



ESY = Extended School Year

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DISCLAIMER

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IS **ESY** IN SPECIAL ED LAW?

_____ YES

_____ NO



ESY AND IDEA

ESY is defined only in the regulations.

ESY = Extended School Year

ESD = Extended School Day



UNDERSTANDING

- ▶ DEFINITIONS
- ▶ RIGHTS
- ▶ ELIGIBILITY
- ▶ PROGRESS MONITORING
- ▶ TIMELINES



DEFINITION

- ▶ Special education and related services that
- ▶ (1) Are provided to a child with a disability
 - (i) **Beyond the normal school year of the LEA**
 - (ii) **In accordance with the child's IEP; and**
 - (iii) **At no cost to the parents of the child; and**
- ▶ (2) Meet the standards of the SEA.

Part 300 / B / 300.106 / b



ESY IS NOT . . .

- ▶ AN EXTENSION OF TIME IN SCHOOL
- ▶ SUMMER SCHOOL
- ▶ A SUMMER ENRICHMENT PROGRAM
- ▶ WHATEVER HAPPENS TO BE AVAILABLE



ESY IS . . .

- ▶ SPECIALIZED INSTRUCTION
AND RELATED SERVICES
- ▶ PROVIDED BY HIGHLY
QUALIFIED INSTRUCTORS
- ▶ WHO CARRY OUT THOSE
PARTS OF THE IEP
- ▶ NEEDED FOR A STUDENT TO
MAKE EDUCATIONAL
PROGRESS.



RESPONSIBILITIES

EVERY SCHOOL MUST ENSURE THAT ESY SERVICES ARE AVAILABLE TO STUDENTS WHOSE IEP TEAMS DETERMINE THAT SUCH SERVICES ARE NECESSARY FOR THE PROVISION OF A FREE APPROPRIATE PUBLIC EDUCATION. *34 C.F.R. 309(a)(2).*

- ▶ IEP TEAM SAYS ESY IS NECESSARY
- ▶ FOR A STUDENT TO MAKE EDUCATIONAL PROGRESS



SCHOOLS MAY NOT

- ▶ LIMIT ESY SERVICES TO PARTICULAR CATEGORIES OF DISABILITY
- ▶ UNILATERALLY LIMIT THE TYPE, AMOUNT, OR LENGTH OF THE SERVICES.
34 C.F.R. 300.309(A).



WHAT IF YOU HEAR

- ▶ WE ONLY PROVIDE ESY TO STUDENTS WITH SEVERE DISABILITIES.
- ▶ WE DON'T PROVIDE ESY DURING CHRISTMAS BREAK
- ▶ WE HAVE A SUMMER SCHOOL PROGRAM THAT WOULD WORK FOR YOUR SON.
- ▶ WE OFFER ESY BUT WE ONLY HAVE SPEECH THERAPY.



POLICY RULINGS

- ▶ DECISIONS MUST BE DISCUSSED BY THE IEP TEAM.
 - ▶ ESY MUST BE CONSIDERED FOR ANY STUDENT IF WE ARE TO ADDRESS THE UNIQUE NEEDS OF ALL STUDENTS.
 - ▶ ESY MAY NOT BE LIMITED IN LENGTH FOR ALL STUDENTS.
 - ▶ AN EXTENDED YEAR MAY DIFFER FROM THE REGULAR PROGRAM.
-



Letter to Baugh (July 2, 1987), 211 EHLR 481

POLICY RULINGS

ESY PROGRAMS MUST BE
MADE AVAILABLE WHEN
THEY ARE NECESSARY TO
PROVIDE A FREE
APPROPRIATE PUBLIC
EDUCATION



Letter to Gramm (July 25, 1988), 213 EHLR 149:



POLICY RULINGS

THE **IEP TEAM** DETERMINES THE AMOUNT OF SERVICES.

