

WHO

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- ESY must be considered for all individuals who are eligible under IDEA (not just those with severe impairments).
- Data indicates approximately 5% to 15% of eligible students receive ESY services but this varies from school to school,

WHO cont.

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- ESY services are to be provided to students who
 - Need to maintain critical life skills because they are at risk of losing those skills
- Emerging skills
 - Program interruption
- Experience significant regression/recoupment of previously learned skills without the provision of such services.

WHY

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- As part of the IEP process, the IEP team must determine if a student needs a program of special education and related services extending beyond the normal school year.



WHY

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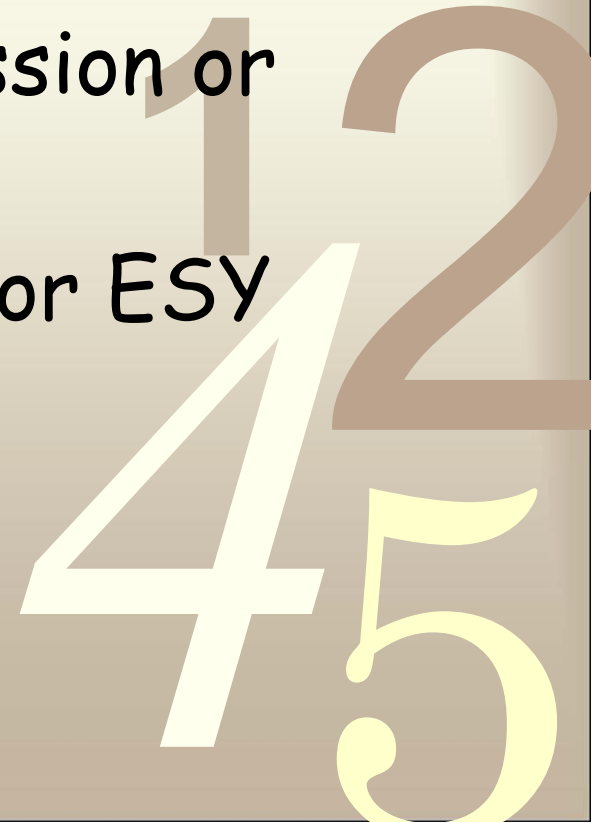
- Remember, ESY services are to maintain skills already acquired, not to learn new skills that would be a nice side benefit.
- ESY is not the same as summer school, but some summer school programs could satisfy ESY requirements.



Don't Develop A New IEP

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- Not all goals on the IEP need to be addressed during ESY—just those that are suspect for regression or other critical factors.
- A new IEP is not required for ESY services.



WHY

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- The critical question that each IEP team must ask regarding ESY services is whether the learning that occurred during the regular school year will be significantly jeopardized if ESY service are not provided.



WHY

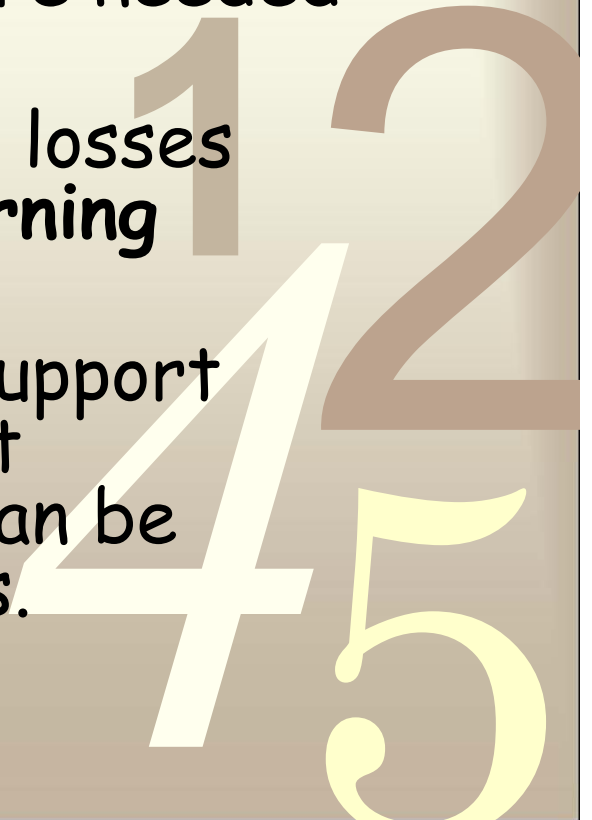
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- Reasons why ESY services may be needed vary from student to student, but the end result is that some students may suffer severe losses of social, behavioral, communication, academic, or self-sufficiency skills during interruptions in instruction.
- This is particularly true during long breaks such as summer vacations.

