

Instruction/Support

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Field Trips & Community Based Instruction for Students with Disabilities (Adapted from Riverside SELPA Policies and Procedures)

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Introduction

Field trips and community based instruction that are properly planned and implemented can supplement and enrich classroom procedures by providing learning experiences in an environment outside the classroom, stimulate new interests among students, help students related classroom experiences to the reality of the outside world, and bring all the resources of the community within the scope of a student's learning experience.

The purpose of this document is to assist school personnel when faced with the decision of including or excluding a student with disabilities from participating in a field trip. To deny participation in a field trip based on disability would be a violation of the individual's civil rights. Any determination to exclude a student with a disability from a field trip should be made on a case-by-case basis and the District has the burden of demonstrating that the student should not participate.

Definitions

The following definitions are being provided to assist with understanding the different types of field trips in which a student may participate. The type of field trip will affect the decision making process regarding participation, on a case-by-case basis.

Co-Curricular Field Trip – A field trip related to curriculum and participation in the general education curriculum. A co-curricular field trip is academic, not extracurricular. The initial consideration when determining participation is whether the student has access to the field trip related curriculum.

Extra-Curricular Field Trip – A field trip not tied to specific curriculum and offered to all students. Such trips may be related to club, team, or special interest group activity. Students with disabilities must be permitted to participate to the maximum extent appropriate to the needs of the student. Districts have an obligation to provide accommodations to permit participation.

Community Based Instruction (CBI) – This is not a field trip! It is an instructional strategy designed to target the development of functional skills in natural, non-school environments.

District – Term refers to Local Education Agency providing services to the student, be it a district, charter school, or county office of education.

Planning Tips

In planning a trip, it is recommended that school personnel visit the site prior to selecting a destination and date. Staff should check the site for safety, restroom availability and access to water. Determine how the site will address curricular goals and objectives and what should be addressed in the classroom in preparation for the trip. In some cases, staff may

need to address medical, behavioral, environmental and procedural concerns in advance following district policy. For students with disabilities, the teacher may want to identify what IEP objectives will be covered for each student participating in the trip. Planning can also include answering the following types of questions;

- Does this activity require money or some substitute? How much?
- How/where do you pay for services?
- What type of transportation could be used to get there?
- Is the destination accessible? (for example, check entrance(s), width of doors for wheelchair access, bathroom facilities)
- What/are the natural cues?
- Do same-age, nondisabled peers frequent this destination?
- What gross motor skills would be required in this environment?
- What fine motor skills would be required in this environment?
- What communication skills are required in this environment?
- What social skills are required in this environment?
- Are there any other specialized skills needed in this environment?
- Is there anything unusual about this environment that might cause a learner to display inappropriate behavior (e.g., noise, light, or other environmental factors)?
- What would have to be taught in preparing for visiting this environment?

Transportation Considerations

Field trips or excursions intended to further the study of a particular subject are recognized as integral to the instructional program. In planning such trips, teachers must take into consideration; distance from school, transportation requirements, safety of pupils, adequate supervision, and expense. In general, any off campus activities (be it a field trip, extra-curricular outing, or regularly scheduled CBI) must be approved by an administrator and written parental consent is always required.

Transportation may be provided by school bus drivers who have certification or private contractors who are properly certified. School buses, vans, and automobiles can be used to transport students to and from school / program activities that have been pre-approved by administration and permitted by law. Private vehicles may only be used when it is impractical to use a public vehicle. Such use shall be governed by California Vehicle Code and local policy.

School personnel must have emergency cards and signed field trip permission forms for each child on all trips. Rules for field trips should be clearly communicated and may address such items as staying in seat while on the bus, if seat belts must be fastened,

allowance of food and drinks on the bus, and responsibility for monitoring student behavior while on the bus. First-aid kits are required on all field trips. If the bus will be returning after the regular school dismissal time and parents must pick up their child, usually staff is provided with a list of all children attending with correct phone numbers or emergency numbers.

Student Participation

A student's individualized education program (IEP) team does not determine if the student will participate in field trips, but does determine to what extent the student will participate in general education. The IEP team must focus on the provision of free appropriate public education (FAPE) and, by definition, extracurricular activities are not part of FAPE [34 CRF 104.35(c)]. This includes what support the student will need in the classroom and any extra-curricular activity or CBI the IEP team has determined appropriate for the student.

Co-Curricular Field Trip

All students are to be given the opportunity to access the same curriculum and state standards, unless it has been determined that a student with a disability is not able to do so via discussion and consent at an IEP meeting. Each student with a disability is to participate in mainstreaming opportunities to the maximum extent appropriate based on their individual strengths and needs.

The LEA needs to ensure that the IEP for a student not participating in co-curricular field trips includes information explaining why the student is not able to benefit from participating in the general education curriculum and, therefore, the co-curricular field trips. In addition, the IEP should clarify that a student not participating in general education classes is receiving an adapted or alternate curriculum.

Example: A student in a moderate-severe special day class (SDC) is mainstreamed to a general education class for opening announcements, music, PE, science, and art. The student receives an adapted, special education English, math, and social studies curriculum not used in the general education classroom. If a field trip is a co-curricular field trip for the general education social studies class, the student does not meet the eligibility requirements for participation in this field trip. However, the student would be eligible to attend a co-curricular science field trip.

Note: this does not mean all SDC students are ineligible to attend co-curricular general education field trips. Students may be qualified to go on some of the field trips. For example if both the SDC and the general education class are studying the same science curriculum,

special education students may participate in a field trip that supports the science curriculum. Parents and the IEP team need to make these informed determinations at the student's IEP meetings.

Extra-Curricular Field Trip

A student with a disability must be permitted to participate in extracurricular field trips to the maximum extent appropriate to the needs of the student. Districts have an obligation to provide accommodations to permit participation.

In situations where PTA sponsors activities and secures transportation such as "Grad Night" (hereinafter referred to as "events"), the PTA must provide accessible transportation at no additional cost to students with mobility disabilities in compliance with the requirements set forth in the Americans with Disabilities Act (ADA). Local PTA units shall coordinate with their local school and/or school district to obtain updated lists of accessible transportation providers if such lists exist. Questions from PTA units, districts or councils regarding a request for accessible transportation should first be directed to the school district. Additional questions may be directed to the California State PTA Vice President for Leadership Services.

When local PTA units secure transportation for participating students for events, local PTA units must comply with the ADA which does not permit services that are different or separate from that provided to other individuals without disabilities, unless such action is necessary to provide an individual with a disability or class of such individuals with a good, service, facility, privilege, advantage, or accommodation or other opportunity that is as effective as that provided to others. If the local PTA unit secures accessible transportation to events, as described above, and it fails to arrive, the PTA shall make every reasonable effort to secure alternative accessible transportation to enable students with mobility disabilities to still attend. In no instance shall a local PTA unit inform students with mobility disabilities that they must secure their own transportation.

A student with a disability who requires a one-to-one aide as part of his or her IEP shall be permitted to attend any PTA event with his or her aide, as deemed necessary. Further, no fee shall be charged for any PTA event ticket for the student's aide. For any event where a student requires an aide, the cost of the aide's transportation shall be borne by the PTA. PTA may ask to be reimbursed by the event venue, affiliated school and/or school district. If, or when, the LEA has provided "substantial assistance" which OCR has defined as direct financial support, indirect financial support, tangible resources such as staff or materials and intangible materials such as the lending of recognition and approval (Irvine (CA) Unified School District, 19 IDELR 883 (OCR 1993)), then the LEA may be liable if the PTA

discriminates against a student with a disability and thus may be required to provide accommodations to a student to participate in the activity.

