

Should Your Child's IEP Include Extended Year Services

By: Laura S. Nata

The term extended school year (ESY) services means special education and related services that are provided to a child with a disability beyond the normal school year, in accordance with the child's IEP. ESY services are different from summer school, summer remedial classes, compensatory services, and summer enrichment programs. These services are individualized based on the child's needs as documented in the IEP, are free of charge to parents, and meet the standards of the State Education Agency (SEA).

Three criteria are used to determine a student's need for ESY services: Regression-Recoupment, Critical Point of Instruction, and Special Circumstances as outlined below in Louisiana Bulletin 1530.

1. Regression-Recoupment (R-R) Criterion
 - a. This criterion shall be applied to all students with significant cognitive disabilities or who functions like students with significant cognitive disabilities at all ages and grade levels, including preschool aged students.
 - b. This criterion should be considered for all students suspected of having difficulty with recoupment of skills.
 - i. When the IEP Team decides to monitor a student using Regression-Recoupment criterion who is not participating in LAA 1, the team shall target specific critical goals and/or objective/benchmarks on the IEP as a basis to determine eligibility at the next IEP.
 - c. Definitions
 - i. *Pattern of Regression-Recoupment Problems*—following a break in instruction, there is a failure to regain the performance level for an objective/skill such that the highest post-break score is lower than the highest pre-break score for any objective (i.e., critical skill) across two breaks in instruction.
 - ii. *Break in Instruction*—a break of at least five instructional days.
 - iii. *Highest Pre-Break Score*—the highest score (of at least two data points) in the two-week period immediately preceding the break in instruction.

- iv. *Highest Post-Break Score*—the highest score (of at least two data points) in the two-week period immediately following the break in instruction.
- d. Steps for applying the R-R Criterion
 - i. The teacher/instructional personnel reviews student performance data before and after a minimum of two breaks in instruction. The method and frequency of data collection will depend on the objectives/benchmarks.
 - ii. Following extended breaks in instruction (i.e., full summer), it is expected the student will recoup the skills within 4 weeks.
 - iii. The teacher/instructional personnel determines whether there is a regression-recoupment problem such that the highest of the post-break score is lower than the highest of the pre-break score for "any" objective/benchmark and/or break.
 - iv. The student is eligible for ESY services when the performance data demonstrates a pattern of problems with recouping performance on any objective/skill across any two breaks within the current IEP.
2. Critical Point of Instruction (CPI) Criterion
 - a. This criterion shall be considered for all students.
 - b. Definitions
 - i. *Critical Point of Instruction-1 (CPI-1)*—in the absence of extended school year services, the student would be at risk of losing general education class time or increasing special education service time because of a lack of academic or social skill development.
 - ii. *Critical Point of Instruction-2 (CPI-2)*—in the absence of extended school year services, the student would be at risk of losing significant progress made toward acquisition, fluency, maintenance, and/or generalization of skills relevant in the pursuit of critical life areas (i.e., self-help, community access, or social/behavioral skill areas). Behaviors to be considered for CPI-2 include self-injurious, ritualistic, and/or

aggressive behaviors that negatively impact the health, well being and/or delivery of instruction to the student.

c. Steps for Applying the CPI Criteria

- i. The teacher/instructional personnel examines student performance data and determines whether in the absence of extended school year services, the student would be at risk of losing general education class time or increasing special education service time because of a lack of academic or social skill development (CPI-1) or would be in danger of losing significant progress made toward acquisition, fluency, maintenance, and/or generalization of skills relevant in the pursuit of critical life areas (i.e., self-help, community access, or social/behavioral skill areas) (CPI-2).
- ii. CPI-1: The teacher/instructional personnel determines that the student is projected to be at a critical stage in the general education curriculum, and special education services provided during an extension of the regular school year will allow the student to maintain the level of services indicated in the regular year IEP.
- iii. CPI-2: The teacher/instructional personnel determine that the student will require extended school year services to achieve meaningful benefit in the goal area.
 - (a). Students exhibiting interfering behaviors and qualifying under CPI-2 should have a goal and/or objectives/benchmarks on the IEP to address those behaviors; and documentation shall include a description of the behavior, baseline data, copy of the behavior intervention plan, and when available, a copy of the functional behavior analysis.
- iv. The student is eligible for ESY when there is evidence the impact of providing ESY services could enable the student to maintain and/or achieve grade-level expectations and reduce the loss of skill acquisition, fluency and/or maintenance.