WHY

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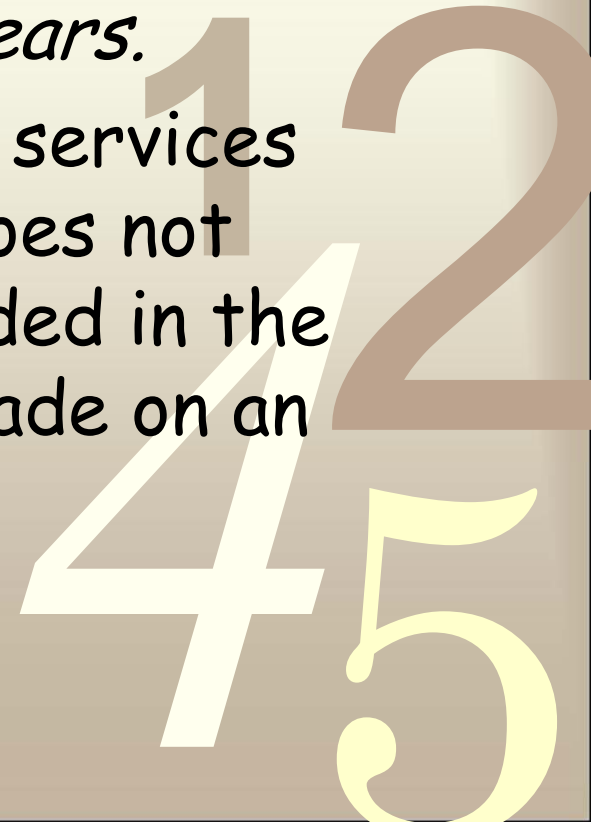
- Losses suffered by a student may be so extensive that when school resumes, unreasonable amounts of time are needed to recover (**recoup**) lost skills.
- Other students may experience losses because they reach **critical learning opportunity**.
- For some students, skills that support continued placement in the least restrictive environment (LRE) can be maintained only by ESY services.



Not Automatic

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- A student's involvement in ESY services one year *does not automatically guarantee ESY services in the following years.*
- Similarly, the fact that no ESY services were provided in a prior year does not mean ESY services are not needed in the current year. The decision is made on an annual basis.



WHY

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- The determination of whether a student with a disability needs ESY services must be made on an individual basis following the IEP process.



WHY

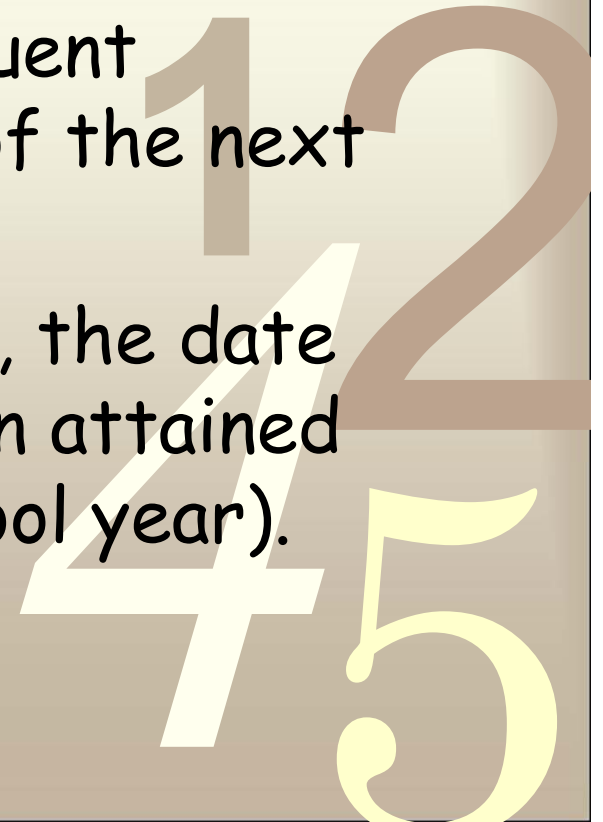
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- *ESY* services should not be granted solely on the basis of the student with disabilities not achieving one or more IEP goals.
- The critical questions that each IEP team must ask regarding *ESY* services is whether the learning that already occurred during the regular school year will be significantly jeopardized if *ESY* services are not provided.

Considering Evidence of Regression

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- At the end of instruction (i.e., the end of the current school year);
- At the beginning of the subsequent instruction (i.e., the beginning of the next school year); and
- At the time of recoupment (i.e., the date of regaining skills that had been attained by the end of the previous school year).