When planning any PTA program or activity, it's important to check the PTA Insurance and Loss Prevention Guide for additional information. PTA members can access the guide at <http://www.pta.bbt-knight.com>.

Community Based Instruction (CBI)

CBI is defined as regular and systematic instruction in meaningful, functional, age-appropriate skills in integrated community settings, using naturally occurring materials and situations, designed to help the student to acquire and generalize life-skills that enhance his or her opportunities for meaningful experiences and relationships (i.e., live, work, plan, and shop) within the general community. Instruction is driven by individual strengths and needs, using consistent teaching strategies, as well as accommodations designed to enhance the student's participation in typical activities. It is designed to target the development of functional skills necessary for adulthood in natural, non-school environments. The skills typically fall into the domains of self-management, home living, vocations, recreation/leisure, and community.

CBI cannot be a stand-alone event – it must be linked as the next level of instruction after classroom instruction has taken place. Instruction must be intensive and explicit so that skills learned in the classroom are generalized to the community. Home settings, shopping centers, convenience stores and/or grocery stores, as well as community resources such as public libraries and post offices are important instructional settings. Students may also learn important skills such as travel training, pedestrian skills, money use and management, leisure skills, and restaurant use.

Student participation in CBI will look different based on the individual needs of each student as indicated in IEP goals and/or age/grade. For example, one student may work from a recipe to make a list of items to be purchased, use a newspaper ad to estimate the price of each item, and use a calculator to determine total costs. Another student may only be choosing one of two items or work on basic money exchanges. Elementary programs may emphasize school-based activities and have fewer off campus outings. CBI outings may include shopping to make a purchase, ordering at a restaurant, accessing community resources (i.e., park, bowling alley, or library), and community safety (i.e., stranger danger, how to seek help, etc.). A trip to a restaurant can involve working on skills like waiting in line, moving up in line appropriately, communicating order, proving payment using the dollar over method, and cleaning up after finished eating.

CBI time and the settings typically increases as students get older. There is a greater emphasis on generalization of skills across settings and situations, and on problem-solving, in order to facilitate greater independence. Typical activities can include:

- Mobility Training: bus routes, bus passes and costs, safety in the community, observing landmarks, ignoring strangers, communicating with the driver, bus stop locations, time management, securing personal belongings, and street crossing.
- Money Skills: purchasing a bus pass, purchasing a meal, securing money and/or a wallet, estimating.
- Social Skills: interact with typical peers, manners, use language to obtain desires, wants, and needs.
- Career Exploration: identify people at work and jobs being done, discussion of career interests, participate via job shadowing or supported work experience/employment.

CBI differs from traditional field trips in that instruction is cumulative, the emphasis is on acquisition and application of skills in a naturalistic context, and typically the same skills are instructed and assessed from week to week. The following chart (from Capistrano USD) distinguishes differences:

Community Based Instruction	Field Trips
Focus on functional skills instruction	Are a culmination of classroom instruction
Provide students with opportunities to practice and generalize functional skills	Exposure students to community
Has clearly defined instructional goals related to independent living	Has broadly defined instructional objectives
Occurs regularly	Occurs sporadically
Is a curricular strategy designed to teach lifelong skills	Is a curricular method to enhance learning and/or a source of recreation
Is focused on learning over time	Is a one-time event

Excluding Student from School Sponsored Outing

For ANY field trip, the following are non-academic reasons for excluding a student. Use cautiously.

1. Health and Safety – If a student is qualified to participate in a field trip, they may be excluded for safety reasons. However, the Office of Civil rights (OCR) will carefully

scrutinize these reasons if a complaint is filed. The basis must be supported by facts. The District must consider whether accommodations, such as a 1:1 aide, would render participation safe.

- a. Districts need to be cautious in regards to excluding a student with a disability from field trips on the basis of a medical condition. A school district may prohibit a student with a disability from going on a field trip if it believes participation presents an unacceptable risk to the student’s health or safety.
 - b. However, the District should be prepared to demonstrate the necessity of the exclusion (e.g., seizures on the day of the trip, crowded facilities, and safety concerns at large).
 - c. In the case of a student with diabetes, it is important for the District to ensure that the student would be accompanied by an individual qualified to administer glucagon as needed.
 - d. What is generally inappropriate in the school is also inappropriate in field trips (e.g., carrying students).
2. Discipline – It is permissible to exclude a special education student from a field trip when his or her Tier 2 Positive Behavioral Intervention Plan or Tier 3 Behavioral Intervention Plan or behavioral contract includes terms that misbehavior might result in a loss of the privilege.
 3. Undue Burden – OCR and the courts are generally not receptive to arguments that students with disabilities should be treated differently because treating them equally will cost too much. Cost may be considered in some situations if it is an undue hardship to provide the accommodation. The “undue hardship” inquiry looks at the cost of the accommodation in relation to the District’s overall budget. The analysis looks at the specific student’s needs and the costs involved, in the context of a specific trip, in order to assess whether an undue burden exists.
 4. Consider Alternatives – Courts recognize that there are situations in which a student with a moderate to severe disability cannot benefit from attending general education field trips.

The LEA can provide the opportunity to participate in appropriate field trips that relate to the student’s own curriculum. The IEP team needs to explain to parents what the moderate-severe curriculum is and what participation in the class means, including its own co-curricular field trips and/or community based outings.

Required Supports

Education Code §45344 allows any school district to employ instructional aides to assist classroom teachers and other certificated personnel in the performance of duties. An instructional aide shall perform only such duties as, in the judgment of the certificated

personnel to whom the instructional aide is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to pupils. An instructional aide need not perform such duties in the physical presence of the teacher but the teacher shall retain responsibility for the instruction and supervision of the pupils in his or her charge. Therefore, an aide can go out on a field trip and/or accompany students for community based instruction without the teacher and vice versa.

Generally, the Individuals with Disabilities Education Act (IDEA) requires school districts to provide non-academic and extracurricular services and activities in such manner as is necessary to afford students with disabilities an equal opportunity for participation in such services and activities. All necessary aids and services to permit a student with a disability to participate in district-sponsored extracurricular programs and services are at no cost. The Local Educational Agency needs to provide required supports when a student with disabilities will be participating in a field trip that requires such services (including sending aide or nurse support). OCR has determined that “If students with disabilities need related aids or services to participate in the school’s program, such services must be provided by the school, not the parent.” (See Ventura (CA) Unified School District, 17IDELR854 OCR 1991).

OCR has also ruled a school district cannot require the parent of a student with a disability to accompany the student on a field trip when a similar obligation is not imposed on the parents of nondisabled students (San Saba (TX) Indep. Sch. Dist., 25IDELR 755 OCR 1996). If parents of general education students are not mandated to participate in the field trip, the parents of special education students cannot be. Making parental attendance a condition of field trip approval is a denial of FAPE. However, if a family member’s participation in a field trip influences the student’s ability to control him or herself from having a behavioral outburst, it may be appropriate to require the family member to accompany the student on a field trip.

Recommendations

- Explain to parents at IEP meetings how their child will or will not participate in the general education curriculum.
- Develop an information sheet providing curriculum descriptions related to the child’s class that includes descriptions about mainstreaming and the difference in curricula as it relates to general education classes.
- For each general education co-curricular field trip, review SDC students’ IEP’s to determine whether they are qualified to go.
- Document the purpose of a co-curricular field trip and/or a community based instructional outing with relevant descriptions of its relationship to the curriculum.