CONCENTRATE ON

- ▶ AREAS IN WHICH STUDENT MIGHT EXPERIENCE REGRESSION
- ▶ SKILLS OR PROGRAMS NEEDED SO THAT REGRESSION DOES NOT OCCUR IN ACADEMIC AREAS (BEHAVIOR)

Letter to Myers (August 30, 1989), 213 EHLR 255:



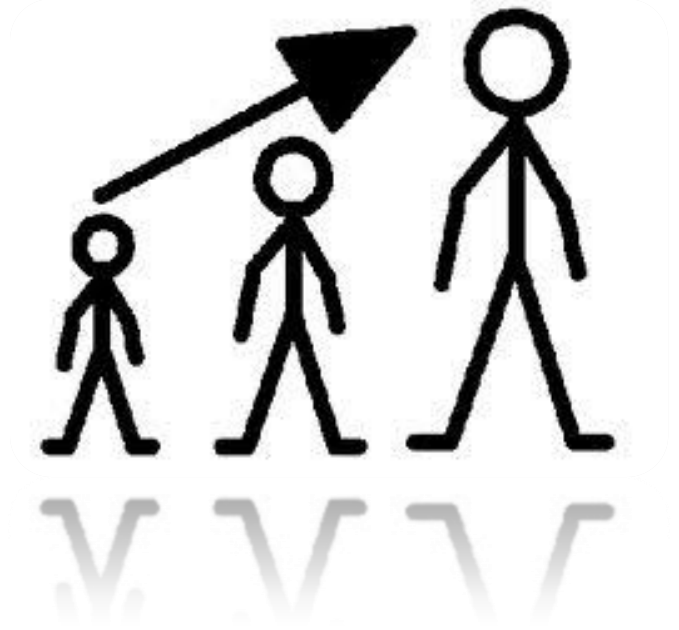
POLICY RULINGS

- ▶ MODIFICATIONS TO A PROGRAM ARE DETERMINED ON A CASE BY CASE BASIS
- ▶ DECISIONS MUST BE BASED ONLY ON A STUDENT'S UNIQUE NEEDS
- ▶ RELATED SERVICES MAY BE THE SINGLE COMPONENT OF AN ESY PROGRAM



AGE 3 TRANSITION

CHILDREN WHO TURN 3
DURING THE SUMMER MUST
BE PROVIDED WITH ESY IF
NEEDED TO BENEFIT FROM
SPECIAL EDUCATION



Letter to Anonymous (November 15, 1993), 22 IDELR 980:



REGRESSION AND RECOUPMENT

REGRESS

- ▶ THE STUDENT IS LIKELY TO LOSE MORE SKILLS THAN THE AMOUNT EXPECTED FOR ANY STUDENTS

RECOUP

- ▶ THE STUDENT WOULD TAKE LONGER TO REGRAIN SKILLS THAN STUDENTS WITHOUT DISABILITIES



DECISIONS

- ▶ IT IS NOT NECESSARY FOR A STUDENT TO ACTUALLY REGRESS OR TAKE A LONG TIME TO RECOUP TO BE ELIGIBLE FOR ESY SERVICES
- ▶ THE LIKELYHOOD OF REGRESSION IS ALL THAT IS NEEDED.
- ▶ TEAMS SHOULD AVOID FOCUSING ON A SINGLE, INFLEXIBLE CRITERION



DECISIONS

DECISIONS ABOUT ESY ARE BASED ON INFORMATION ABOUT A STUDENT'S PERFORMANCE, PROGRESS AND THE BEST JUDGMENT OF THE TEAM.

PARENTAL INPUT MUST BE CONSIDERED.



TEAM CONSIDERATIONS

- ▶ THE DEGREE OF THE IMPAIRMENT.
- ▶ THE DEGREE OF THE REGRESSION.
- ▶ THE RECOVERY TIME FROM THE REGRESSION.
- ▶ THE ABILITY OF THE PARENTS TO PROVIDE THE EDUCATIONAL STRUCTURE AT HOME.
- ▶ THE CHILD'S RATE OF PROGRESS.
- ▶ THE CHILD'S BEHAVIORAL AND PHYSICAL NEEDS.



