

A GUIDE TO ESY DETERMINATIONS

(Based on Michigan Department of Education “Standards” and “Guidance” for ESY Services in Michigan)

1. The IEP Team is obligated to consider the need for ESY services at every meeting.
 - All categories of students with disabilities must be considered for ESY.
 - 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). To that end, it is recommended that ESY determinations be completed by April 15.
 - Most students with disabilities will not be found to need ESY services. **The need for ESY is the exception, not the rule.**

2. The need for ESY must be due to a significant concern about skill maintenance during a scheduled break in service.
 - The skills must involve at least one existing 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 sources of data/information utilized in analyzing the IEP goal(s) should be identified by using the numbering code established on the IEP Team Consideration For Extended School Year (ESY) form.
 - The actual data/information should be maintained for future consideration of ESY.
 - If there are no identified goal areas of concern, the IEP Team Consideration For Extended School Year (ESY) form is not needed. Instead, the ESY section on page 3 of the IEP Team Report should reflect that there are no goal areas of concern.

3. When addressing the regression/recoupment question (*Standard I*), the IEP Team should take into account the following:
 - 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.
4. When addressing the question regarding nature or severity of disability (*Standard II*), the IEP Team should take into account the following:
- Due to the severity of their disabilities, some students require highly structured and more continuous programming techniques in order to make progress. They may be particularly vulnerable to skill loss during a long break in programming that reduces their ability to achieve progress. This may be due, in part, to the student exhibiting an increase in behavioral issues after the break.
 - The student's mental, emotional or physical health may also contribute to difficulties in reasonably maintaining skills during a program break.
5. When addressing the critical areas/stages of learning question (*Standard III*), the IEP Team should take into account the following:
- This standard is concerned with critical areas or critical stages of learning that involve **essential skills for becoming self-sufficient and independent**.
 - Younger students with significant disabilities may be more frequently engaged in critical stages of learning involving such essential skills.
 - 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.
 - One or more of the four subset questions under the standard must be answered yes in order for the overall standard to be answered yes.
6. The IEP Team Report should state that there is no need for ESY services if:
- There are no IEP goals of concern; or
 - The IEP goal(s) of concern is reviewed, but *Standards I, II, and III* are not affirmed.
7. If the need for ESY services is substantiated (i.e., yes was answered to one or more of the standards), the IEP Team should consider the following in the identification of the services to be provided:
- In addition to instructional programming, the need for related services and supplemental aids must be considered if they involve a goal area of concern.

- IEP Teams must take the least restrictive environment (LRE) into consideration when determining ESY services. However, a school is not required to create new programs as a means of providing ESY services to students with disabilities in integrated or inclusive settings if the school does not provide services at that time for its students without disabilities.
- While it is appropriate for the IEP Team to consider ESY services or other educational services that have already been established by the school, the IEP Team must determine services on an individual student basis and cannot be limited to those services.
- ESY must address an IEP goal area of concern, but it is not an automatic duplication of the types and extent of services provided to the student during the normal school year. In many cases, the student won't receive all of those services, or they will be appropriately provided on a substantially reduced schedule. It is also possible for a non-educational setting to be established for ESY services. Michigan Department of Education guidelines list the following services to demonstrate the variety of ways that ESY can be provided:

- A traditional classroom setting.
- School-based programs that vary in length of schedule.
- Daily instruction in specific IEP goal areas.
- Small group instruction.
- One or more related services at a community recreation program.
- Cooperative programs with other agencies.
- Intra-school cooperative programs.
- Consultation with a job coach.
- Intensive short-term instruction at various points in the summer months to prevent regression.
- A week of intensive review just prior to the beginning of the school year.
- Home-based programs that include parent training.

- It is important to note that while the provision of necessary ESY services ensures that a free and appropriate public education (FAPE) is being provided, **the services are not intended to maximize a student's potential.**
- Nor are the services provided as a means of facilitating child care, or as a way to achieve credit recovery due to the student's lack of attendance or refusal to complete school work.
- **NOTE:** If a change in the student's ESY services is later determined to be appropriate, the IEP amendment process can be utilized to specify the change.

Glossary of Terms

Critical area of learning. An area of instruction that is essential to the student's development in becoming self-sufficient and independent. This includes skills that are essential for the promotion and maintenance of the student's self-sufficiency. Skills such as toileting and eating are essential for minimal independence; stable relationships, impulse control, and appropriate peer interactions are necessary for community living.

Critical stage in learning. This learning must occur without delay and 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.