- Accommodate extra-curricular field trips as required by law, keeping such trips analytically distinct from co-curricular field trips.
- Do not use lack of funds as a reason to deny a student's participation in field trips. A deliberate decision to deny funding for field trips for students in special education classes, when such funding is made available for regular education students, denies students with disabilities an equal opportunity for participation.
- Provide students with disabilities equal notice about field trips. Failure to provide notice about planned field trips can result in illegal exclusion of student with disabilities and deny the students an equal opportunity to participate.

Resources

The information for this document was pulled from the following resources:

- Butte County Office of Education
- California Case Law decisions.
- California Education Code
- California State PTA Toolkit
- Capistrano Unified School District
- Fagan, Freidman and Fulfroost, LLP
- Federal Code of Regulations
- Kern County Office of Education
- Los Angeles County Office of Education
- Office of Civil Rights (OCR)
- Ron Wenkart, Orange County Department of Education
- San Ramon Valley Unified School District
- Section 504, the ADA and the Schools, Second Edition by Perry A. Zirkel, Ph.d., J. D.
- SmartStart: FAPE in nonacademic services and extracurricular activities · SmartStart: Requirements to provide health-related services to students with disabilities under Section 504
- SpecialEd Connection
- What Do I Do When... The Answer Book on Section 504, Third Edition, by John W. Norlin, Esq.

Guidelines for Determining Need for Extended School Year (ESY) Services (Adapted from Riverside SELPA Policies and Procedures)

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Federal Regulations

Please refer to the Individuals with Disabilities Education Act (IDEA) and the corresponding Code of Federal Regulations (i.e., 34 CFR Part 300 §300) contain a number of citations relevant to the legal aspects of ESY. 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 public agency; in accordance with the child's IEP; and at no cost to the parents of the child; and meet the standards of the SEA. (34 CFR 300.106(b).)

A child who meets eligibility requirements for special education is entitled to a FAPE. In developing the IEP, the IEP team shall consider the strengths of the child, the concerns of the parents for enhancing the education of their child, the results of the initial evaluation or most recent evaluation of the child, and the academic, functional and developmental needs of the child. ESY services are special education and related services provided to children with a disability beyond the normal school year. ESY services are necessary only if the IEP team finds, on an individual basis, that these services are necessary to provide a FAPE. An extended year program, when needed, as determined by the IEP team, shall be included in the pupil's IEP. ESY services must be in accord with a child's IEP. The CFR does not prescribe the time in which the school district must present an ESY proposal. School districts are entitled to have a reasonable time to implement ESY services. (see *Faulders v. Henrico County School Board* [E.D. Va. 2002], *Reinholdson v. School Board of Independent School District No. 11* [8th Cir. 2006], *Reusch v. Fountain* [D. Md. 1994])

Federal law requires that children with disabilities be educated in the least restrictive environment (LRE) to the maximum extent appropriate, and authorizes removal of children with disabilities from the regular educational environment only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. However, Section 300.115 of Title 34 of the Code of Federal Regulations is general, and is not directed specifically to ESY services. The Department has long interpreted its requirement of a continuum of alternative placements not to apply to summer programs.

Because ESY services are provided during a period of time when the full continuum of alternative placements is not normally available for any students, the Department does not require States to ensure that a full continuum of placements is available solely for the purpose of providing ESY services. (Letter to Myers, supra, 16 IDELR 290.).

Furthermore, the section which prohibits the unilateral limitation of the type, amount,

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and duration of summer services, has never been interpreted as requiring a school district that does not offer a program in summer to create one simply to provide an LRE.

In commenting on the 1999 revisions to the IDEA regulations governing the ESY, the Department stated: While ESY services must be provided in the LRE, public agencies are not required to create new programs as a means of providing ESY services to students with disabilities in integrated settings if the public agency does not provide services at that time for its nondisabled children. If a parent disagrees with the IEP and proposed placement, he or she may file a request or notice for a due process hearing.

California Code of Regulations

Extended school year (ESY) services shall be provided for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. Such individuals shall have handicaps which are likely to continue indefinitely or for a prolonged period, and interruption of the pupil's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her handicapping condition. The lack of clear evidence of such factors may not be used to deny an individual an ESY program if the individualized education program (IEP) team determines the need for such a program and includes ESY in the IEP pursuant to the California Code of Regulations (CCR §3043(f)).

- (a) ESY special education and related services shall be provided by a school district, special education local plan area, or county office offering programs during the regular academic year.
- (b) Individuals with exceptional needs who may require ESY are those who:
 - (1) Are placed in special classes or centers; or
 - (2) Are individuals with exceptional needs whose IEPs specify an extended year program as determined by the IEP Team.
- (c) The term "extended year" as used in this section means the period of time between the close of one academic year and the beginning of the succeeding academic year. The term "academic year" as used in this section means that portion of the school year during which the regular day school is maintained, which period must include less than the number of days required to entitle the district, special education services region, or county office to apportionments of state funds.

- (d) An extended year program shall be provided for a minimum of 20 instructional days, including holidays. For reimbursement purposes:
 - (1) A maximum of 55 instructional days excluding holidays shall be allowed for individuals in special classes or centers for the severely handicapped; and
 - (2) A maximum of 30 instructional days excluding holidays shall be allowed for all other eligible pupils needing extended year.
- (e) A local governing board may increase the number of instructional days during the extended year period, but shall not claim revenue for average daily attendance (ADA) generated beyond the maximum instructional days allowed in subsection (d)(1) and (2).
- (f) An extended year program, when needed, as determined by the IEP team, shall be included in the pupil's IEP.
- (g) In order to qualify for ADA revenue for extended year pupils, all of the following conditions must be met:
 - (1) Extended year special education shall be the same length of time as the school day for pupils of the same age level attending summer school in the district in which the extended year program is provided, but not less than the minimum school day for that age unless otherwise specified in the IEP to meet a pupil's unique needs.
 - (2) The special education and related services offered during the extended year period are comparable in standards, scope and quality to the special education program offered during the regular academic year.
- (h) If during the regular academic year an individual's IEP specifies integration in the regular classroom, a public education agency is not required to meet that component of the individualized program if no regular summer school programs are being offered by that agency.
- (i) This section shall not apply to schools which are operating a continuous school program pursuant to Chapter 5 (commencing with Section 37600) of Part 22, Division 3, Title 2, of the Education Code.

Case Law

Due process cases and court decisions have provided the following guidance in determining what constitutes FAPE and/or a student's need for extended school year (ESY) services.