Measuring Criteria

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- Measuring amounts of regression
- Measuring time to recoup skills
- Implementing instruction and measuring skills learned
- Devising a teacher-made test/observation
- Administering a post-test after interruption of instruction
- Measuring recoupment rate
 - After weekends, Christmas break, and/or spring break
- Teacher and parent input



Regression/Recoupment

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- Research shows that regression and recoupment occur in all students and will vary across skills, people, and circumstances.
- IDEA 2004 and court cases do not address the extent of regression/recoupment needed to qualify for ESY services.
- *The determination of need for ESY is made on an individualized basis after careful and critical analysis of the ongoing data gathered by the IEP team.*

DATA

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- *The determination of need for ESY is made on an individualized basis after careful and critical analysis of the ongoing data gathered by the IEP team.*



WHEN

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- ESY decisions should be made when a student is first eligible for services
- Set up a strategy for determining regression and recoupment over a weekend or a vacation
- ESY services must be considered on an annual basis

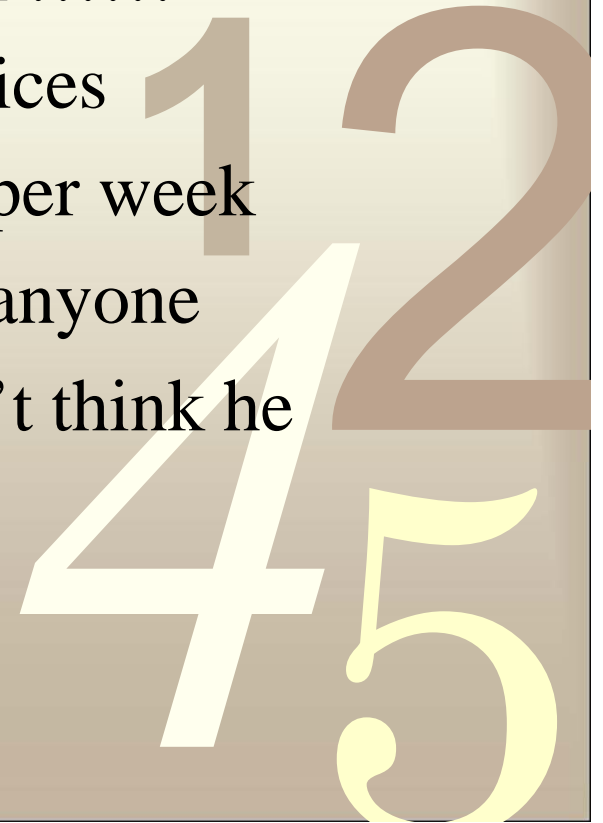


When, & How Much

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- **Never Say:**

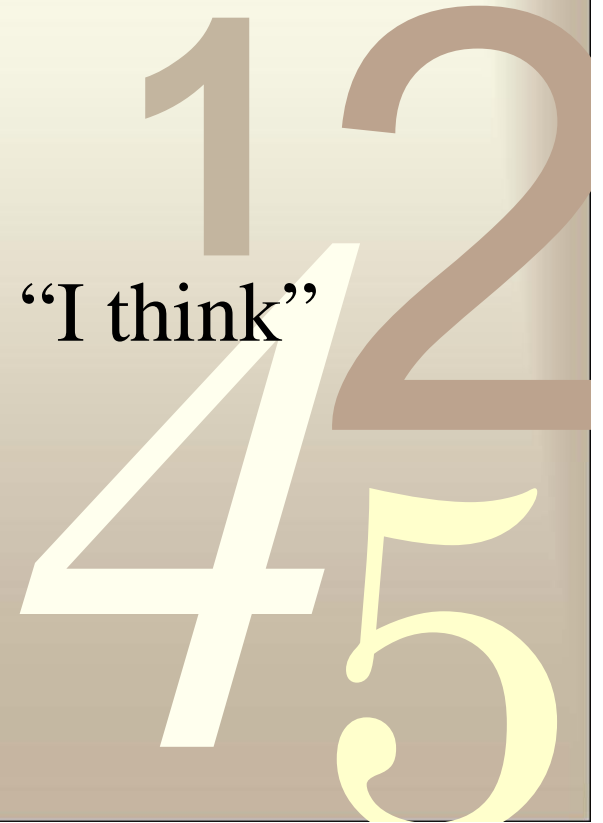
- We only have staff available from
- This is when we do our ESY services
- All speech students have 2 times per week
- Six sessions is all we ever do for anyone
- We don't have any data but I don't think he needs it



