

# **Washington West Supervisory Union**

## **Guidelines and Procedures for Extended School Year (ESY) Services**

### **I. Definition of Extended School Year Services**

- A. The term extended school year services means special education and related services that are provided to a child with a disability beyond the normal school year of the LEA in accordance with the child's IEP and state standards and at no cost to the parents of the child (Vermont Department of Education State Board of Special Education Rules §2360.3(14)).
1. ESY Services are not summer school, enrichment, custodial care, or remedial services.
  2. Maximizing potential is not the standard in determining need for extended school year services.
  3. ESY services are provided where such services are essential to the provision of a Free Appropriate Public Education (FAPE) to an eligible student.
  4. Once a determination that the child is eligible for special education services has been made for a given year, provision of such services is not automatic in later years.
  5. An annual determination must be made by the IEP team.

### **II. Purpose of Extended School Year Services**

- 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.
1. For most children, "learning" takes place outside the formal school environment as well.
  2. For some 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. Factors to Consider in Making Determination for Extended School Year Services**

- A. ESY services shall be provided only if a child's IEP team determines that the services are necessary for the provision of FAPE to the child because one or more of the following factors (State Board of Education Rule §2363.8(h)):
1. ESY is essential to permit the child an opportunity to reach reasonably set educational goals (Typically, this means the goals set in the students IEP);
  2. There has been a significant amount of regression over the past winter, spring, and summer vacations and recoupment did not occur within a reasonable amount of time;

3. The severity of the child's disability presents a danger of substantial regression; or
  4. The youth's transition goals require continued programming beyond the school year IEP.
- B. 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 the specified ESY services are an essential (not merely beneficial) component of the child's IEP.
- C. The determination as to whether a child should received 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. In addition to III(A), the following factors must be considered by the IEP Team in making that 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.
- D. 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.
- E. Depending on the student's needs and program, the IEP Team should consider, as they deem relevant, other factors, including but not limited to:
1. The child's rate of progress;
  2. The child's behavioral, emotional, and physical status as they relate to learning;
  3. The availability of alternative resources;
  4. The child's vocational needs; and
  5. The child's past history of retention skills after breaks in school attendance (for example, weekends, mid-term/year vacations, summer breaks).
- F. In reaching its determination as to the need for ESY services, the IEP Team shall consider relevant information from sources such as:
1. Experience of persons who work with the child, such a teachers, parents, and therapists;

2. Empirical data, if any, maintained on the child, including pre- and post-test IEP data;
  3. Medical, psychological, or education records of the child from public and private sources; and
  4. Prognosis or opinions of educators, evaluators, medical personnel, parents, and others who work with the child.
- G. 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.
- H. 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-G above.

#### IV. **WWSU Procedures for Extended School Year Services**

- A. 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.
1. Parents will receive prior written notice of all IEP / ESY IEP meetings.
  2. At the annual IEP meeting, a discussion will be held and documented, in meeting minutes and on IEP, regarding the need for ESY services. Subsequent ESY planning meetings may also be scheduled to determine specific goals and programming/scheduling.
- B. Upon a request for ESY services of an IEP Team member (including a student's parent), the IEP Team shall promptly convene for the purpose of considering the request. The team will meet and review available information and decide what, if any, additional information is required to make a final determination by the procedures herein whether such student requires special education or related services beyond the regular school year in order to receive a FAPE.
1. If the student will be transitioning to another WWSU school, an LEA from the receiving school must be present during the ESY 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).