- A school district is required to provide a “basic floor of opportunity” . . . [consisting] of access to specialized instruction and related services which are

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individually designed to provide educational benefit to the [child with a disability].” (Bd. of Educ. v. Rowley, 1982)

- The IDEA requires neither that a school district provide the best education to a child with a disability, nor that it provide an education that maximizes the child’s potential (Bd. of Educ. v. Rowley, 1982; Gregory K. v. Longview School District, 9th Cir. 1987).
 - The public educational benefit must be more than de minimis or trivial. (Doe v. Smith, 6th Cir. 1989).
 - An IEP should confer a meaningful educational benefit (T.R. ex rel. N.R. v. Kingwood Twp. Bd. of Educ., 3rd Cir. 2000)
- Local Education Agencies (LEAs) are required to consider more than just the regression and recoupment analysis and consider other factors relevant in determining a student’s need for special education services during ESY.
 - No single criterion can be used as a sole qualifying factor (Johnson v. Independent School District No. 4, 1990).
 - One factor to be considered is the critical stage of developing a skill which has great potential for increasing self-sufficiency. For such skill, if not completely acquired and mastered, it is likely that the current level of acquisition will be lost due to the interruption of summer vacation (Reusch v. Fountain, 1994).
 - There is a reference in Fullerton USD vs. Parent (OAH Case # 2011080355) that ESY services are recommended only if a pupil is at risk of a severe regression in skills that would require six to eight weeks at the start of the regular school year to recoup.
 - LEAs are not required to create programs in order to provide ESY services.
 - In Cordrey v. Euckert (6th Cir 1990), the court noted that “the school district has no purely custodial duty to provide for handicapped children while similar provision is not made for others. Therefore, begin with the proposition that providing an extended school year is the exception and not the rule...”
 - An example would be a student who requires an integrated setting. If the LEA does not provide summer services for non-disabled students, the LEA is not required to create a new program (Tuscaloosa County Board of Education, SEA AL 2001; Parent on Behalf of Student v. San Francisco Unfired School District, OAH case # 2001040611.)
 - In the Alameda USD v. Student (OAH Case # 2007100793), the District offered a specialized academic classroom placement for students with

moderate to severe disabilities located at an Elementary School for four hours a day, five days a week. The ESY offer was at a different campus than the student's regular school year. The District did not operate an autism-specific SDC class during the summer ESY after the end of the regular school year. The special day class was taught by a teacher who conducted Student's academic assessment, had many years experience teaching children with disabilities including autism, and was assisted by highly trained paraprofessionals. The class was small, highly structured, and facilitated language and social skills training throughout the day in a multi-sensory environment. Based on the above findings, District's offer of a moderate to severe SDC class for the 2007 summer ESY, including children with autism, was appropriate.

- The content of ESY services are governed by the necessity to prevent skills or benefits already accrued from the prior year from facing significant jeopardy due to regression or lack of retention. (McQueen v. Colorado Springs School District No. 11, D. Colo. 2006). Additional skills training may be included in ESY when the IEP team determines that this is necessary to meet ESY skills maintenance goals.
- FAPE includes not only special education, but also related services.
 - A change in placement can occur when related services are modified in a way that is likely to affect in some significant way the student's learning experience. A district is not required to provide prior written notice when a district makes minor discretionary decisions with regard to a student's curriculum or assignment of teachers or entertaining suggestions for alternatives to a proposed placement. Requiring prior written notice for every suggestion of an alternative placement or service considered at an IEP meeting would render the process unworkable (Student v. Tustin USD, OAH case #2006070017).
 - An offer for ESY must address all areas of student need. In the Garden Grove USD OAH Case # 2007080547, the judge ruled that
 - The offer was not appropriate because it did not address occupational therapy services, which were necessary to prevent regression; however,
 -
 - Even though intensive behavior interventions (IBI) were not included in the ESY offer, it was established that the nature of the services provided to student would prevent undue regression over

the summer, particularly because student was going to have a 1-1 aide.

- In determining whether the content of ESY failed to provide a student with FAPE, it is important to consider the following legal interpretations.
 - The standards for determining whether a student is entitled to an ESY placement in order to receive a FAPE are different from the standards pertaining to FAPE in the regular school year. The purpose of special education during the ESY is to prevent serious regression over the summer months. (Hoeft v. Tucson Unified School District, 9th Cir. 1992; Letter to Myers; OSEP 1989).
 - In SS, JD, SS v. Henricoe County School Board (4th Cir. 2003), the Hearing Officer found that ESY services “were not for the purpose of achieving goals not met during the school year.”
 - The mere fact of likely regression is not enough to require an ESY placement, because all students “may regress to some extent during lengthy breaks from school.” The court ruled “ESY services are only necessary to FAPE when the benefits accrued a disabled child during a regular school year will be significantly jeopardized if he is not provided with an educational program during the summer months” (MM v. School Dist. of Greenville County, 4th Cir 2002).
 - It must be established that the significant skill losses were of such degree and duration so as seriously to impede progress toward his/her educational goals. (Kenton County School District v. Hunt (6th Cir. 2004).
 - The analysis must focus primarily on the adequacy of the proposed program. If the school district’s program was reasonably calculated to provide the student some educational benefit, the school district’s offer will constitute a FAPE even if the student’s parents preferred another program and even if the parents’ preferred program would have resulted in greater educational benefits to the student. The focus is on the appropriateness of the placement offered by the school district, and not on the alternative preferred by the parents (Gregory K.).
 - An IEP is evaluated in light of information available at the time it was developed, and is not to be evaluated in hindsight.
 - An IEP is “a snapshot, not a retrospective” and it must be evaluated in terms of what was objectively reasonable when the IEP was drafted (Adams by & Through Adams v. Oregon, 9th Cir. 1999)
 - The issue is what the record demonstrated that the IEP team knew when it indicated that ESY was unnecessary as the student was

progressing appropriately and would not need ESY (Santa Ana USD vs. Student and vice versa, OAH Case #s 2005090037; 2005100257).

- Evidence must support recommendations to offer or not offer ESY, even when an expert in autism opines in an Independent Educational Evaluation (IEE) that the student required ESY (Parent vs. Torrance USD, OAH Case # 2010080289).
- Even when the student’s condition meets the first criteria for ESY (that her disabilities were likely to continue for a long time), the student did not establish that she had limited recoupment capacity that would render it impossible or unlikely to attain a level of self-sufficiency and independence that would otherwise be expected (Parent v Roseville Joint Union High School District and Placer County Children’s System of Care, OAH CASE # 2011061341).

Practical Implications: What ESY Is and Is Not

(Adapted from www.slc.sevier.org 2003)

Extended School Year (ESY) Is:

- Based only on the individual student’s specific critical skills that are critical to his/her overall education progress as determined by the IEP team.
- Designed to maintain student mastery of critical skills and objectives represented on the IEP and achieved during the regular school year.
- Designed to maintain a reasonable readiness to begin the next year.
- Focused on specific critical skills where regression, due to extended time off, may occur.
- Based on multi-criteria and not on a single factor.
- Considered as a strategy for minimizing the regression of skill, in order to shorten the time required to gain the same level of skill proficiency that the child exited with at the end of the school year.

Extended School Year (ESY) Is Not:

- A mandated 12-month service for all students with disabilities.
- Required to function as a respite care service.
- Funded by General Fund.
- Required or intended to maximize educational opportunities for any student with disabilities.

- Necessary to continue instruction on all the previous year's IEP goals during the ESY period.
- Compulsory. Participation in the program is discretionary with the parents, who may choose to refuse the ESY service. There may be personal and family concerns that take precedence over ESY.
- Required solely when a child fails to achieve IEP goals and objectives during the school year.
- To be considered in order to help students with disabilities advance in relation to their peers.
- For those students who exhibit random regression solely related to transitional life situation or medical problems which result in degeneration.
- Subject to the same least restrictive environment (LRE) environment considerations as during the regular school year as the same LRE options are not available. Additionally, LRE for some students may be home with family members.
- A summer recreation program for students with disabilities.
- To provide a child with education beyond that which is prescribed in his/her IEP goals and objectives.
- For making up for poor attendance during regular school year.
- The primary means for credit recovery for classes failed during the regular school year.