TEAM CONSIDERATIONS

- ▶ THE AVAILABILITY OF ALTERNATIVE RESOURCES.
- ▶ THE ABILITY OF THE CHILD TO INTERACT WITH NONDISABLED CHILDREN.
- ▶ THE AREAS OF THE CHILD'S CURRICULUM WHICH NEED CONTINUOUS ATTENTION.
- ▶ THE CHILD'S VOCATIONAL NEEDS.
- ▶ WHETHER THE REQUESTED SERVICES ARE AN INTEGRAL PART OF THE PROGRAM FOR THOSE WITH THE CHILD'S CONDITION VS. SOMETHING EXTRAORDINARY



TIMELINES

- ▶ IF THE TEAM DOES NOT GATHER IMPORTANT INFORMATION ABOUT A STUDENT'S PROGRESS IT WILL BE DIFFICULT TO MAKE A DECISION IN FAVOR OF ESY.
- ▶ THE COURTS HAVE RULED AGAINST SCHOOLS IN SITUATIONS WHEN TEAMS WERE NOT GIVEN ENOUGH TIME TO MEASURE THE NEED FOR ESY.

January February
March
August
July
June
May
October
November
September
April
December



RECOMMENDED SCHEDULE

- ▶ AT THE END OF THE SCHOOL YEAR.
- ▶ AT THE END OF THE SUMMER PROGRAM.
- ▶ AT THE BEGINNING OF THE NEXT SCHOOL YEAR.
- ▶ AT THE END OF THE FOLLOWING SCHOOL YEAR.
- ▶ BEFORE/AFTER SCHOOL VACATIONS.
- ▶ THROUGHOUT THE SCHOOL YEAR.
- ▶ BEFORE/AFTER STUDENT HAS BEEN OUT OF SCHOOL FOR OTHER REASONS.



MINUTES

- ▶ ANY POINTS OF IMPORTANCE, SUCH AS INSUFFICIENT DATA, THE STUDENT'S LACK OF PROGRESS, OR ANY OTHER ISSUES REGARDING ELIGIBILITY FOR ESY SERVICES OR THE SUBSTANCE OF AN ESY SERVICES PROGRAM SHOULD BE DOCUMENTED IN THE MINUTES.



MONITORING PROGRESS

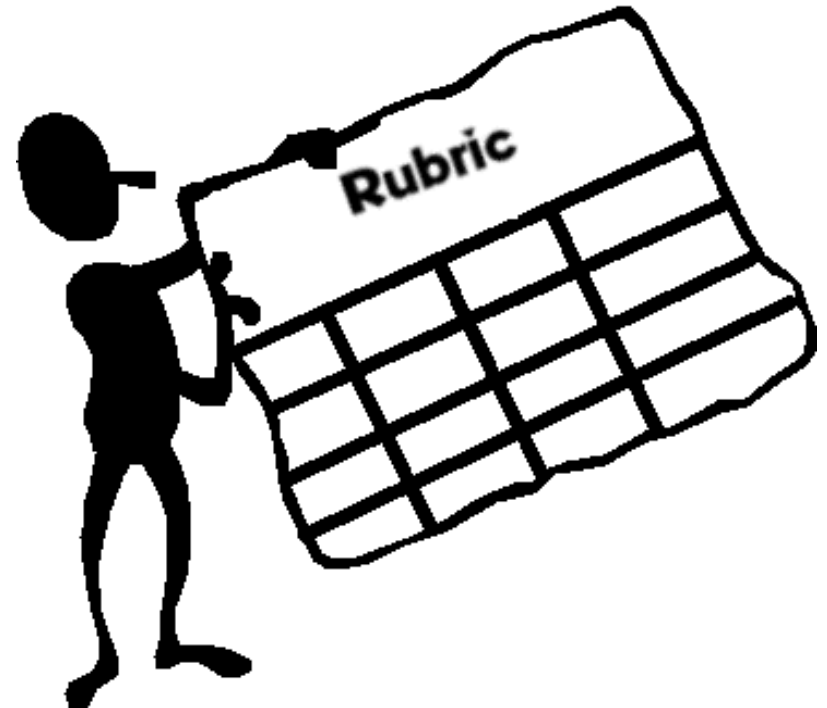
TEAMS DO BEST WHEN THEY USE DATA DRIVE
DECISION MAKING