When, & How Much

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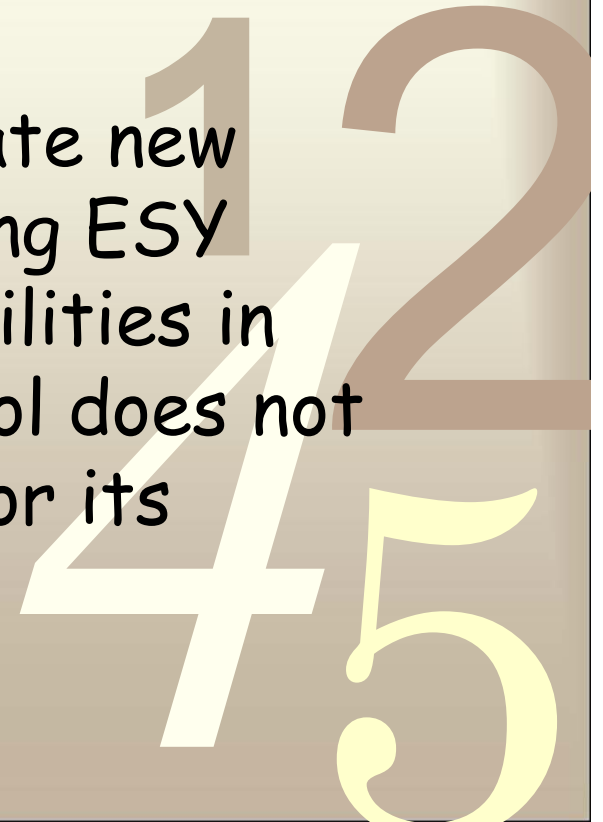
- Individualized: what does this child need to maintain skills
- Have the data to explain your recommendation – not based on “I think”



WHERE

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- LRE must be considered, but OSEP allows for some flexibility due to the unique nature of ESY
- A school is not required to create new programs as a means of providing ESY services to students with disabilities in integrated settings if the school does not provide services at that time for its students without disabilities.



WHERE

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- *LRE considerations for ESY are not identical to LRE considerations that apply during the regular school year.*
- The full continuum of educational options is usually not available during ESY, and the school is not required to create such a program for that sole purpose.

WHERE

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- A school is not prohibited from providing ESY services to an individual student with a disability in a non-educational setting if the student's IEP team determines that the student could receive necessary ESY services in that setting.

WHERE

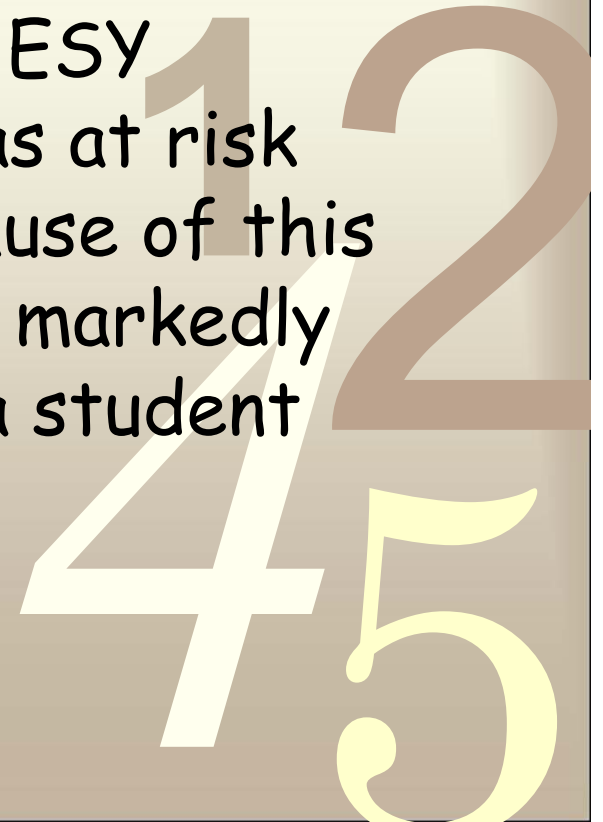
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- The characteristics of services, including location and LRE considerations, should be based upon the unique needs of the student.
- The IEP team should consider a flexible service model that takes those needs into account.
- For some students, the appropriate LRE could be at home with the other family members, receiving only very limited ESY services.

WHERE CAN ESY SERVICES BE PROVIDED?

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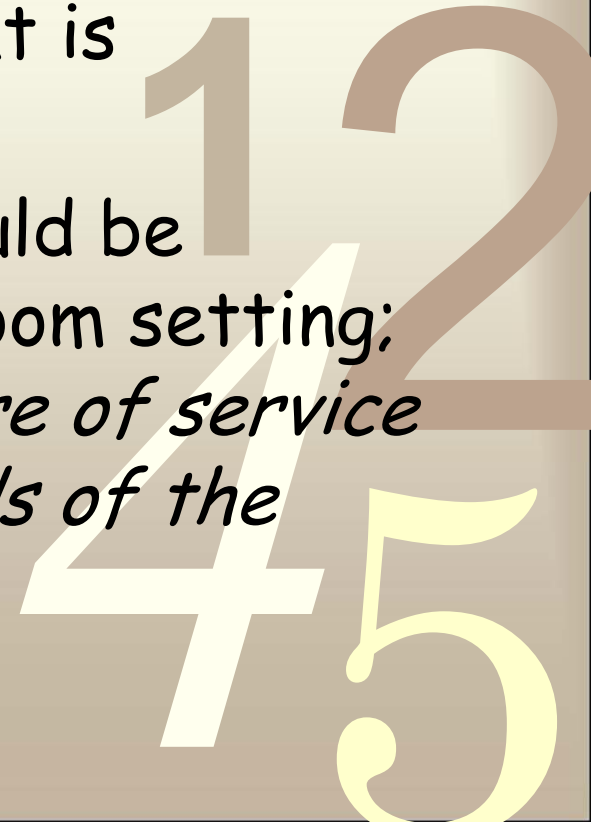
- ESY services are intended to minimize the effects of significant regression.
- Therefore, it is reasonable for ESY services to concentrate on areas at risk for significant regression. Because of this focus, ESY services may differ markedly from the services provided to a student during the school term.