Guidance for IEP Teams

It is important that IEP team members understand who recommends ESY services, the difference between ESY and summer school, when ESY should be recommended, why ESY services should be documented in an individual student's IEP, and how eligibility for ESY services should be determined.

Both federal and state regulations make it clear that it is the responsibility of the individual education program (IEP) team to determine a child's need for ESY services. The IEP team membership must include a person knowledgeable about the range of services available, a general education teacher, a special education teacher, and the parent. The IEP team membership may also include related services providers, assessment personnel, and/or the student.

ESY vs. Summer School

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ESY services are special education and related services that are required by an individual with exceptional needs beyond the regular school year. Such individuals shall have disabilities which are likely to continue indefinitely or for prolonged periods, and interruption of the pupil's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her disability. It is the issues of regression and recoupment that provide a framework upon which to base discussion about the need for the student to receive special education support beyond the regular school year.

If the student does not require ESY, the student could be considered for regular summer school or regular summer intervention program services offered within the school district. Summer school classes are not special education, are not required, are not based upon a child's individual needs, do not require an IEP, and are not required in order for a child to receive FAPE. While summer school usually focuses on opportunities for secondary students to recover credits, summer intervention programs generally focus on the development of skills that students at risk of retention need in order to progress. Given that, summer intervention classes may very well be appropriate for students with disabilities who are working toward grade level standards. Several court cases have referred to the "availability of alternative resources" when considering ESY services. The LEA could consider community programs that are available to students. The LEA must be cautious when identifying services provided by community agencies such as a Parks and Recreation program. These outside agencies have no requirement to maintain the student in their program.

ESY Recommendation

Since the need for ESY is primarily based on an unacceptable regression or recoupment time as demonstrated by the student with a disability, it is important to understand what might be acceptable for most students. Tilley, Cox, and Staybrook (1986) that found that most students experience some regression during summer break. Using standardized tests, they found the rate of regression for regular education students was 4%. Students with mild handicaps, hearing impairments, and serious behavior disorders regressed at approximately the same rate as their regular education peers. For students with moderate to severe handicaps, there was an increased rate of regression and a slower rate of recoupment. According to the study, the areas that were most impacted for those students were language, gross motor, fine motor, and self help skills. Therefore, it is reasonable for students with moderate to severe disabilities to

be considered for an ESY program that would concentrate on minimizing regression and recovery time.

When considering ESY for any student, the IEP must consider data collected during the previous year(s) to determine the student's need based on regression and recoupment. This decision should be based on a multi-faceted measurement, although there may be rare instances where the IEP team might consider ESY services based on a single criterion. In either case, the IEP team must decide a child's eligibility for ESY services based on data collected that reflects his/her regression/recoupment capacity. To help understand this process, a [Data Collection Guide](#) is provided at the end of this document.

Several districts have year round calendars which may require a timeline for provision of ESY slightly different than traditional school year calendars. However, consideration of need for ESY services would follow a similar pattern as that outlined above. In both cases the number of days recommended for ESY is based on student data collected to support student need. Typically ESY services are aligned with the summer school and/or summer intervention programs provided for general education students in the district or school of attendance. However, the IEP team may determine that more days are needed given the program options available and the student's identified needs.

ESY Documentation in IEP

ESY services are to be considered for students between the ages of three to twenty one or students who have not graduated from high school with a diploma. To ensure that the student receives a free appropriate public education (FAPE), ESY services should concentrate on the areas most impacted by regression and inadequate recoupment. These services may look markedly different in ESY than services provided during the regular school year. The IEP team decision is not driven by the setting in which the student is educated during the comprehensive school year. This may also be true for the frequency and/or the duration of services as based on the individual child's needs. The student's need for related services must also be considered as they relate to the child's benefiting from special education. Since it may be different, it is very important that the offer of FAPE for the ESY period be clearly documented within the IEP.

ESY Determination

The student's IEP should be the foundation for determining the need for ESY services. This can be achieved through ongoing assessment and/or review of progress toward

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goals/objectives. The IEP team meets to review the student's progress, considering a variety of measurements to provide a baseline that documents the student's regression and recoupment rate. The IEP team for an initial IEP will not be able to make this determination until after the student has been receiving the special education services and data has been collected. It is recommended that the IEP team reconvene after implementing the IEP for 3-6 months to review progress data and compare work from before and after break.

Since many districts have already implemented multiple measures to assess progress toward standards, the district's assessments and observational or informal data may be applicable to the IEP team determination of need for ESY. The assessment must be based on the IEP goals and/or objectives so that progress can be matched directly to each benchmark outlined and the data can be compared to support evaluation of service effectiveness. The team also needs to determine and document if the student will take the local multiple academic achievement measures with or without accommodations, with or without modifications, or take alternative measures.

The severity of a student's disability is a primary consideration in determining eligibility for ESY. Based on the *Reusch v. Fountain* case, the IEP team should consider the student's age, severity of the disability, presence of medically diagnosed health impairments, attainment of self-sufficiency, and development of an emerging, critical skill that will be lost due to interruption. Other factors to consider are regression rate and recoupment time in relation to normal rates, behavioral and physical problems, curricular areas which would be adversely impacted, and vocational needs. Younger students with medically diagnosed health impairments are more likely to be referred for ESY due to degenerative diseases and/or high absenteeism as a result of the health impairment. Mental health problems may also have an impact on a student's ability to maintain appropriate social, emotional and/or behavioral expectations when school is not in session and lead to regression in skills. The ability of the more mentally and physically challenged students to maintain self-sufficiency skills will continue to be a key issue in determining ESY eligibility.

Once ESY services are determined as necessary based on data collected and regression recoupment rate, the IEP team must include a description of the services required by the student in his/her IEP in order to receive FAPE during the provision of ESY.

Annually, the IEP team should complete the [ESY Eligibility Worksheets 1](#) and [2](#) found in SEIS (examples of screenshots are provided at the end of this document).

Various people (e.g., special education teacher, general education teacher, related services personnel, parent, and/or administrator) may provide information to complete the multiple criteria considerations in all areas of need. These should include:

- Teacher observations, running records, and benchmark measures;
- Progress toward goals/objectives;
- Evidence of regression following break;
- Evidence of difficulty recouping information and/or skills following break;
- Consideration of other options available; and
- Other factors.

With the above information in hand, the IEP team proceeds to answer the series of questions on the ESY Eligibility Worksheets.

Planning for ESY

Effective planning for a successful ESY program involves working with other departments, communicating with site personnel, projecting ESY enrollment, meeting staffing needs, having a smooth registration process that includes communicating with parents, and arranging for transportation needs.

Working with Other Departments: in beginning to plan for ESY it is critical to work closely with personnel from Educational Services Division to determine what plans are being made for summer intervention and summer school so that ESY services are aligned. Scheduling a general planning meeting with the following personnel to discuss their roles/responsibilities is critical.

- Educational Services: To determine dates, times, locations of summer programs; to provide leadership/direction to plans of all other department activities.
- Business Services: To discuss fiscal resources and/or limitations.
- Human Resources: To discuss projected and/or identified needs (e.g., administrative, certificated teachers, classified [secretaries, health technicians, attendance technicians, instructional aides, custodial], negotiated contract constraints, timelines, posting of openings, interview or appointment process, notifications to personnel, master schedule of assignments, board approval.
- Maintenance and Operations: To discuss facilities needs, custodial support, etc.