3. Special Circumstances (SC) Criterion

a. Employment

- i. Students ages 16-21 shall be considered for ESY services when there is documentation (i.e.,

job performance data) that the student is in need of support to maintain paid employment. *Paid Employment* refers to pay commensurate/minimum wage or has an alternate wage certificate from the Department of Labor to be paid at a reduced level.

- ii. A written statement from the student's employer signifying his or her intention to employ the student throughout the summer months; and
- iii. a current IEP with goals and action steps targeted for transition in the area of employment.
- iv. The student is eligible for ESY services when there is evidence the student is in need of support to maintain paid employment during the summer months.

b. Transition from Early Steps to Part B (Preschool)

- i. Students transitioning from Early Steps to Part B preschool services who have spring/summer birthday shall be considered for ESY services.
- ii. The student is eligible for ESY when there is evidence from the performance data on the Individualized Family Service Plan (IFSP) that the student will fail to maintain performance skills and will regress without ESY services.

c. Transition to Post-school Outcomes

- i. Students who have a transition plan and who are expected to exit the LEA at the end of the school year shall be considered for ESY services. The teacher/instructional personnel shall examine the documentation of the incomplete action steps and corresponding goals that are the responsibility of the LEA.
- ii. The student is eligible for ESY when the student is in need of services to complete the action steps that are the responsibility of the LEA that are not expected to be completed by the end of the student's final year in school.

d. Excessive Absences

- i. A student with a disability who has documented absences during the school year, in excess of 25 days, for health-related conditions without the provision of hospital/homebound services and who has failed to make projected progress shall be considered for ESY services.

- ii. A student is eligible for ESY services when there is evidence that failure to acquire the goals and/or objectives/benchmarks will seriously jeopardize the overall educational progress of the student; and
- iii. the ESY services could have a significant impact on the student's ability to make progress toward the acquisition of established goals and objectives/benchmarks.

e. Extenuating Circumstances

- i. There may be unusual situations or circumstances when ESY services may be needed, but the student does not meet any of the eligibility criteria.
- ii. The teacher/instructional personnel shall use professional judgment to make the decision whether the student needs ESY services in order to receive FAPE. The teacher/instructional personnel shall determine if a break in instruction will negatively impact or cause the student to lose skills that will restrict the student's ability to function as independently as possible.
- iii. Two steps to determine eligibility for an extenuating circumstance are:
 - (a). consider the previously described ESY eligibility criteria, and
 - (b). determine there is a need for ESY services through the examination of student performance

Now just because your child received ESY for one school year does not mean he will automatically receive ESY every year. The decision must be based on the criteria above as to whether ESY is necessary to prevent your child from losing certain critical skills that they have gained during the regular school year.

Through the school year members of the IEP team should include a written description about the type of communication that will take place between home and

school concerning the student's ESY services. Communication may include written reports, conferences or any other means agreed upon by the IEP team.

Transportation is a related service and must be offered if it is necessary for the student to benefit from ESY. If the student qualifies for ESY the district must provide the program and if they say they can't for whatever reason they must provide the service through a contractor. If the district does not because of lack of funds, location, transportation or lack of staff, the parent can exercise procedural safe guards.

One additional piece of information, if a student with a disability is placed in private school she/he does not have the right to receive some or all of the special education and related services that the student would receive when enrolled in a public school. If for some reason they do, several steps will have to take place.

For any additional questions regarding services for students with disabilities enrolled by parents in private school or public, go to <http://bese.louisiana.gov/documents-resources/policies-bulletins> click on Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities Chapter 7. Enjoy~

For additional questions regarding services for students with disabilities enrolled by parents in private school go to idea.ed.gov and click on the Q and A documents.