WHERE CAN ESY SERVICES BE PROVIDED?

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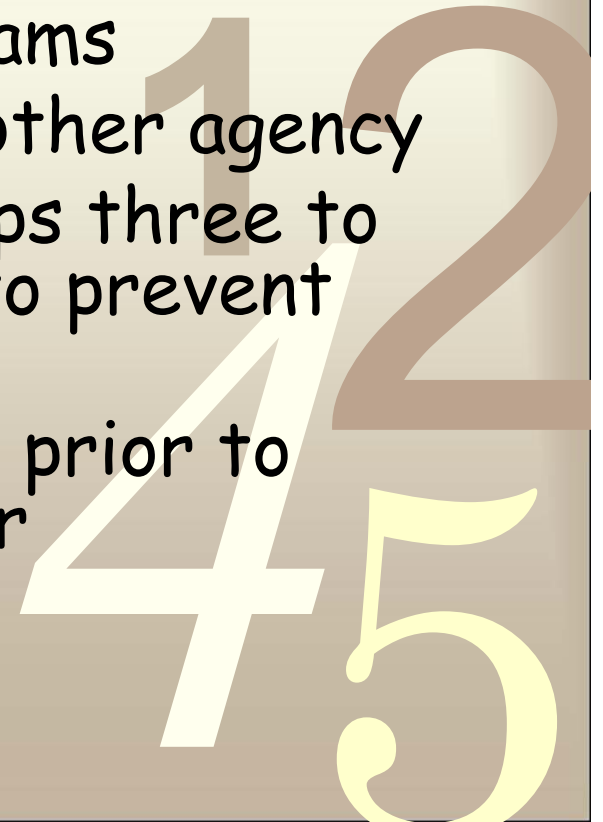
- As with any IEP, the needs of the student dictate the services rather than any available services dictating what is provided to the student.
- Individualized ESY services could be provided in a traditional classroom setting; however, *the location and nature of service delivery can vary with the needs of the student.*



Other appropriate service delivery options could include those listed here:

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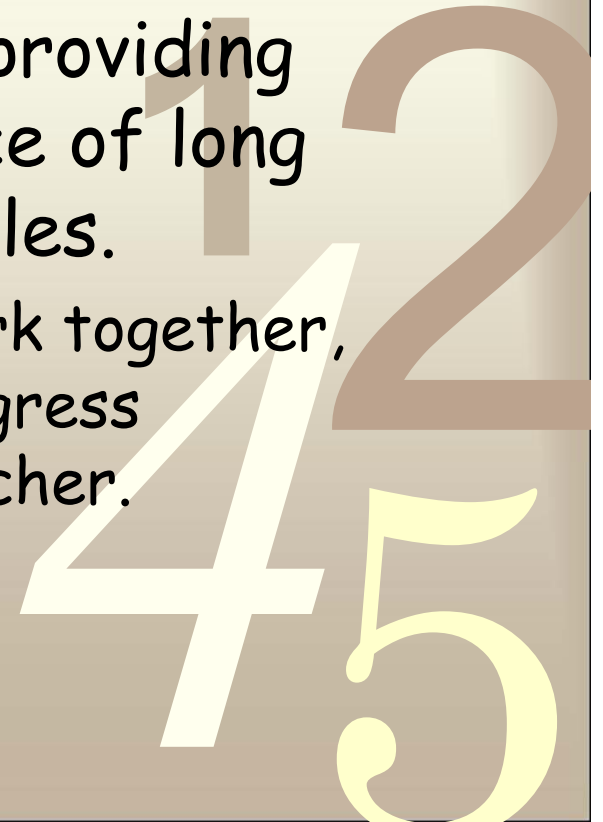
- School-based programs that vary in length of schedule, grouping of students with similar goals
- Intra-school cooperative programs
- A cooperative program with another agency
- Limited student contact, perhaps three to four times during the summer to prevent regression
- A week of intensive review just prior to the beginning of the school year
- Contractual arrangements
- Community-based programs