- Curriculum and Instruction: To determine course offerings in summer school, targeted population for summer intervention, instructional content of summer intervention, needed instructional materials, teacher preparation time, staff training or meeting needs, assessment strategies, progress reporting, etc.
- Selected Principals/Lead Teachers: To be involved in discussions and kept apprised of plans, to communicate to other principals, to facilitate registration procedures and data collection, to take necessary follow-up actions.
- Special Education: Identify the lead person to discuss projected ESY numbers, staffing needs, facilities, instructional materials, registration procedures, timelines, communicating with parents, nutrition, transportation, etc.
- Instructional Technology: To discuss how students enrolled in ESY, summer intervention, and summer school will be captured, transmittal and/or collection of achievement data, attendance reporting procedures, progress reports, etc.
- Food Services: To discuss nutrition program offerings, time schedules, and staffing needs.
- Transportation: To be aware of sites, times, schedules, population or subgroup of students who will need to be bussed, information needed from sites, arranging routes and staff needed, determining strategies and responsibilities for communicating with departments and parents regarding transportation plans.
- Health Services: To determine need for health technicians, nurses, and/or related services instructional aides; to arrange for specialized equipment and/or materials to be available for students at assigned sites; to provide any necessary health or medical training to selected personnel.
- County Office: If the county operates programs within the district, it is important to include appropriate county personnel in these discussions to facilitate good communication and smooth program operations.

Communicating calendar of activities: once decisions have been made at the district level, it is important to communicate plans to site personnel. Although an LEA's Educational Services Division may be send out information regarding summer programs, it is important for the Special Education Office to communicate the specifics about ESY.

Projecting ESY enrollment: the Special Education administrator or Data Entry Clerk pulls a report of all students with ESY services on their IEP through SEIS. The data query needs to include the students' last name, first name, birth date, grade, disability, ESY services, location, case carrier, and transportation status. This information can then be saved as an excel file and sorted by any of these features. This data will give you a maximum number of potential students for ESY. By sorting the data into

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categories, you can project the possible number of students by services to project staffing needs. It is important to analyze ESY services to be sure to identify not only specialized academic instructional needs but also related services and transportation needs.

To get a more accurate projection, timelines will need to be established for registration processes and for communicating with staff members, parents, and other departments listed above. As much as possible, these timelines should align with what is happening for general education student enrollment in summer programs. However, because ESY is listed as a service in an IEP, even when parents miss the registration timeline, enrollment must be taken due to the legal obligation of providing for FAPE.

Pre-Planning

Utilizing data on projected enrollment by grade level, programs, and sites, makes it possible to project staffing needs for summer programs, including ESY. Since the goal is to serve special education alongside general education summer programs, it is important to first identify what staff members are going to be provided for the site as a whole (e.g., principal, assistant principal, lead teacher, counselor, secretary, attendance clerks, security personnel [School Resource Officer, Supervision Aides], nurse and/or health technician, food services personnel, custodians, bus drivers). The supports needed from the special education program planning should be supplemental to these supports provided for all summer program attendees.

Special education ESY personnel considerations need to include teachers (mild-moderate, moderate-severe), related services personnel (e.g., speech language pathologist, occupational therapist, adapted PE, psychologists), instructional aides (e.g., nonsevere, severe, special circumstance or related services), and program support (e.g., special education administrator, program specialist, and/or teacher on special assignment). In the analysis of student needs, which drives staffing needs, the number of days and/or hours per day of the various types of positions identified may need to be adjusted. For example, high school double sessions or longer days may be different than what is needed at elementary or middle school. If related services must be provided per IEPs, the days or hours of these personnel may vary as well.

Class sizes need to be determined so that staff can be added or deleted based upon actual attendance patterns (e.g., nonsevere 14 students to one teacher and one aide; severe 9 students to one teacher and two aides). It is important to communicate the projected staffing needs not only with Human Resources staff but also with those who

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are assigning facilities/classrooms at each location to ensure that each person employed has the appropriate space assignment.

Selecting Staff

Based upon procedures established in the district, Human Resources will fly the positions available for certificated and classified personnel. It is important to indicate on the flyer that stability of positions will be based upon actual enrollment. Depending on district procedures, the application process may include an essay and/or interview. Based upon the district's negotiated contracts, consideration may need to be given to if the candidates applied for and/or were given a position the prior year. It is also important to consider staff members' preferences for grade level and program.

It is important that a Special Education Administrator be involved in the ESY personnel decision making process to ensure that the right people are assigned to the appropriate programs/students. If personnel are given ESY assignments other than what they normally work during the regular school year, it is important to assess their needs for any specialized training and provide this prior to the first day of school. In addition, it is critical to have established means of communicating information regarding the needs of the students (see later section for more details).

Notifying Personnel

In working closely with Human Resources, it is important to determine who will be sending notification letters to the special education personnel selected to work during ESY.

Once a staffing plan has been finalized, it is important to communicate this to all people involved. Again, it needs to be determined if the Human Resources or Special Education Department has this responsibility. Either in the same or a separate spreadsheet or letter, include the dates and hours selected personnel are scheduled to work. It is important to address both credentialed and classified support (e.g., ESY Instructional Aide assignments).

Creating and Distributing Parent Notification Forms

As the district establishes criteria for summer intervention (e.g., at risk of retention) and summer school (e.g. credit recovery) programs, it may be possible to serve a large number of special education students in these programs. In these cases the parents

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would be provided the same registration information and follow the same processes as established for general education students.

In planning the ESY program, the Special Education administrator can determine if the standard letters to parents and registration forms utilized for general education summer programs will meet the needs of ESY enrollment. While it is important to follow the same timelines to the extent possible, it may be that ESY forms will look different than those utilized in general education. Because of variation in dates, times, and/or locations across grade levels, it may be necessary to establish different parent information letters and registration forms for the various groupings. To facilitate ease in sorting through the paperwork that is submitted, it is also advisable to establish a color paper code system (e.g., elementary = yellow, middle school = green, high school = purple, SH = pink). It is also important to have the parent information letters and registration forms available in English, Spanish, and any other high frequency language. While a designated administrator takes the lead, other personnel in the Special Education Office (e.g., coordinator, program specialist, secretary, and clerks) need to be familiar with the registration processes.

Once the ESY Registration Forms have been created, it is important to establish a method for distribution and collection. Typically the Special Education Department utilizes the site principals and/or case carriers to distribute this information to parents.

Creating Class Lists

As registration forms are received, a staff member can revamp the original or begin to create and fill in an excel spread sheet indicating each student's last name, first name, birth date, grade, disability, ESY services, location, case carrier, and transportation status. Additional information obtained from the registration forms themselves (e.g., specific transportation needs, emergency information, health/medical problems, medications) can be added.

The Special Education administrator can begin to sort this data into ESY class lists by program and sites and begin to put in names of staff members assigned. An effective strategy is to create one excel spreadsheet with tabs at the bottom for each site. In this way the entire worksheet can be disseminated to people who need to see the entire program and/or sorted out by site only for distribution to selected personnel. Putting page breaks between teacher assignments also enables one to provide a class list for a single staff member. It is also important to insert in the header or footer the date the report was generated to track changes.

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Following the recommended timelines with follow up communication with site personnel on requests for completed registration forms can help finalize the class lists and staffing plan. Although registration forms are distributed well in advance of the start of ESY, there may be new students enrolling and/or change in services for students after the original deadline. Given the legal requirement to offer FAPE, it is important to continue the registration process as long as possible. The class list information can also be utilized to begin communication with the transportation department.