OBJECTIVE	SUBJECTIVE
TESTS OBSERVATION WORK SAMPLES	CLINICAL SKILLS OPINION INTUITION



CURRICULUM BASED MEASUREMENT

- ▶ RELIABLE AND VALID ASSESSMENT SYSTEM
- ▶ BASIC ACADEMIC SKILL AREAS
 - ▶ READING
 - ▶ WRITING
 - ▶ SPELLING
 - ▶ MATH



PROBES

- ▶ REPRESENT OUTCOMES FOR THE YEAR
- ▶ ADMINISTERED FREQUENTLY (WEEKLY OR BI-WEEKLY)
- ▶ STUDENT SCORES ARE GRAPHED TO SHOW PROGRESS OVER TIME



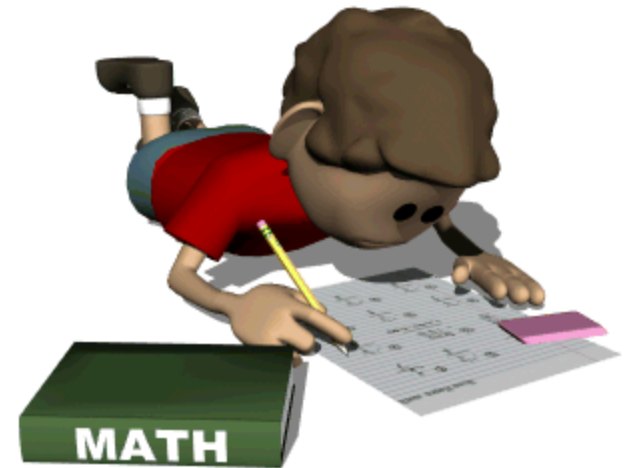
READING

- ▶ ORAL READING FLUENCY GOES WITH READING COMPREHENSION
- ▶ FLUENT READERS TYPICALLY COMPREHEND AND CAN PAY ATTENTION TO THE TEXT
- ▶ PASSAGES FOR READING MASTERY BY THE END OF THE YEAR ARE USED TO ASSESS PROGRESS OVER TIME
- ▶ SCORE IS DETERMINED BY THE TOTAL NUMBER OF WORDS READ CORRECTLY IN ONE MINUTE



MATH

- ▶ CAN BE USED WITH COMPUTATION, CONCEPTS AND APPLICATIONS
- ▶ PROBLEMS REPRESENT SKILLS TO BE MASTERED BY THE END OF THE YEAR
- ▶ 2-8 MINUTES ARE ALLOTTED FOR EACH ASSESSMENT
- ▶ SCORE IS DETERMINED BY THE NUMBER OF CORRECT DIGITS IN THE STUDENTS FINAL ANSWERS WITHIN THE SPECIFIED TIME



PRESENT LEVEL OF PERFORMANCE

- ▶ AVERAGE **STARTING** SCORES ARE TRANSLATED INTO PRESENT LEVEL OF PERFORMANCE
- ▶ CURRENT PERFORMANCE CAN BE COMPARED TO PERFORMANCE LATER IN THE YEAR
- ▶ TEST ADMINISTRATION IS CONSISTENT
- ▶ SCORING PROCEDURES CONSISTENT
- ▶ DIFFICULTY LEVEL OF TEST CONSISTENT



EXAMPLES

▶ READING

- ▶ GIVEN RANDOMLY SELECTED PASSAGES AT THE THIRD-GRADE LEVEL, J. R. CURRENTLY READS ALOUD 65 WORDS CORRECT PER MINUTE.

▶ MATHEMATICS

- ▶ GIVEN 25 PROBLEMS REPRESENTING THE THIRD-GRADE LEVEL, J. R. CURRENTLY WRITES 20 CORRECT DIGITS IN 3 MINUTES.