Other appropriate service delivery options could include those listed here:

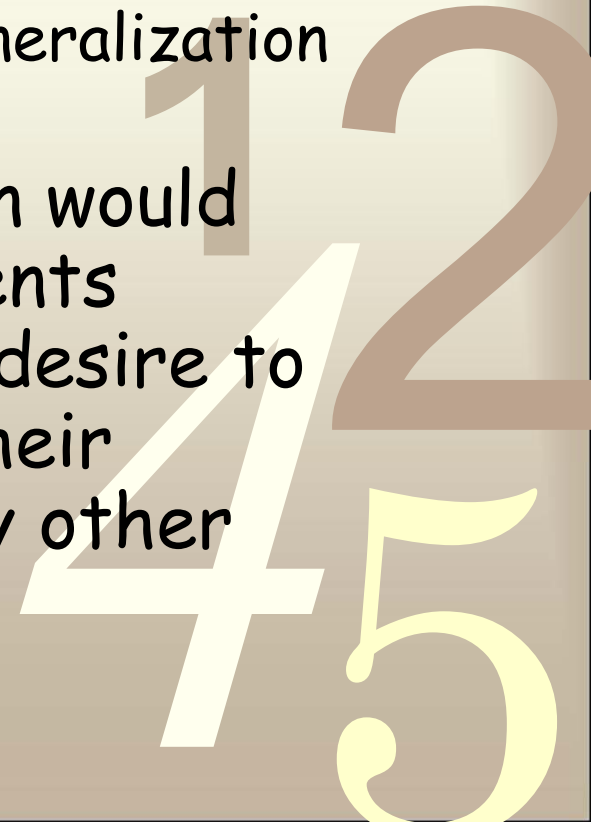
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- Some students may need services provided in the home or at an alternative location.
- Others might benefit most by providing training to the parent in advance of long breaks in regular school schedules.
 - The teacher and parent would work together, with materials sent home and progress periodically monitored by the teacher.



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- Such home consultation prior to vacation and at intervals during vacation, if needed, could provide support and instruction to parents in preventing regression.
 - It offers the additional benefit of increased opportunities for practice and generalization across settings.
- The option of home consultation would depend upon availability of parents throughout the ESY day, their desire to assist, and the complexity of their student's needs, as well as many other factors.



Related Services

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- While a student may not need extended school year special education, that student may need extended school year related services in order to benefit from special education when school resumes during the school term.
- In this instance, *one or more related services may be the sole component(s) of the extended school year program.*
- The decision as to whether the student should be provided a related service as a sole component of an extended school year program is the responsibility of the IEP team.

Who can provide ESY?

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- *It is necessary to use certified and qualified staff for ESY services.*
- Non-certified staff can be used if they are trained and supervised by certified staff.
 - Staffing options might include supervised practicum students,
 - supervised student teachers,
 - supervised paraeducators, or
 - contracted/purchased services from agencies.

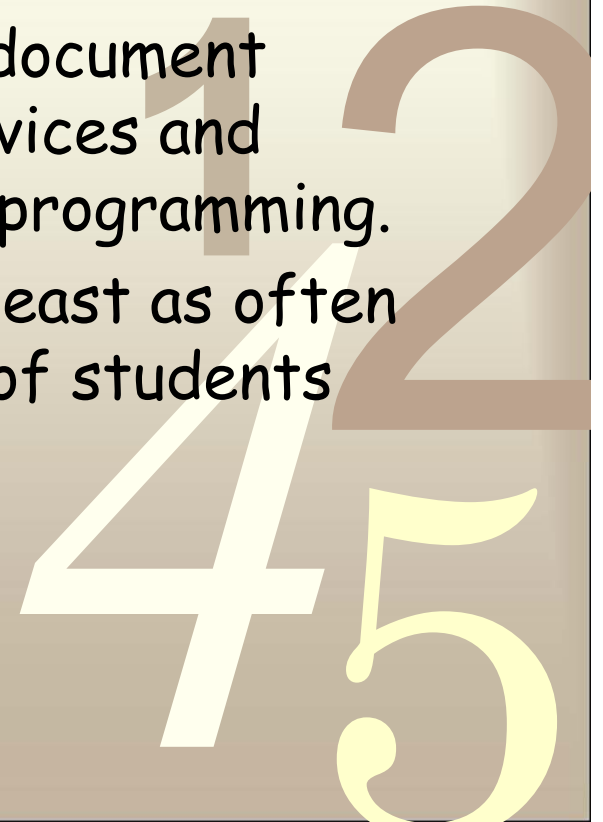
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- MAY THE STUDENT'S ESY SERVICES BE PROVIDED IN A SCHOOL'S OPTIONAL SUMMER SCHOOL PROGRAM?
 - Yes. The summer school setting could offer unique and appropriate opportunities for a student to enhance generalization of skills in a setting very similar to that of the regular school year, as well as provide frequent practice for maintenance of skills.
 - However, ESY services must be tailored to the unique needs of the student and cannot be based solely on availability of services during the summer.