ESY. Extended school year refers to services which are special education and/or related services provided beyond the normal school year or school day for the purpose of providing a FAPE to a student with a disability. Originally defined in a series of court cases (case law) as sometimes necessary to provide a FAPE, ESY now is a part of the IDEA regulations.

FAPE. Free appropriate public education, which is explicitly defined in the IDEA 2004 and the 2006 regulations for implementing the IDEA. FAPE means special education and related services that: (a) are provided at public expense, under public supervision and direction, and without charge; (b) meet the standards of the special education agency, including the requirements of this part; (c) include an appropriate preschool, elementary school, or secondary school education in the state involved; and (d) are provided in conformity with an IEP that meets the requirements of §§ 300.320 through 300.324.

Nature or 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.

Normal school year. Sometimes informally referred to as the regular school year, 'normal school year' is the phrase the IDEA 2004 implementing regulations of 2006 use in describing ESY services: From § 300.106 Extended school year services, "... the term extended school year services means special education and related services that— (1) Are provided to a child with a disability— (i) Beyond the normal school year of the public agency." The Michigan Revised School Code and the Michigan Revised Administrative Rules for Special Education refer to this only as the 'school year.'

Regression. The inability of a student to maintain an acquired skill in an identified goal area(s) of concern 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 student's capacity to recover those regressed skills to a level demonstrated prior to the break in instruction.



Extended School Year is **NOT**.....

- Based on the category of students' disability
- Mandated for all students with disabilities
- A required 12-month program
- Child-care services
- Required to be provided all day or every day
- An automatic provision from year to year
- Required to be provided in a traditional classroom setting
- A service provided to maximize each student's potential
- For credit recovery
- A replacement for lack of attendance
- Summer school

**Extended School Year is not for everybody!
It is the exception, not the rule**

ESY PLANNING SCHEDULE

June to August	End of October	Mid-December	Mid-January	Mid-February	Mid-March	Mid-April
Forward the students' 4 th quarter progress reports to their next year's special education teachers. (Should be forwarded for <u>all</u> students)	Ask the teachers to identify students that may be having some regression and recoupment issues regarding previous year's goals.	Ask the teachers to collect "baseline" data on the current goals for the identified students.	Collect additional data on current goals to determine any significant loss following the break.	Collect additional data on current goals for those students who were identified as having some significant loss in January.	Ask the teachers to identify all students suspected of needing ESY based on: 1) the Dec/Jan/Feb data collection; 2) changes in the student's medical, physical or sensory status; 3) a critical area/stage of learning; 4) the nature/severity of the student's disability; and/or 5) parent request.	Convene/ Reconvene IEP Team meetings for the students identified in mid-March. (Note: If a change in the student's ESY services is later determined to be necessary, the IEP amendment process can be utilized to make the change.)
	Checklist	Form	Form	Form	Checklist (2)	

Consideration of ESY: IEP Data Collection

Student _____ Teacher _____ School _____ School Year _____

DATA SUMMARY

	Targeted Skill Area/ Instructional Objective	Dec. Base- line	January Performance Level	Significant Regression Concern	*February Performance Level	*Adequate Recoupment	Eval. Procedure
1	Area: Objective:			__ Yes __ No		__ Yes __ No	
2	Area: Objective:			__ Yes __ No		__ Yes __ No	
3	Area: Objective:			__ Yes __ No		__ Yes __ No	
4	Area: Objective:			__ Yes __ No		__ Yes __ No	
5	Area: Objective:			__ Yes __ No		__ Yes __ No	
6	Area: Objective:			__ Yes __ No		__ Yes __ No	
7	Area: Objective			__ Yes __ No		__ Yes __ No	

* February performance level (and recoupment) completed when yes is checked for a regression concern.

Baseline/Performance Level (Skill Acquisition)

1. *Usually*: independent, more than 80% of the time.
2. *Often*: satisfactory, 65% - 80% of the time.
3. *Intermittent*: inconsistent, 50% - 65% of the time.
4. *Seldom*: needs prompts, 35% - 50% of the time.
5. *Almost never*: unsuccessful, less than 35% of the time.