1. The EPT shall promptly conduct or arrange to have conducted the necessary evaluation.
  2. 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 include ESY goals and services in the individual education program.
1. The IEP Team should first determine the goal(s) and objective(s) for which ESY programming is essential.
  2. The Team will determine, on an individualized basis, the nature, amount, and duration of special education and/or related services to be provided through ESY.
  3. The IEP shall contain only the goal(s), objective(s), and services that 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. (See WWSU ESY Worksheet).
- F. The current special education case manager will complete all required ESY paperwork. The ESY portion of the IEP shall be completed by the IEP Team no later than May 15 of the year for which the ESY services are being offered.
- G. The special education case manager will document ESY decisions at annual IEP meetings on the IEP and in meeting minutes and will send to parents all required paperwork.
1. Notice of annual IEP meeting prior to meeting
  2. Minutes of meeting following meeting
  3. Parental Rights during meeting
  4. Prior written notice and/or refusal form (Form 7)
  5. IEP Cover Page, Service Page, and Goals must be developed at the annual IEP meeting to the extent possible. Specific program content development/scheduling must be developed no later than May 15.
- H. Following the ESY determination meeting, parents will be provided with written notice of the ESY services decision (State required form 7 or 7a). **Form 7 or 7a** shall include justification for the decision to propose or refuse ESY services based on WWSU policy and VDE rule §2363.8(h).
- I. Current special education case manager will send a copy of form 7 or 7a to the WWSU Director of Student Support Services.

- J. A copy of the proposed IEP including the ESY goals, objectives, and services if ESY services are to be provided, shall be provided to the parents and included in the student's educational file. (See optional sample parent letter to accompany IEP).
  - 1. Yellow WWSU ESY Cover Page sent to Crossett Brook Middle School or Harwood Union High School, if necessary, by May 31.

V. **Scheduling & Hiring Staff for Extended School Year Services**

- A. Building level administrators will act as LEA at meetings and review ESY service needs prior to issuing agreement / contracts to ESY employees.
- B. Employment letters will be drawn up at Central Office per WWSU Hiring Procedures (Sample attached).
- C. Location of service determines which school will schedule, hire, train, and supervise the service providers.
  - 1. If tutoring is occurring at HUHS or CBMS, the sending school case manager will send the WWSU ESY Cover Page (yellow), IEP, and materials and the receiving school will hire, train, plan for, and supervise the service delivery.

VI. **Rate of Pay for Extended School Year Services**

- A. WWSU Employees
  - 1. **Licensed professional** (including teachers, counselors, special educators, SLPs, etc) - per diem rate according to their negotiated agreements
  - 2. **Highly Qualified Paraprofessional** - \$20.00 per hour
  - 3. **Paraprofessional with Teaching License** (functioning as a licensed teacher; as required by an IEP) - \$25.00 per hour
- B. Outside WWSU
  - 1. **Licensed professional** (including teachers, special educators) - \$25.00 per hour
  - 2. **Highly Qualified Paraprofessional** (must provide documentation of HQP status to Director of SSS by June 15) - \$20.00 per hour
  - 3. **Privately Contracted Related Service Providers** (including counselors, SLPs, OTs, PTs, etc) – up to \$70.00 per hour; per existing agreements
- C. Time Sheets – All time sheets will be signed by supervisory and submitted to WWSU Business Office, or for HUHS employees, the HUHS Business Office.

VII. **Transportation for Extended School Year Services**

- A. In general, transportation to and from ESY services will be the responsibility of the student's parent(s). If transportation is provided during the school year as a related service, the IEP team will determine whether or not transportation as a related service is necessary for ESY.

VIII. **Planning Time for Extended School Year Services**

- A. **Licensed Professional** – 20% of student contact time, rounded to the nearest quarter hour; 2 hours prior to summer services and post summer services for planning and progress reporting as required by every IEP.
  - 1. A summer progress report will be written.
- B. **Paraprofessional** – 10% of student contact time, rounded to the nearest quarter hour; 2 hours prior to summer services and post summer services for preparation and progress reporting with case managers.

IX. **Attendance at Extended School Year Services**

- A. Each school will determine written protocols for addressing absenteeism of students during summer services including a progressive system for home contact when there are recurrent absences.
- B. The Director of Student Support Services should be notified to the possibility of termination of services.
- C. Typically after 2 “no shows” a meeting will be held, with parents, to consider individual circumstances and determine continuation of services. The ESY provider will be paid for up to 2 no shows while a meeting is scheduled to discuss termination.
- D. Individual circumstances will be taken into account prior to the termination of ESY services.
- E. Following the meeting when the team determines to terminate services, a Form 7a shall be completed and sent to the parents along with Parental Rights.