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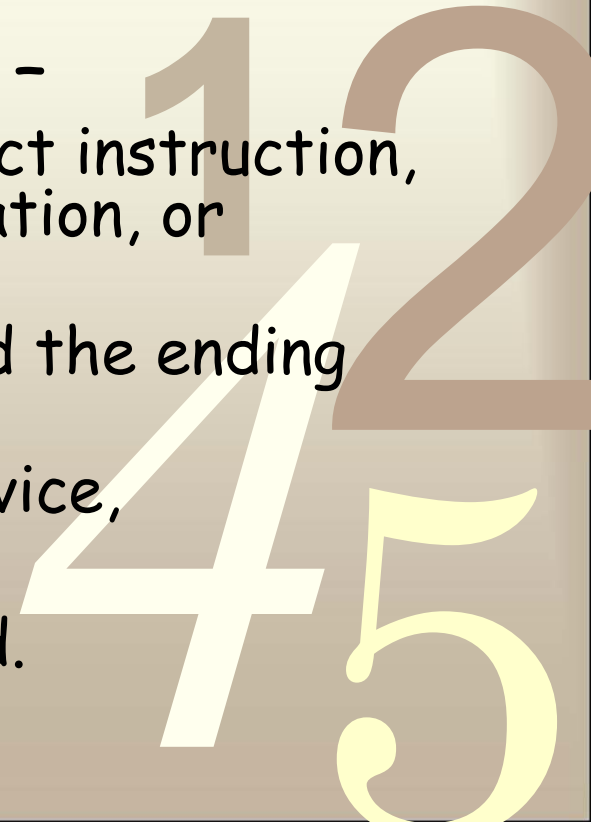
- It is recommended that special education personnel collaborate with summer school staff, informing them of needed modifications and accommodations based upon the student's needs.
- The IEP team will determine and document goals to be addressed by ESY services and delivered through summer school programming.
- Progress reports are required at least as often as those provided to the parents of students without disabilities.



How does the IEP team document ESY services?

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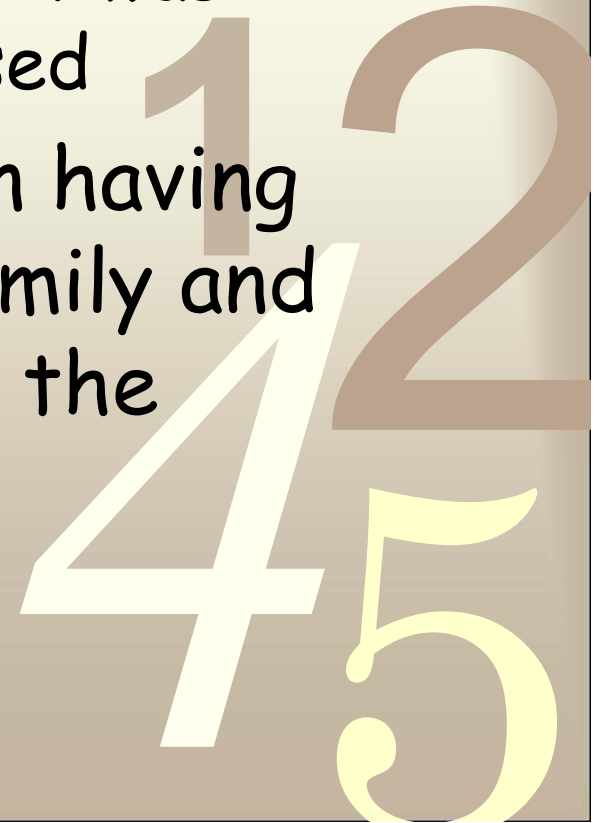
- *Documentation of ESY services should specify which IEP goal(s) will be reinforced during ESY services.*
- Documentation should describe -
 - the type of services (such as direct instruction, specific related services, consultation, or supervision),
 - the beginning date of services and the ending date of services,
 - the minutes per week of each service,
 - service provider, and
 - where the service will be provided.