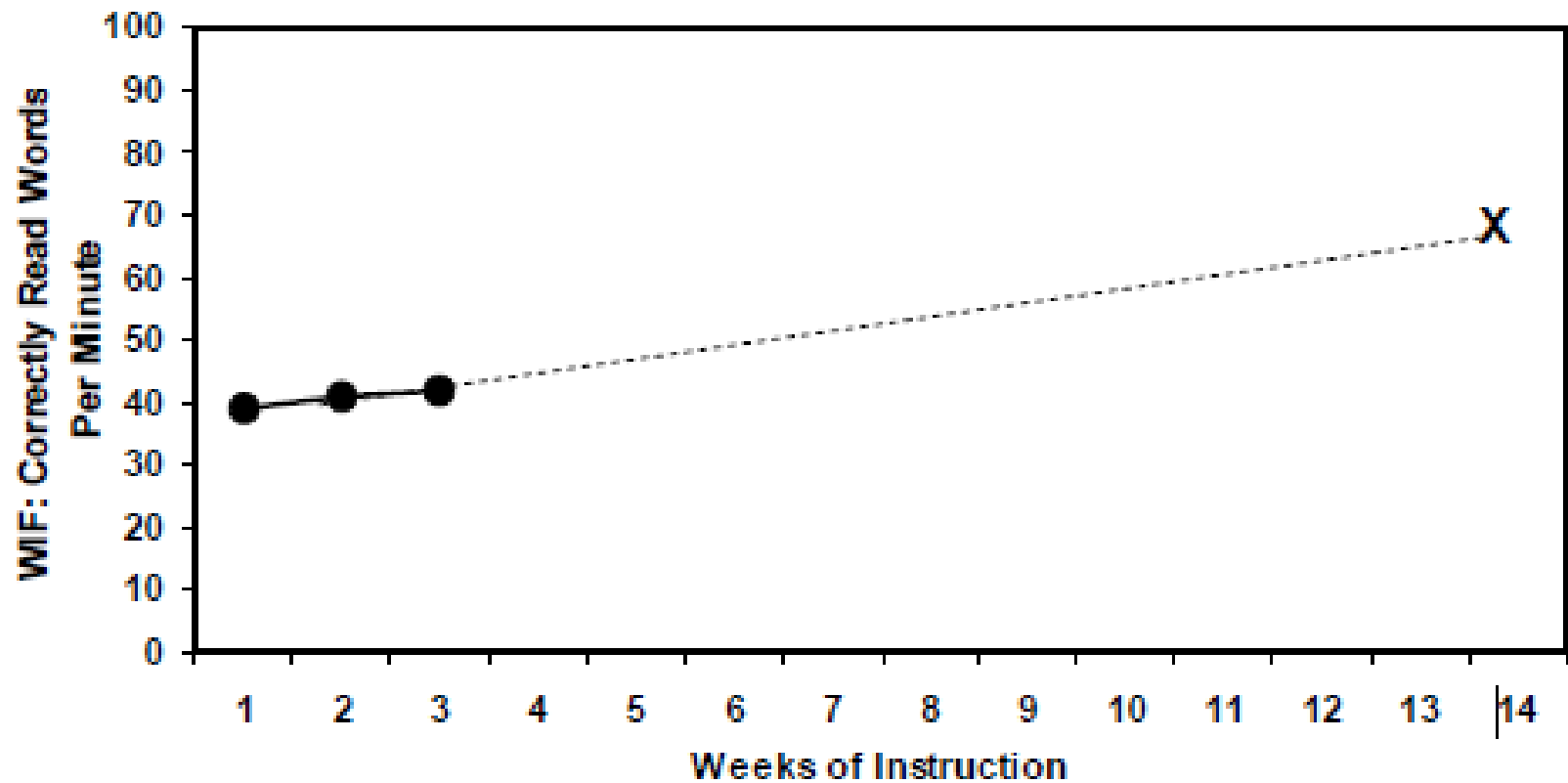


ANNUAL GOALS

- ▶ IDENTIFY END OF YEAR GOALS
- ▶ PROBES REPRESENT SKILLS TO BE MASTERED BY THE END OF THE YEAR
- ▶ MEASURABLE GOAL STATEMENT CAN BE WRITTEN THAT REFLECTS LONG-TERM MASTERY



ANNUAL GOAL LINE



SHORT TERM OBJECTIVES

- ▶ ANNUAL GOAL
- ▶ MINUS CURRENT PERFORMANCE
- ▶ DIVIDED BY NUMBER OF WEEKS
BETWEEN BASELINE AND GOAL
- ▶ = SHORT TERM / WEEKLY
OBJECTIVE



READING EXAMPLE

PRESENT LEVEL OF PERFORMANCE

- ▶ GIVEN RANDOMLY SELECTED PASSAGES AT THE THIRD-GRADE LEVEL, J. R. CURRENTLY READS ALOUD 65 WORDS CORRECT PER MINUTE.

