **essential to the progress of the student**.
 - ❑ New goals are NOT developed to justify the need for ESY services.
 - ❑ Each IEP goal area of concern must be analyzed with respect to the questions posed in Michigan's 3 ESY "standards."
- ❑ The critical question for the IEP team is not whether the student can benefit from ESY, but is ESY **ESSENTIAL** for providing FAPE.

WHEN IS ESY CONSIDERED?

- ❑ The IEP Team is obligated to consider the need for ESY services at **every** IEP meeting
- ❑ In the event that the need for ESY services is not yet known, or the nature/extent of ESY services needs further review, the **IEP Team can identify the timeframe it will reconvene to determine the need/services**. The IEP Team can also plan what data should be gathered to assist in making later determinations.
- ❑ Although there is no absolute deadline/timeline for ESY determinations, federal regulations expect that these **IEP Team determinations will be made in a timely manner** so that students who require ESY services are, in fact, able to receive those services as part of their free appropriate public education (FAPE). Additionally, **parents / guardians need to be afforded a timeline that allows for legal processes for challenging decisions**. To those ends, *it is recommended that ESY determinations be completed no later than 30 calendar days prior to the end of the school year.*

**WHO
DETERMINES
ESY?**



IEP TEAM DETERMINATION THROUGH DATA/INFO REVIEW: EXAMPLES

- ☐ Daily academic or behavioral performance records
- ☐ standardized test data
- ☐ documented observation collected throughout the year
- ☐ behavioral checklists
- ☐ student work samples
- ☐ IEP progress reports
- ☐ the student's prior experience with regression / recoupment
- ☐ Parent Input
- ☐ Therapy logs
- ☐ Point sheets
- ☐ Frequency charts

REGRESSION/RECOUPMENT SKILLS DATA FORM SAMPLE

ESY Regression-Recoupment of Skills Data Form				
Student:	Disability:	Related services:		
Did the student attend ESY the previous summer? <input type="checkbox"/> Yes. If yes, assess student by the third week of the new school year. <input type="checkbox"/> No. If no, assess student by sixth week of the new school year.				
DIRECTIONS: 1.) Write in each IEP goal to be assessed. 2.) For each IEP goal, indicate the student's level of performance on skills assessment for each indicated time frame, including dates of testing, assessment given, and score(s) in the data boxes. Keep or attach the assessment used to determine the student's level of performance and use the same assessment(s) for each data entry date to maintain consistent comparison across time. Assessments do not need to be standardized, and teacher-created curriculum-based or skills-based measurement or checklists that directly match IEP goal skills may be used. 3.) Use this data to help with the decision on whether a student needs ESY services. <u>This form should not be the only data used to inform this decision.</u>				
Tracking data for decision-making on ESY services				
Goal count	Spring data (within four weeks of the end of the school year)	Fall data (within six weeks of the start of the school year)	Optional. Post an extended school break (winter, spring)	Did student recoup skills?
No. 1				<input type="checkbox"/> Yes <input type="checkbox"/> No
No. 2				<input type="checkbox"/> Yes <input type="checkbox"/> No
No. 3				<input type="checkbox"/> Yes <input type="checkbox"/> No
No. 4				<input type="checkbox"/> Yes <input type="checkbox"/> No
No. 5				<input type="checkbox"/> Yes <input type="checkbox"/> No
No. 6				<input type="checkbox"/> Yes <input type="checkbox"/> No
No. 7				<input type="checkbox"/> Yes <input type="checkbox"/> No
No. 8				<input type="checkbox"/> Yes <input type="checkbox"/> No

Source: IEP Quality Project (2016)