Parent Denial

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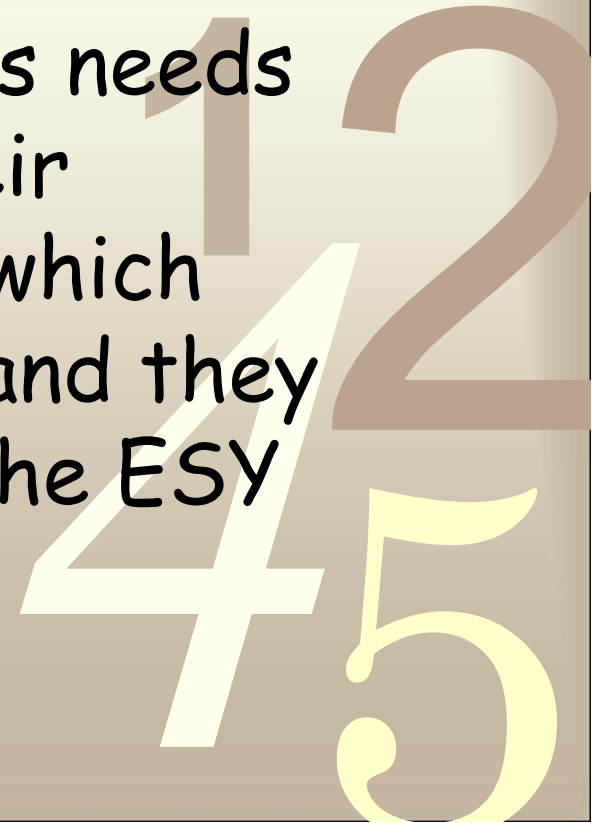
- Parents may reject ESY
 - School should document that it was offered and why it was refused
- The parents could decide on having their child participate in family and community activities during the summer.



Procedural Safeguards

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- Parents are entitled to a meaningful opportunity to fully participate in discussion of their student's needs and the development of their student's educational plan, which includes the ESY decision, and they must be fully informed of the ESY determination process.



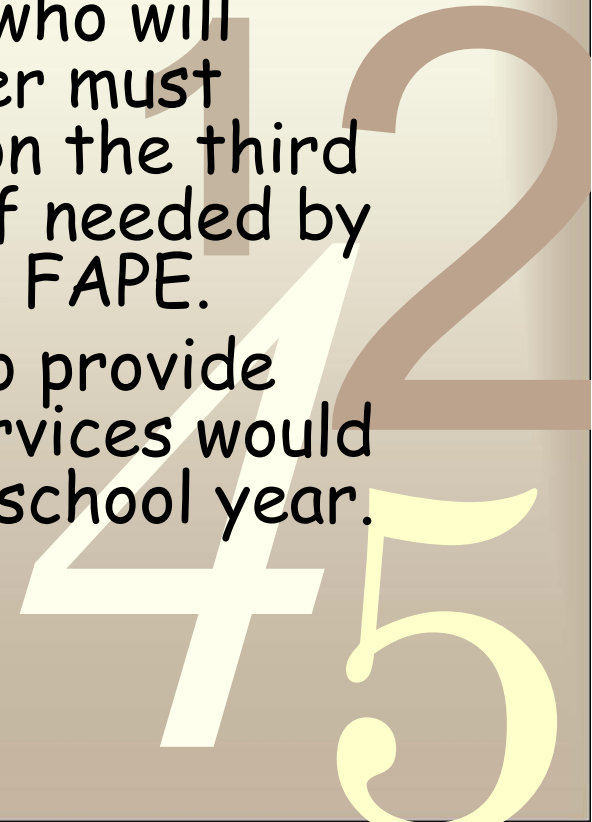
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- What process should be followed if the parent initiates a request for ESY services or a change in the extent of those services outside of the IEP meeting?
 - If a parent requests reconsideration of need for or extent of ESY services outside of the IEP team meeting, and the team has already made a determination regarding ESY services, then the school must provide **prior written notice** to the parents documenting either
 - the date and time of a new IEP team meeting to reconsider the request or
 - denial of the request along with reasons for the denial.

What if my child is in Part C and turns three during the summer?

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- A student with a disability must receive FAPE no later than his or her third birthday.
- The IEP developed for a student who will reach age three during the summer must specify the student's program upon the third birthday, including ESY services if needed by that particular student to receive FAPE.
- If ESY services are not needed to provide FAPE, the date of initiation of services would be the beginning of the upcoming school year.



The LAW

§300.106 Extended school year services.

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- (a) General. (1) Each public agency must ensure that extended school year services are available as necessary to provide FAPE, consistent with paragraph (a)(2) of this section.
- (2) Extended school year services must be provided only if a child's IEP Team determines, on an individual basis, in accordance with §§300.320 through 300.324, that the services are necessary for the provision of FAPE to the child.

ESY services are not intended to advance skills but are provided to students that

- experience significant regression/recoupment of previously learned skills without the provision of such services
- need to maintain critical life skills or
- to support the establishment of an emerging skills.

The IEP team must consider the following elements when determining the need for ESY services.

- the likelihood of significant regression, and the rate of probable recoupment of skills,
- if the lack of services over breaks in service will halt a student's progress toward developing critical life skills;
- if the break in service will interrupt a student with a disability at a critical breakthrough period of learning a skill;
- if the break in service will intensify "interfering behavior" such as aggression and self-injury.