

EXTENDED SCHOOL YEAR (ESY)

January 19, 2010



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EXTENDED SCHOOL YEAR (ESY) SERVICES

8VAC 20-81-10

- ESY means special education and related services that: (34 CFR 300.106(b))
 1. Are provided to a child with a disability:
 - a. Beyond the normal school year of the local educational agency;
 - b. In accordance with the child's individualized education program;
 - c. At no cost to the parent(s) of the child; and
 2. Meet the standards established by the Virginia Department of Education.

FREE APPROPRIATE PUBLIC EDUCATION (FAPE) 8VAC 20-81-10

- FAPE means special education and related services that: (34 CFR 300.17)
 1. Are provided at public expense, under public supervision and direction, and without charge;
 2. Meet the standards of the Virginia Board of Education;
 3. Include an appropriate preschool, elementary school, middle school or secondary school education in Virginia; and
 4. Are provided in conformity with an individualized education program that meets the requirements of this chapter.

EXTENDED SCHOOL YEAR SERVICES

8VAC20-81-100 J

- Each local educational agency shall ensure that ESY services, including transportation to and from such services, are available as necessary to provide a free appropriate public education (34 CFR 300.106)
- ESY services shall be provided only if a child's IEP team determines on an individual basis that the services are necessary for the provision of FAPE to the child, because the benefits a child with a disability gains during the regular school year will be *significantly jeopardized* if ESY services are not provided

ESY REQUIREMENTS

- A local educational agency may not:
 - a. Limit ESY services to particular categories of disability;
 - b. Unilaterally limit the type, amount, or duration of those services; or
 - c. Limit the provision of ESY services to only summer

ESY IS NOT:

- Based on disability category
- Mandated 12 month services
- A child care service
- A continuum of the total IEP provided during the regular school year
- Required to be provided all day, every day, or each day
- An automatic provision from year to year
- Summer school, compensatory services, or enrichment programs
- Required to be provided in a traditional classroom setting
- A service provided to maximize a student's potential

ESY CONSIDERATION

- Determination for ESY is made on an **individual** basis
- IEP team must discuss, consider, and document the need for ESY at an initial IEP meeting and at every annual IEP
- ESY services must be completed at an IEP meeting, not formulated and decided in isolation by school staff and then sent home to the parent for consent
- Time of year of the IEP may affect whether the team has enough information to make a determination regarding the need for services
- ESY decisions should be made in a timely enough manner to allow parent(s) the right to pursue due process and/or mediation as a means to resolve disputes

FACTORS TO CONSIDER

- Regression/recoupment
- Degree of progress
- Emerging skills/breakthrough opportunities
- Interfering behaviors
- Nature and/or severity of the disability
- Special circumstances or other factors

CRITICAL LIFE SKILLS

- Any skill determined by the IEP team to be critical to overall educational progress including social and behavioral skills
- Skills that students require across environments
- Independent living (self-care skills) – toileting, feeding, dressing, personal hygiene, mobility
- Communication – functional communication and social interaction
- Academic – reading, writing, math
- Behavior – aggression, self-injury, severe impulsivity

DISCUSSION QUESTIONS TO CONSIDER

- Does the student need extensive review to demonstrate previously learned skills?
- What inconsistencies does the student demonstrate in mastered or partially acquired skills?
- Has the student reached a critical point of instruction or behavior management where a break in programming would have serious, detrimental effects?
- Does the student demonstrate behaviors or deficits that would cause regression if breaks in programming occur?
- Is there a degenerative medical condition that might cause regression?
- Will a break in programming jeopardize the student's placement in the least restrictive environment?

ESY – DATA DRIVEN DECISION MAKING

- IEP team must use DATA as a basis for documentation of the student's need for ESY services
- Staff should review the data and have a summary prepared prior to the IEP meeting

DATA USED TO SUPPORT ESY DECISIONS

- Observation data from teachers, therapists, parents, and others having direct contact
- Data from before and after breaks (long weekends, vacations, past summer breaks)
- Standardized or criterion-referenced assessments
- Curriculum-based assessment
- Pre-/post-test data
- Historical data
- Review of current and previous IEP goals
- Progress notes and report cards
- Work samples
- Behavior logs
- Parent interviews
- Attendance records

EXTENDED SCHOOL YEAR - PROCESS

- If ESY services are required the IEP team should document the following:
 - Criteria/factors under which the student is eligible based on existing data
 - Specific goals from the current IEP to be addressed
 - Type of service, frequency, and duration of special education and/or related services
 - Location/least restrictive environment in which the service(s) will be provided

WHAT ESY SERVICES CAN LOOK LIKE

- Placement in the least restrictive environment (LRE) applies to ESY and should be based on the IEP
- IEP team may determine that a more restrictive setting is necessary to provide FAPE and is not required to create artificial LRE settings during ESY
- Examples:
 - Learning packages with materials sent home and periodic progress monitoring by teacher (consultative services)
 - Grouping of students with similar goals
 - School-based programs
 - Community-based programs
 - Vocational settings

SCHOOL-BASED ESY DESIGN TO ADDRESS STUDENTS' INDIVIDUALIZED EDUCATIONAL NEEDS

| Elementary Curriculum | Secondary Curriculum | Adapted Curriculum |
|----------------------------|----------------------|---|
| Literacy (Reading/Writing) | Literacy (Reading) | All 3 areas (Literacy, Numeracy, & Social Skills) embedded within the half day program. |
| Numeracy (Math) | Writing | |
| Social skills | Numeracy (Math) | |
| | Social skills | |

PARENTAL CONSENT

- The IEP team shall consider all factors identified under a FAPE in 8VAC20-81-100, as appropriate, and work toward consensus
- If the IEP team cannot reach consensus, the local educational agency (LEA) shall provide the parent(s) with prior written notice of the LEA's proposals or refusals, or both, regarding the child's educational placement or provision of a FAPE in accordance with 8VAC20-81-170 C

SUMMER SCHOOL AND ESY

- Please do not confuse current budget discussions regarding **Summer School** with LCPS' responsibility to provide ESY services



RESOURCES

- *Regulations Governing Special Education Programs for Children with Disabilities in Virginia* (Virginia Department of Education, 2009)
- *Extended School Year Services Technical Assistance Resource Document* (Virginia Department of Education, 2007)
- *Extended School Year Guidance Document* (Loudoun County Public Schools, 2009)