QUESTIONS FOR DECISION DISCUSSION POINTS

Extended School Year Checklist		
Student:	Grade level:	Disability category:
Related services:	Spring case manager:	Fall case manager:
Questions for decision discussion points		Answers
1. Did the student qualify for ESY in the previous school year?		<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Did the student attend ESY in the previous school year?		<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Is the student achieving passing grades in the regular education program, if applicable?		<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Is the student currently experiencing success in meeting the goals and objectives of the IEP? Add comments below.		<input type="checkbox"/> Yes <input type="checkbox"/> No
5. When reviewing past IEPs, if available, has the child been successful at meeting IEP goals over time, or have goals been repeated over time? Explain below, if needed.		<input type="checkbox"/> Yes <input type="checkbox"/> No
6. At the start of the current school year, was the teacher able to begin instruction at the level indicated by the current IEP in critical skills areas? Complete and attach the ESY regression/recoupment of skills data form.		<input type="checkbox"/> Yes <input type="checkbox"/> No
7. Was the student working on new critical skills indicated by the current IEP by the beginning of the second six-week grading period?		<input type="checkbox"/> Yes <input type="checkbox"/> No
8. Does the student routinely display a loss of critical skills following interruptions in instruction during the regular school year, i.e. winter break and spring break? Document on the ESY regression/recoupment of skills data form.		<input type="checkbox"/> Yes <input type="checkbox"/> No
9. Were there mitigating circumstances that may have led to the student temporarily not meeting goals or objectives? If yes, explain whether there are any other individual circumstances that make the provision of ESY services critical so that the child can learn or participate in school activities upon return to school.		<input type="checkbox"/> Yes <input type="checkbox"/> No
10. Have general education teachers given input on the child's progress, if applicable?		<input type="checkbox"/> Yes <input type="checkbox"/> No
11. Does the parent or guardian witness a loss of skills over the course of school breaks? What are examples the parent can provide?		
12. Could ESY services markedly slow the rate of degeneration anticipated due to a student's mental condition? What else is significant about the nature and severity of the child's disabilities?		<input type="checkbox"/> Yes <input type="checkbox"/> No

Source: IEP Quality Project (2016)

IEP TEAM CONSIDERATION FORM

IEP TEAM CONSIDERATION FOR EXTENDED SCHOOL YEAR (ESY) IEP Goal Area(s) of Concern:

#1 _____ #2 _____ #3 _____

Date:	IEP Goal #1			IEP Goal #2			IEP Goal #3		
Consideration of ESY Services [If YES to any one Standard, then the student is eligible for ESY services]	Yes	No	Data Source	Yes	No	Data Source	Yes	No	Data Source
Standard I. -Regression/Recoupment Are there data indicating a serious potential for regression of acquired skills beyond a reasonable period of recoupment when following a break in instruction?									
Standard II.-Nature or Severity of Disability Are there data regarding the nature or severity of the student's disability that indicates a need to provide services during breaks in the school year <u>in order to</u> make progress in the goal area?									
Standard III.-Critical Areas/Stages of Learning is <u>there</u> information indicating that in the identified goal area the student is at a critical stage of learning or in a critical area of learning where failure to provide services beyond the normal school year will severely limit the student's capacity to acquire skills essential for becoming self-sufficient and independent?									

Data/Information Sources:

- | | | | |
|--|--------------------------|----------------------------------|---------------------|
| 1) daily academic or behavioral performance records | 2) parent input | <u>3) standardized test data</u> | 4) therapy logs |
| 5) documented observation collected throughout the year | 6) point sheets | 7) behavioral checklists | 8) frequency charts |
| 9) the student's prior experience with regression/recoupment | 10) IEP progress reports | 11) students work samples | |
| 12) other: _____ | | | |

Based on the evidence above, this student: _____ Does not require ESY. _____ Requires ESY.

ESY DOCUMENTATION OF NEED SUMMARY SAMPLE

Extended School Year Documentation of Need Summary			
Student:	Case Coordinator:	IEP Date:	Building:
Definitions: <ul style="list-style-type: none"> • Regression is the inability of a student to maintain an acquired skill in an identified goal areas of concern when special education instruction or related services in an individualized education program goal area are interrupted and require an unreasonable amount of time for recoupment. • Recoupment is the student's capacity to recover those regressed skills to a level demonstrated prior to the break in instruction. • In the context of ESY, the IEP team must consider whether the nature or severity of a student's disability requires highly structured or consistent programming without substantial breaks in service to make progress in the identified goal areas of concern. • Critical area is the area of instruction that is essential to the student's development in becoming self-sufficient and independent. • Critical stage is the point at which learning must occur without delay and learning the skills in the identified goal areas of concern will enhance the student's ability to function independently. 			
Considerations for ESY services			
Standard for consideration	Yes/No	Data and information review	
Regression or recoupment			
Is there data that indicates to the IEP team that, in the identified goal areas of concern, there is a serious potential for regression of skills beyond a reasonable period of recoupment?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Nature or severity of disability			
Is there data regarding the nature or severity of the student's disability that indicates to the IEP Team there is a need to provide services in the goal areas of concern during breaks in the school year?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Critical areas and stages of learning			
Is there information that indicates to the IEP team that, in the identified goal areas of concern, the student is at a critical stage of learning or in a critical area of learning where failure to provide a service beyond the normal school year will severely limit the student's capacity to acquire essential skills?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Is there a skill that needs to be mastered immediately? If the student does not master the skill immediately, is the degree of mastery likely to be permanently reduced? or	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Is the student at a critical stage of development where there is a window of opportunity that will be lost if services are not provided? or	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Are there changes in the student's medical, physical or sensory status that makes it possible to predict an accelerated rate of learning during the ESY period (critical stage)? or	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Is the skill in a critical area of learning, and will a break in services result in the loss of a window of opportunity for mastering the skill?	<input type="checkbox"/> Yes <input type="checkbox"/> No		