Arranging For Transportation Needs

Typically the Special Education Office maintains a list of students receiving specialized transportation during the regular school year that can be used as a reference for planning ESY transportation needs. As completed Registration Forms are received and class lists generated for each site, a list of students in need of bus transportation can be generated. Based upon information collected, the list can indicate if transportation is needed to school, home from school, or both; the pick-up and drop-off addresses; emergency contact information; and any significant health/medical needs.

Based upon the individual needs of students, it may also be necessary to arrange for specialized transportation (e.g., wheelchair bus) for students who are attending summer intervention and/or summer school programs. As Registration forms for these programs may be going through a different department, it is important to establish how this information will be gathered and who will be responsible for arranging for the bus. If this falls within the Special Education Office, it is recommended that the same procedures utilized for ESY be followed.

It is important to communicate student and schedule information to the agency responsible for providing the transportation. They may need to receive the information way in advance in order to determine the number of drivers needed and routes. They may also require individual information sheets for each pupil in addition to the excel spread sheets. The person and/or department responsible for informing parents of the expected pick-up and drop-off times should be identified in the pre-planning stages. In addition, decisions should be made in advance on how to handle situations where no one is home to receive the child after school. Given all this, it critical to include a representative from the transportation department in the pre planning stages, establish information needed, and facilitate ongoing communication throughout the planning and implementation phases.

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Once routes are established, it is important to add the bus/route number into the spreadsheet. Prior to the start of classes, the master list of who is being transported should be provided to the summer program site administrators, health office, and case carriers. Once school has started, it is important to continue communication to resolve any parent complaints, add or drop students, etc.

Meeting the Needs of Students

Gathering information about the needs of the students attending ESY can be done at the same time as Registration if a copy of each student's most recent complete IEP, any subsequent IEP addendums, most recent multiple measures results, latest report card and progress toward goals report are collected. Another alternative is to have the case carriers complete an "[ESY Cover Sheet](#)" such as the one found at the end of this document.

Although the focus is on providing ESY services, many special education students may be enrolled in summer intervention and/or summer school classes. Providing basic information such as that noted in Appendix may be useful to the general education teachers and/or site administrators working with these students.

In addition to academic instruction, students may need related services supports during the ESY program. If so, the targeted goal areas, frequency, and intensity need to be considered in developing the staffing plan and built into the daily or weekly schedule. If a staff member hired is not familiar with the students, s/he needs to be provided the same information as the ESY teacher (copy of each student's most recent complete IEP, any subsequent IEP addendums, most recent multiple measures results, latest report card and progress toward goals report) to help guide development of lesson plans/activities.

Similarly, it is likely that teachers will be assigned students that they are not familiar with and they will need time to review the records and develop lesson plans. It is critical that the teachers are provided the appropriate instructional materials to meet the needs of their students during ESY. If possible, try to keep the students who need functional life skills curriculum in the same classroom environment to which they are accustomed and in which the instructional materials are readily available. If this is not possible, plans must be made to transport the needed materials to the new classroom. Likewise, teachers of core curricular content areas will need to have the materials provided to them. In general, basic materials and supplies provided to general education teachers for summer intervention and/or summer school should be provided to the special

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education teachers as well. Any additional budgetary considerations for purchase of additional materials or supplies and/or community outings need to be built into planning. If the teachers are not familiar with the grade level and/or content to which they have been assigned for ESY instruction, some staff development time may need to be built into the schedule prior to the students' arrival.

Administration

As noted previously, knowing who is going to be attending each site, their assignment, and their needs is critical. Aligning special education's plans to the other summer program plans and participating in collaborative planning meetings helps to keep everyone aware. The pre-planning work has generated excel spread sheets for staffing, student lists by teacher, and a transportation list. A copy of this information needs to be provided to the site and district administrators overseeing the summer programs.

Copies may also need to be provided to the health offices, attendance clerks, counselors, and/or instructional technology department based upon what was established in the pre-planning meetings. The extent of what individual student information (e.g., copy of IEP or "ESY Cover Sheet") needs to be distributed and to who should also be pre-established and provided just prior to the start of the session.

Teaching Staff

As noted previously, it is critical that the teachers and related services staff members who will be providing the direct instruction to the students are familiar with their needs. One district provided a copy of the excel spreadsheet class list, transportation list, and individual student information (stapled together copy of each student's most recent complete IEP, any subsequent IEP addendums, most recent multiple measures results, latest report card and progress toward goals report) to each teacher in a rubber banded package. Another district provided a notebook for each teacher that included copies of complete IEPs for students assigned to their caseload during ESY.

Progress Monitoring

Pre-Post assessment measures and/or progress reports may be employed to evaluate students' progress during the ESY instructional program. By working closely with the Educational Services personnel, it may be possible for the special education students to take the same evaluation measure as other students, with or without accommodations or modifications, or alternative measure(s) may need to be identified.

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Selecting the measure(s) and clearly communicating with staff members how and when to administer these are also important considerations in planning for successful programs. Similarly, the same progress report form and/or a special education progress toward goals report form may be used.

Close communication between the district office ESY administrative and support staff members, site administrators, and teachers can alleviate many potential problems in this area. Keeping everyone aware of the plans also makes it possible for anyone to answer questions that arise from parents. Providing clear direction to teachers on expectations for completing pre-post assessments and/or progress reporting is also critical. If formal report cards and/or grades will be reported for credits, this information needs to go to the site administrator, counselor, and/or Registrar. Staff members should also be advised on what to do with the student information once the session is over.

Parent Information

Since parents typically complete the ESY Registration Form many weeks before the start of the summer program, it is important to send a “just prior” letter out to them, including the dates of ESY, location of services, hours of operation, name of teacher, classroom room number, information about transportation (if applicable), and contact telephone number.

Final Notes

In the district-level planning meetings it is important to schedule time to debrief the successes and struggles of the summer programs. Providing time for teachers to discuss what went well and/or where more support was needed prior to leaving for the summer can provide valuable input into planning for the future. Similarly, pulling together the administrative team members at the end of the session or near the opening of the next school year provides the opportunity to review information from the Educational Services, Business Services, Human Resources, Maintenance and Operations, Curriculum and Instruction, Special Education, Instructional Technology, Food Services, Transportation, Health Services, County Office, principals and lead teacher perspectives. Doing so sets the stage to begin the planning again the next year.

As information is gathered back together at the end of the ESY session(s), it is important to have a plan for distribution of progress reporting back to the case carriers and the parents. It will be important for the IEP team members to consider response to ESY services and impact on regression and recoupment time as they begin the new

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school year. Analyzing results helps the team start back through the processes of determining need for ESY services in the next year.