ANNUAL GOAL

- ▶ GIVEN RANDOMLY SELECTED PASSAGES AT THE THIRD-GRADE LEVEL, J. R. WILL READ ALOUD 115 WORDS CORRECT PER MINUTE BY THE END OF THE YEAR (OR IN 35 WEEKS).

SHORT-TERM / WEEKLY OBJECTIVE

- ▶ GIVEN RANDOMLY SELECTED PASSAGES AT THE THIRD-GRADE LEVEL, J. R. WILL READ ALOUD 1.4 ADDITIONAL WORDS CORRECT EACH WEEK
-



MATH EXAMPLES

PRESENT LEVEL OF PERFORMANCE

- ▶ GIVEN 25 PROBLEMS REPRESENTING THE THIRD-GRADE LEVEL, J. R. CURRENTLY WRITES 20 CORRECT DIGITS IN 3 MINUTES.

ANNUAL GOAL

- ▶ GIVEN 25 PROBLEMS REPRESENTING THE THIRD-GRADE LEVEL, J. R. WILL WRITE 40 CORRECT DIGITS IN 3 MINUTES BY THE END OF THE YEAR (OR IN 35 WEEKS).

SHORT-TERM / WEEKLY OBJECTIVE

- ▶ GIVEN 25 PROBLEMS REPRESENTING THE THIRD-GRADE LEVEL, J. R. WILL WRITE .6 ADDITIONAL CORRECT DIGITS IN 3 MINUTES EACH WEEK $[(40 - 20)/35 = .57]$.
-