ENGAGE PARENTS IN DECISION MAKING

- ❑ Develop the **services model of ESY collaboratively**
- ❑ Get as much **information** from them as you can; it will help!
- ❑ Be willing to **investigate any options that a parent suggests for ESY**

WHAT DOES ESY LOOK LIKE?

- ❑ **Tailored** to the student's **individual needs**
- ❑ Does not have to be **WHAT** the student receives during the school year
- ❑ Must **not** be **more restrictive**
- ❑ May include **supplemental aides and services**; i.e. a 1:1 paraeducator
- ❑ Has a '**transition**' **component** for moving back to the school year

ESY DOCUMENTATION: PRE-POST AND SERVICE PROVISION

Extended school year services documentation form

The IDEA regulations require that districts ensure that extended school year services are available "as necessary to provide FAPE." 34 CFR 300.106. Schools should maintain an attendance log or a related services log to document the provision of ESY services, including the date of services, the amount of services provided, and the goals the student worked on during ESY. Schools may also consider indicating whether the service delivery was through a remote, hybrid, or socially distant in-person learning model. Use this checklist to help track ESY services provided to eligible children with disabilities in your district.

Tracking delivery of ESY services				
Did the student attend?	Date	Type	Amount	Goals the student worked on
<input type="checkbox"/> Yes <input type="checkbox"/> No	___/___/___			
<input type="checkbox"/> Yes <input type="checkbox"/> No	___/___/___			
<input type="checkbox"/> Yes <input type="checkbox"/> No	___/___/___			
<input type="checkbox"/> Yes <input type="checkbox"/> No	___/___/___			
<input type="checkbox"/> Yes <input type="checkbox"/> No	___/___/___			
<input type="checkbox"/> Yes <input type="checkbox"/> No	___/___/___			

Source: I.R.P. Publications (2021)

KEY TERMS

- **FAPE** – Special education and related services that are provided at public expense/no charge to parent(s); meet the standards of the SEA include an appropriate preschool, elementary or secondary school education; and are provided in conformity with an IEP

ESY services are to be provided if the IEP team determines that ESY services are necessary to ensure the student receives a free appropriate public education. This determination is made even if the student has not failed or been retained in a course or grade and is advancing from grade to grade.
- **Regression** – Significant loss of skills. Inability of the student to maintain an acquired skill in an identified goal area when special education instruction or related services in an IEP goal area are interrupted and require an unreasonable amount of time for recoupment.
- **Recoupment** – The amount of time needed to relearn the skill. The student's capacity to recover those regressed skills to a level demonstrated prior to the break in instruction.
- **Self-Sufficiency** – functional skills necessary to achieve personal independence
- **Critical Stage in Learning**: means that the learning must occur without delay and that learning the skill in the identified goal area(s) of concern will enhance the student's ability to function independently (e.g. prevent loss of critical language, behavior, or self-help skills learned during the school year.
- **Critical Area of Learning**: means an area of instruction that is essential to the student's development in becoming self-sufficient and independent.

REFERENCES

EUP ISD Extended School Guidelines; Feb. 2021

Beyond the School Year; Johnny Jackson; LRP Publications; 2022

SCECHs

To receive SCECHs for this session:

- Fill out the form at <http://www.thecenterforcharters.org/SCECH>

To receive SCECHs, you must have attended the entire session and email your information at the event's conclusion.



THE GOVERNOR JOHN ENGLER
**CENTER FOR
CHARTER SCHOOLS**
CENTRAL MICHIGAN UNIVERSITY