Data Collection Guide

<p>First 8 weeks of school</p> <ul style="list-style-type: none"> <input type="checkbox"/> Collect data and re-teach <input type="checkbox"/> Compare to Spring data to determine if the student recouped his/her skills from previous year (This data should be the basis of the ESY eligibility discussion at the annual IEP) · Instruction and ongoing data collection <input type="checkbox"/> As soon as a student is found eligible for ESY, document the reasons why ESY is recommended on the IEP summary page or on an addendum IEP <input type="checkbox"/> Include data supporting the recommendation for ESY <input type="checkbox"/> Continue instruction and document progress on progress reports
<p>Following the first and second grading period</p> <p>*For new students or any student for whom you were unable to gather regression/recoupment data during the first 8 weeks of school, review data before and after any break from school (e.g. Thanksgiving, Winter or Spring break) to determine if student may have a significant regression/recoupment problem</p> <ul style="list-style-type: none"> <input type="checkbox"/> Use data collected as the basis for ESY eligibility discussion at the annual review IEP or addendum meeting <input type="checkbox"/> Re-teaching time should equal the length of the break (1 week break = 1 week re-teaching; retest) <input type="checkbox"/> As soon as students are found eligible for ESY, the reasons for eligibility are documented on the IEP summary sheet or addendum <input type="checkbox"/> Continue instruction and document progress on progress report
<p>Two to three months prior to the end of the school year</p> <ul style="list-style-type: none"> <input type="checkbox"/> Notify district administrator for students eligible for ESY Be sure to include documentation to support decision <input type="checkbox"/> Continue to teach and gather data for last quarter/trimester of the school year · If the data indicates the student has a need for ESY and this has not yet been addressed, convene an IEP team meeting <input type="checkbox"/> If the team determines services are warranted, notify the district administrator as explained above
<p>When should ESY Data Collection occur?</p> <p>Recommended times for data collection:</p> <ul style="list-style-type: none"> <input type="checkbox"/> At the end of regular school year <input type="checkbox"/> At the end of summer program <input type="checkbox"/> At the beginning of subsequent school year <input type="checkbox"/> Before and after school vacations; if student has been out of school for other reasons <input type="checkbox"/> Ongoing collection of information throughout the school year

Adapted from www.kyrene.org/resource/esy

ESY Cover Sheet

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Student Name: _____ Age: ____ Grade: ____ Site: _____

Disability: _____ Services: _____

How disability shows up in class: _____

Special behavioral or discipline considerations: Yes No

Positive behavioral intervention plan? Yes No

Target Area(s): _____

Reading Level: _____ Reading Comprehension Level: _____ Target
Goal: _____ Target

Goal: _____

Functional Writing: _____

Target Goal: _____

Functional Math: _____

Target Goal: _____

Social/Emotional: _____

Target Goal: _____

Health/Medical Concerns: _____

Parent Involvement: High Medium Low

Other: _____



**SONOMA COUNTY SELPA
ESY ELIGIBILITY WORKSHEET**

Student Name:

Birthdate:

IEP Date:

Age:

Grade:

Definitions

ESY Extended School Year services are programs and services that assist the student in working toward the same goals and objectives that the student works on during the school year. ESY services are only provided for those areas on the current IEP where the student has demonstrated a) regression of skills during an extended school break and b) limited ability to benefit from re-teaching of skills after an extended school break. Regression Loss of previously attained skills documented by a review of the IEP goals, due to an extended school break

Rate of Recoupment: Length of time required to re-learn skills following an extended school break.

Regression of Recoupment: Some students have disabilities that are likely to continue indefinitely or for a prolonged period. In this situation, interruption of the student's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the student will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her disabling condition. (5 C.C.R. Section 3043.)

Directions The IEP Team shall determine the following in order to designate a student as requiring ESY as part of FAPE

Using input from staff and parents, answer the following questions

1. At the start of the school year, with a review period equal to that of general education students, was the student unable to regain skills lost over the break that would otherwise be expected in view of the student's disabling condition?

Yes No If yes, specify what area(s)

2. Does this student display a loss of previously taught skills and an inability to regain those skills following interruptions in instruction during the regular school year, i.e., Thanksgiving break, Winter Break, and Spring Break?

Yes No If yes, specify what area(s)

3. Is the current student at a crucial stage in learning a skill(s), such that an interruption in school program might cause loss of a skill(s) that the student would not be able to re-learn in a reasonable period of time in view of the student's disabling condition?

Yes No If yes, specify what area(s)

4. Is the student able to maintain the skills identified without Extended School Year?

Yes No If no, specify what skill(s)

5. Does the student require ESY to continue to achieve at the level of independence that is expected in view of the student's disabling condition?

Yes No

Note: refer to criteria specified on the ESY Worksheet pg. 2 if answer is "yes" on #5 above



**SONOMA COUNTY SELPA
 ESY ELIGIBILITY WORKSHEET**

Student Name:

Birthdate:

IEP Date:

Age: 15

Grade:

1. The student demonstrates a pattern of past regression in skills as evidenced by breaks of more than four weeks:

Yes No Unknown

Comments (describe the degree (minimal or serious) of actual or likely regression following a school break

2. What is the estimated amount of time it takes or it may take the student to regain the prior level of knowledge skills, benefits or functioning following a school break

One Month or Less Up to 3 months 4 to 6 Months Other

Comments

3. Describe the student's rate of learning (as compared with the student's ability to recoup after a break)

4. Does the IEP team feel the student's disability will continue indefinitely or for a prolonged period of time?

Yes No Unknown

Comments (describe the degree (minimal or serious) of actual or likely regression following a school break
 Describe the degree, nature and severity of the student's disability

5. Does the IEP team feel it will be impossible or unlikely the student will attain self-sufficiency and independence expected in view of the student's disability following a break?

Yes No Unknown

Comments (describe the degree (minimal or serious) of actual or likely regression following a school break

6. Is the student at a critical point of skill acquisition or readiness where their ability to acquire the skills will be lost or greatly reduced as a result of an interruption of services?

Yes No Unknown

If yes, describe

7. Are there any other issues concerning the student's physical, medical condition, emotional, social, behavioral, mental health, academic and/or vocational issues, and his/her ability to be with typically developing peers that may be adversely impacted if the student does not receive ESY services?

Yes No Unknown

If yes, describe

Possible Predictive Factors in Determining if ESY services are Necessary: (Johnson v. Indep. Sch. Dist. No. 4, 17 IDELR 170 (10th Cir. 1990), cert. denied, 110 LRP 38025, 500 U.S. 905 (1991).)

- Type and Severity – In what ways does the student's disability and/or intensity of needs impact the maintenance of learned skills?
- Behavioral/Physical –
 - Are there behavioral or physical factors that negatively impact the student's ability to maintain learned skills?
 - Have there been extended absences that impact ability to maintain learned skills?

- Have there been major life events that impact ability to maintain learned skills?
- Have there been significant behavioral challenges that interfere with the maintenance of learned skills?
- **Alternative Resources –**
 - What community/home resources are already planned or could be available in order for the student to maintain learned skills?
 - How does the parents’ ability to provide educational structure at home impact the child’s ability to maintain learned skills?
- **Ability to Interact with Nondisabled Peers –**
 - Does the lack of opportunities for the student to interact with nondisabled peers significantly interfere with maintenance of learned skills?
 - What community/home support is needed to provide necessary opportunities for the student?
- **Curriculum that Needs Continuous Attention –**
 - Are there any objectives on the IEP that require ongoing support in order to maintain learned skills?
 - Are there other elements of the IEP (such as a behavior plan or health care plan that require ongoing support in order to maintain learned skills?
- **Vocational Needs –**
 - Does the student require ongoing support in order to maintain learned vocational skills?
- **Extraordinary vs. Integral –**
 - What support/services are essential, as well as reasonable, to meet this student’s individual needs in order to maintain learned skills?
- **Child’s Rate of Progress –**
 - How does the length of time that the student takes to learn a skill negatively impact the maintenance of learned skills?
 - Would the interruption of services be detrimental to the student’s continued progress?
- **Other Relevant Factors –**
 - Has anything occurred additionally throughout the year that ought to be considered?