

Established Criteria for Wallowa County School Districts for ESY

ESY is the provision of FAPE:

1. For Students who
 - a. show significant regression during non-instructional periods and who take longer than a reasonable amount of time to recoup the skills once instruction has resumed, based on data of regression/recoupment time gathered on specific goals and objectives from the student's IEP or, if no documented evidence is available, on the prediction of recoupment/regression based on the judgment of the IEP team; or
 - b. who satisfy other criteria adopted by the district for ESY (see criteria above)
2. To enable qualifying students to maintain skill levels similar to those achieved at the end of the regular school year.
3. Individually designed services in accordance with the IEP
4. ESY is to maintain skills, not to gain skills. Broad ranges of possibilities for service provision exist and should be utilized (example: 1 hour per week for 4 weeks or 2 hours per week for five weeks. No one service should be more than 120 minutes per week.) Consideration for ESY services will not be limited to particular categories of disability, and will not be limited to a type, amount or duration of service.

ESY is NOT:

1. Summer School
2. Extra services not in a student's IEP
3. Provided to increase a student's skill level, or to teach new or different skills
4. Summer activities for a student on an IEP
5. Child care
6. Provided because it would be "good" or "nice" for the student

It is not unusual for all students to lose skills over a long break without instruction. What differentiates a student from needing extended year services from a student who does not need services is the rate of loss of skills (regression) and the amount of time it requires for the student to recover the skills to the level attained before the break in service occurred.

Case managers must collect baseline data (curriculum based measures indicating a starting point from which on-going data must be collected) for each goal and objective at the beginning of each school year. This gives the case manager information regarding the impact of a break in instruction over time for the student.

After the initial baseline data is collected, on-going data measures of progress are taken until the child reaches the skill level attained prior to the break in instruction. It is imperative that the dates are logged so that the IEP team may evaluate the amount of time required for the child to recoup the skills.

Case managers continue to collect data throughout all breaks in instruction occurring throughout the entire school year i.e., Thanksgiving break, winter break, spring break, etc.

The steps are as follows for collecting **regression/recoupment data:**

- Data on the IEP goals are collected prior to the break in instruction to attain current skill level.
- Data on the IEP goals are measured again when the child returns from the break in instruction.
- Data on goals are progress monitored to determine the length of time it takes the student to recoup/regain the level of skill the student had prior to the break in instruction.

If no documented evidence, (e.g., a student transfers from another school district in the latter part of the academic year with no opportunity to collect regression and recoupment data), on predictions according to the professional judgment of the team based on data provided from the previous district.

If data on IEP goals is not available, attach an explanation of the basis of the prediction of significant regression and/or limited recoupment for each objective listed.

This criteria includes:

Evidence of the student's regression and recoupment of skills and/or behavior, based on documented evidence;

School staff will document the student's achievement (baseline) towards the IEP goals at the beginning of the school year and before each break of two or more school days.

1. The first day back from the break, the school staff will test the same skills tested before the break and document scores. If the student retained the skills at the same level as prior to the break, the student is not eligible for ESY services using a regression/recoupment method. If the student did not achieve to the same level as prior to the break:
 - a.) The student would be re-taught the same skills tested for 1.5 days if the break was one week in duration.
 - b.) The second or third day back from the break, the school staff will test the same skills and document scores. If the student has not regained the information lost during the week's break, the student is eligible for ESY services.
 - c.) If there was a two week break, the instructional time would be 3 days. If there was a 3 week break, the instructional time would be 5 days. If the break is somewhere in the middle, the instructional days would be approximately 30% of the amount of time of the break.
 - d.) To document regression over the summer months, establish a baseline of skill achievement towards the student's IEP goals at the end of the school year. When the student returns to school the following year, the school staff will re-assess the skills. If the student did not lose skills, the student is not eligible for ESY. If the student did lose skills, re-teach those skills for fifteen days of school. If the student recoups the skills lost during the summer months, the student is not eligible for ESY services. If the student was not able to recoup the skills, the student would be eligible for ESY services.
2. Using professional judgment based on observations, progress monitoring data, evaluation results, etc., predictions regarding the student's regression and recoupment of skills and/or behavior may be considered as eligibility for ESY services appropriate data is not available.

Additional Criteria which may be used in determining the need for ESY include:

1. The student's rate of progress, as evidenced through evaluation data and/or progress on the IEP if the student was not made eligible until after all breaks were over or a student transferred in to a district with not available data.
2. The need to provide continuing instruction in support of the student's vocational needs.

ESY Required Documentation:

1. Complete Extended School Year (ESY) Progress Monitoring form.
2. Complete and attach if appropriate Behavior Intervention Plan and/or medical protocol.
3. Complete Extended School Year (ESY) Service Matrix.
4. Complete ESY service and documentation page of IEP packet in SEAS. This can be done as part of the annual IEP or as an addendum to the annual IEP.
5. Parent Notification Letter of Eligibility

6. OR Parent Notice of Ineligibility for ESY services.
7. Written Agreement Between District and Parent (if no meeting was held to determine need for ESY services).
8. Prior Written Notice of Special Education Action new to IEP

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