Evaluation Procedure

1. Systematic observation.
2. Informal Test.
3. Formal Test.
4. Report Card.
5. Completion.
6. Other, specify:

Extended School Year (ESY)

March Student List

Date: _____

Teacher: _____

Based on current data regarding IEP goals, the following students are suspected as needing Extended School Year (ESY) services:

Check all that apply: 1. The December/January/February data collection, 2. changes in the student's medical, physical, or sensory status, 3. a critical area/stage of learning, 4. the nature/severity of the student's disability, and/or 5. parent request

Student's Name	1	2	3	4	5
Comments:					

Student's Name	1	2	3	4	5
Comments:					

Student's Name	1	2	3	4	5
Comments:					

Student's Name	1	2	3	4	5
Comments:					

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 <i>Standard</i> , then the student is eligible for ESY services]	Yes	No	Data/ Inform.	Yes	No	Data/ Inform.	Yes	No	Data/ Inform.
<p><i>Standard I. -Regression/Recoupment</i> Are there data indicating a serious potential for regression of acquired skills beyond a reasonable period of recoupment when following a break in instruction?</p>									
<p><i>Standard II. -Nature or Severity of Disability</i> 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 in order to make progress in the goal area?</p>									
<p><i>Standard III. -Critical Areas/Stages of Learning</i> Is there 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? a. Is it a skill that needs to be mastered immediately in order to avoid a likely permanent reduction in the degree of mastery? OR b. Does it involve a critical stage of development where there is a window of opportunity that will be lost? OR c. 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? OR d. 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?</p>									

Data/Information Sources: 1. Behavior data. 2. Progress reports/report cards. 3. Standardized tests (e.g., Kaufman). 4. Level/chapter tests. 5. Criterion referenced tests (e.g., Brigance). 6. Statewide assessments (MEAP/MI-ACCESS). 7. Staff systematic observation and anecdotal records. 8. Parent input. 9. Curriculum benchmarks. 10. "Running" records on IEP goals/objectives. 11. Outside agency or professional reports (e.g., medical). 12. Vocational/pre-vocational assessments. 13. Job training assessments. 14. Data from another school district. 15. Researched based developmental standards. 16. Other _____.

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

EXTENDED SCHOOL SUPPORT

ESY Services-Intensive and Structured Support

Example:

Several weeks of consistent instruction in small groups (with related services if data supports).

ESY Services-Limited Support

Examples:

- Tutoring several times a week (individual/small group).
- Intermittent contact for direct support and/or parent training.
- Providing practice materials with service provider check-ins at various scheduled points in the summer months.
- A week of intensive review prior to the beginning of school year.

Enrichment Activities-Best Practices (for home and school connection during extended breaks)

Examples:

- Reading logs.
- Journal writing about summer activities.
 - Family field trips.
 - Weekly library groups.
- Free websites, academic software games.
 - Practice math packets.
 - Science, technology camps.
 - Calendar of daily activities.
- Recreational activities and camps.

IEP Data Collection

Student _____ Teacher _____ School _____ School Year _____

Targeted Skill Areas/Instructional Objectives

A. Area: Objective:	Eval. Procedure: _____	B. Area: Objective:	Eval. Procedure: _____
------------------------	------------------------------	------------------------	------------------------------

Objective A	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	◀ Week																
1																																																									
2																																																									
3																																																									
4																																																									
5																																																									
Objective B	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	◀ Week																
1																																																									
2																																																									
3																																																									
4																																																									
5																																																									

Performance Level (Skill Acquisition)

1. *Usually*: independent, more than 80% of the time.
2. *Often*: satisfactory, 65% - 80% of the time.
3. *Intermittent*: inconsistent, 50% - 65% of the time.
4. *Seldom*: needs prompts, 35% - 50% of the time.
5. *Almost never*: unsuccessful, less than 35% of the time.

Evaluation Procedures

1. Systematic Observation. 2. Informal Test. 3. Formal Test. 4. Report Card.
5. Completion. 6. Other, specify:

IEP Data Collection

Student _____ Teacher _____ School _____ School Year _____ Month _____

Targeted Skill Areas/Instructional Objectives

A. Area: Objective: _____	Eval. Procedure: _____	B. Area: Objective: _____	Eval. Procedure: _____
------------------------------	------------------------------	------------------------------	------------------------------

Objective A	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	◀ Date		
1																																		
2																																		
3																																		
4																																		
5																																		
Objective B	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	◀ Date		
1																																		
2																																		
3																																		
4																																		
5																																		

Performance Level (Skill Acquisition)

1. *Usually*: independent, more than 80% of the time.
2. *Often*: satisfactory, 65% - 80% of the time.
3. *Intermittent*: inconsistent, 50% - 65% of the time.
4. *Seldom*: needs prompts, 35% - 50% of the time.
5. *Almost never*: unsuccessful, less than 35% of the time.

Evaluation Procedures

1. Systematic Observation. 2. Informal Test. 3. Formal Test. 4. Report Card.
5. Completion. 6. Other, specify:

Extended School Year Decision-making Flowchart

