

Barre Town Supervisory District Policy Manual

TITLE: Procedures for Extended School Year CODE: IHBA-R

Barre Town Supervisory District provides special education and related services to each student who has been found to be eligible for such services as required by law. It is recognized that it may be necessary in some instances to provide such services over an extended school year (ESY) in order to provide an appropriate special education program to the student.

I. What is Extended School Year?

- A. Extended School Year (ESY) services are special education and/or related services which are provided outside of the normal school year.
- B. ESY services are not summer school, enrichment, custodial care or remedial services. Maximizing potential is not the standard in determining need for extended school year services. ESY services are provided where such services are essential to the provision of a Free Appropriate Public Education (FAPE) to an eligible student. Once a determination that a child is eligible for special education services had been made for a given year, provision of such services is not automatic in later years. An annual determination must be made by the IEP team.

II. What is the purpose of ESY?

- A. Students with disabilities, like their nondisabled peers, benefit from school vacations. Breaks in formal programming allow most children to integrate into their natural environment the skills and behaviors learned in school. For most children, "learning" takes place outside the formal school environment as well. For certain students, the break in programming may be detrimental rather than beneficial to the overall learning process. Such a student may require ESY programming in order to prevent severe regression and/or otherwise to avoid significantly jeopardizing educational benefits accrued during the regular school year.

III. What factors are considered in making an ESY determination?

- A. In order to find that a student requires ESY services, the IEP Team must first find that:
 - 1. within the last three years the student has been determined by the Evaluation and Planning Team to be eligible for special education and related services in accordance with state and federal law; and
 - 2. that specified ESY services would be an essential (not merely beneficial) component of the child's IEP, because either:
 - a. educational benefits accrued to the child during the regular school year would be significantly jeopardized if the child were not provided particular special education and/or related services during the summer months; or
 - b. a summer break without specified special education and/or related services is likely to cause the student to suffer severe regression; and that such loss of skills, combined with limited recoupment ability, will significantly increase the likelihood of the student failing to achieve IEP goals or objectives.
- B. The determination as to whether a child should receive ESY services shall be made on an individualized basis. The determination shall not be made on the basis of the category of the child's disability. The following factors shall be considered by the IEP Team in making determination:
 - 1. the nature of the disability;
 - 2. the severity of the disability;

3. whether the student would suffer a significant regression/recoupment loss in an area of learning which is particularly crucial to reaching the goal of self-sufficiency and independence from caretakers;
 4. the extent of regression which has been (or is predicted to be) caused by interruption in educational programming;
 5. the rate of recoupment which has been (or is predicted to be) possible following the interruption in educational programming.
- C. The IEP Team shall also consider whether the child is failing (or is likely to fail) to achieve short term instructional objectives on his/her IEP due to interruption of instruction between school years. However, the fact that a child is not meeting a goal(s) or objective(s) shall not alone necessarily require provision of ESY services.
 - D. Depending on the student's needs and program, the IEP Team should consider, as they deem relevant, other factors, including but not limited to, the child's rate of progress; the child's behavioral, emotional and physical status as they relate to learning; the availability of alternative resources at no cost to the parent); the child's vocational needs; the child's past history of retention skills after breaks in school attendance (for example, weekends, mid-term/year vacations, summer breaks).
 - E. In reaching its determination as to the need for ESY services, the IEP Team shall consider relevant information from sources such as: (a) experience of persons who work with the child, such as teachers, parents, and therapist; (b) empirical data, if any, maintained on the child, including pre- and post-test IEP data; (c) medical, psychological, or educational records of the child from public and private sources; (d) prognosis or opinions of educators, evaluators, medical personnel, parents, and others who work with the child.
 - F. The IEP Team shall consider all circumstances which have seriously impeded, or may be expected to seriously impede, or have contributed to the impeding of, the student's progress, and whether such circumstances are related to the student's disability.
 - G. Assessment shall include, where possible, retrospective analysis to determine the effects of previous breaks in instructional program as an objective measure of the impact of the summer break. However, in the absence of relevant regression/recoupment data from previous summer break in the instructional program, the IEP conference participants may determine prospectively whether a child is likely to suffer severe regression combined with limited recoupment ability or otherwise significantly jeopardize educational benefits, based upon appropriate information as described in paragraphs A-F above.

IV. What procedures are required?

- A. Upon the request of an IEP Team member (including a student's parent), or upon a recommendation to the IEP Team from a teacher, service provider, or other person with knowledge of the child as a student, the IEP Team shall consider and determine by the procedures described herein whether such student requires special education or related services beyond the regular school year in order to receive a free and appropriate public education from the district. A school staff IEP Team member shall raise the issue of ESY services for consideration by the IEP Team whenever it appears that a student is or may be eligible for ESY services as described above.
- B. When a request for consideration of ESY services is made, an IEP meeting shall be promptly convened for the purpose of discussing the request and analyzing available information and deciding what, if any, additional information is required to make a final determination.
- C. If the IEP Team determines that it needs additional evaluation of the student in order to make its decision, it shall refer the matter to the evaluation and Planning Team (EPT). The EPT shall promptly conduct or arrange to have conducted the necessary evaluation. Procedures of VDE Rule 2362.2.8(2) (Supplemental evaluation) shall be followed. The EPT shall report its findings (and its recommendations, if any) to the IEP Team.

- D. If it is determined that special education and/or related services are required over the summer, the IEP Team shall prepare a separate individual education program, describing the ESY services and the duration thereof. The IEP Team should first determine the goal(s) and objective(s) for which ESY programming is essential. The Team should determine, on an individualized basis, the nature, amount and duration of special education and/or related services to be provided through the ESY IEP. The ESY IEP should contain only the goal(s), objective(s), and services as are essential to prevent severe regression and/or to avoid significantly jeopardizing educational benefits accrued during the school year.
- E. In making its decision, the IEP Team shall determine, not whether an ESY service would be beneficial, but whether it is a necessary component to provide a free and appropriate education for an individual child.
- F. Where possible, the ESY portion of the IEP should be completed by the IEP Team no later than April 30 of the year for which the ESY services are being offered. Except in unusual circumstances (for example, where the child transfers into the district late in the school year), the ESY portion of the IEP should be completed not later than May 31.
- G. At the meeting at which the ESY determination is made, the IEP Team should attempt to reach consensus on the issues of Extended School Year program and services and the content of an ESY IEP. Where consensus cannot be reached, the district shall offer such ESY services as it determines to be appropriate (if any). See VDE Rule 2364.2.2(6). Parents shall be provided with a copy of their parental rights at this meeting.
- H. Written notice of the ESY services decision (whether by consensus or by the district, failing consensus), including justifications for that decision based on the factors listed in the ESY policy and procedures, and including a copy of the IEP with the ESY goals/objectives/services if ESY services are to be provided, shall be provided to the parents and included in the student's educational file (see Schedule A).
- I. Where the decision has been made through the IEP process that the student does not require extended year services, if the student's parents express a wish to have assistance in securing the services of a private tutor, paid for by parents, the special service staff may assist the parents by coordinating the use of materials and by providing lists of persons interested in tutoring.

C:Mac

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