DECISIONS

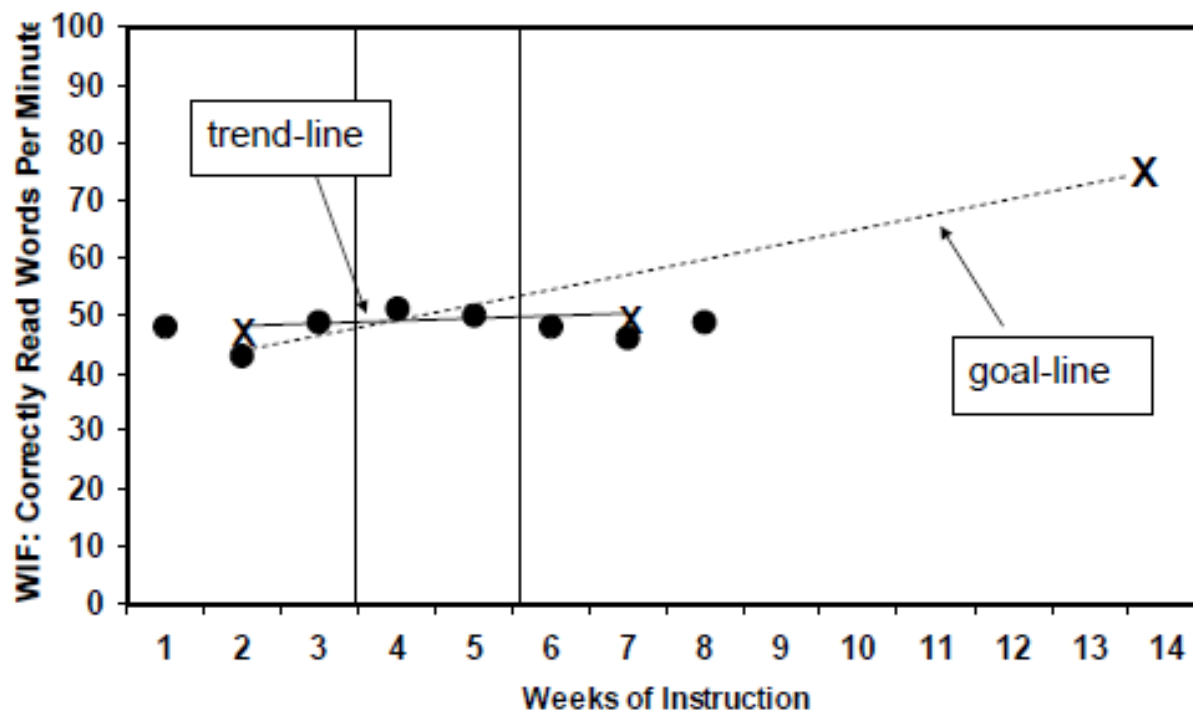
USING WEEKLY DATA POINTS,
COMPARE TREND LINE AGAINST
GOAL LINE

- ▶ IF TREND LINE IS STEEPER THAN GOAL LINE –RAISE THE GOAL
- ▶ IF TREND LINE IS BELOW GOAL LINE – MODIFY INSTRUCTION
- ▶ IF TREND LINE IS AT GOAL LINE, STUDENT IS MAKING SUFFICIENT PROGRESS TO MEET ANNUAL GOAL



PROGRESS

Not making Progress – Change instructional program



MONITOR PROGRESS

- ▶ STUDENT PROGRESS
ACROSS THE YEAR IS
MONITORED
- ▶ EFFECTIVENESS OF
INSTRUCTIONAL
PROGRAMS MONITORED



RESEARCH

STUDENTS WHOSE TEACHERS
MONITOR ACADEMIC PROGRESS
AND MAKE ADJUSTMENTS IN
INSTRUCTIONAL PROGRAMS WHEN
NECESSARY SIGNIFICANTLY
OUTPERFORM COMPARABLE
STUDENTS WHOSE TEACHERS DO
NOT USE CBM



SUMMARY

THE ESY PROGRAM DOES NOT NEED TO OFFER EVERY SERVICE PROVIDED DURING THE TYPICAL SCHOOL YEAR BUT MUST ADDRESS ANY OF THE NEEDS THAT A STUDENT HAS WHICH SUGGEST THAT ESY SERVICES MIGHT BE REQUIRED.



DECISIONS

THE SCHOOL HAS THE FINAL RESPONSIBILITY TO PROVIDE A FREE AND APPROPRIATE PUBLIC EDUCATION. FOR THAT REASON THEY MAY DENY ESY. IF THAT HAPPENS THE SCHOOL NEEDS TO PUT THEIR REASONS IN WRITING FOR THE PARENT. PARENTS HAVE A RIGHT TO ACCESS ANY OF ND'S DISPUTE RESOLUTION PROCESSES AT THAT POINT.



FUNDING

- ▶ LIMITED FUNDING HAS NOT BEEN ACCEPTED AS A VALID REASON FOR DENYING ESY BY THE COURTS. IF THE TEAM CONCLUDES THAT A STUDENT IS ELIGIBLE FOR ESY, SCHOOLS ARE EXPECTED TO FIND THE FUNDING.



EXTRAORDINARY SERVICES

- ▶ SCHOOLS ARE NOT REQUIRED TO PROVIDE AN EXTRAORDINARY LEVEL OF SERVICES WHEN PROVIDING ESY.



RESOURCES

- ▶ US DEPARTMENT OF EDUCATION

<http://idea.ed.gov/explore/view/p/,root,regs,300,B,300%252EI06>

- ▶ PRIMER ON ESY -MOUNTAIN PLAINS REGIONAL RESOURCE CENTER.

<http://www.familiestogetherinc.org/PDF%20FILES/provisionofesy.pdfinclude>

- ▶ ND DEPARTMENT OF PUBLIC INSTRUCTION

http://www.dpi.state.nd.us/speced/guide/iep/IEP_Guide.pdf

ESY PLANNING CHECKLIST

<http://pathfinder-nd.org/pdf/products/ESYCHECKLIST.pdf>



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