

Special Services Memorandum

To: Special Educators
CC: Administrators
From: Donarae Cook
Date: 01/18/11
Re: Extended School Year (ESY) Procedures

Attached you will find the revised WWSU ESY Policy and Procedures. I have attached the worksheets and required forms to be used when planning ESY services for students as required by IEPs.

White – WWSU ESY Policy and Procedures

Pink – worksheet for you to use with your teams when contemplating ESY services

Yellow – required form for IEP students transitioning to CBMS or HUHS and receiving ESY services at the receiving school

Form 7 or 7a – required special education forms to be completed at every ESY determination meeting and submitted to WWSU Director of Student Support Services

Sample Parent Letter – 2 included for use following ESY meeting; one for students receiving ESY services, and one for student NOT receiving ESY services.

Please read the directions carefully and refer to the worksheet when determining eligibility for ESY services.

Washington West Supervisory Union Model Policy

Policy F31-R

F31-R: EXTENDED SCHOOL YEAR SERVICES

Policy

The member district schools of the Washington West Supervisory Union: Fayston Elementary School, Harwood Union High School, Moretown Elementary School, Waitsfield Elementary School, Warren Elementary School, and the Waterbury/Duxbury Union School District (Crossett Brook Middle School and Thatcher Brook Primary School) provide special education and related services to each student who has been found to be eligible for such services as required by law (§2363.8(h)). It is recognized that it may be necessary, in some instances, to provide such services over an extended school year (ESY), a period beyond the regular school year, in order to provide an appropriate special education program to the student.

Procedures implementing this policy shall be promulgated and revised as necessary by the Superintendent of Schools or his/her designee. In implementing this policy, the District shall not limit extended school year services to particular categories of disability; nor unilaterally limit the type, amount, or duration of ESY service.

Steps shall be taken by special education personnel to inform parents of students eligible for special education and related services of the existence of this policy and implementing procedures, and of their right to challenge decisions concerning ESY services through the due process hearing procedure.

Date Warned: 09.06.12
Date Adopted: FES: 09.18.12; HUHS: 09.19.12; MES: 09.10.12; W-D: 09.11.12; WES: 09.17.12; WS: 09.19.12
Legal Reference:
Cross Reference:

Revised 03/14/2011

Washington West Supervisory Union

Guidelines and Procedures for Extended School Year (ESY) Services

I. Definition of Extended School Year Services

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

II. Purpose of Extended School Year Services

- A. Students with disabilities, like their nondisabled peers, benefit from school vacations. Breaks in formal programming allow most children to integrate into their natural environment the skills and behaviors learned in school.
1. For most children, "learning" takes place outside the formal school environment as well.
 2. For some students, the break in programming may be detrimental rather than beneficial to the overall learning process. Such a student may require ESY programming in order to prevent severe regression and/or otherwise to avoid significantly jeopardizing educational benefits accrued during the regular school year.

III. Factors to Consider in Making Determination for Extended School Year Services

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

3. The severity of the child's disability presents a danger of substantial regression; or
 4. The youth's transition goals require continued programming beyond the school year IEP.
- B. In order to find that a student requires ESY services, the IEP Team must first find that:
1. Within the last three years the student has been determined by the Evaluation and Planning Team to be eligible for special education and related services in accordance with state and federal law; and
 2. That the specified ESY services are an essential (not merely beneficial) component of the child's IEP.
- C. The determination as to whether a child should received ESY services shall be made on an individualized basis. The determination shall not be made on the basis of the category of the child's disability. In addition to III(A), the following factors must be considered by the IEP Team in making that determination:
1. The nature of the disability;
 2. The severity of the disability;
 3. Whether the student would suffer a significant regression/recoupment loss in an area of learning which is particularly crucial to reaching the goal of self-sufficiency and independence from caretakers;
 4. The extent of regression which has been (or is predicted to be) caused by interruption in educational programming;
 5. The rate of recoupment which has been (or is predicted to be) possible following the interruption in educational programming.
- D. The IEP Team shall also consider whether the child is failing (or is likely to fail) to achieve short term instructional objectives on his/her IEP due to interruption of instruction between school years. However, the fact that a child is not meeting a goal(s) or objective(s) shall not alone necessarily require provision of ESY services.
- E. Depending on the student's needs and program, the IEP Team should consider, as they deem relevant, other factors, including but not limited to:
1. The child's rate of progress;
 2. The child's behavioral, emotional, and physical status as they relate to learning;
 3. The availability of alternative resources;
 4. The child's vocational needs; and
 5. The child's past history of retention skills after breaks in school attendance (for example, weekends, mid-term/year vacations, summer breaks).
- F. In reaching its determination as to the need for ESY services, the IEP Team shall consider relevant information from sources such as:
1. Experience of persons who work with the child, such a teachers, parents, and therapists;

2. Empirical data, if any, maintained on the child, including pre- and post-test IEP data;
 3. Medical, psychological, or education records of the child from public and private sources; and
 4. Prognosis or opinions of educators, evaluators, medical personnel, parents, and others who work with the child.
- G. The IEP Team shall consider all circumstances, which have seriously impeded, or may be expected to seriously impede, or have contributed to the impeding of, the student's progress, and whether such circumstances are related to the student's disability.
- H. Assessment shall include, where possible, retrospective analysis to determine the effects of previous breaks in instructional program as an objective measure of the impact of the summer break. However, in the absence of relevant regression/recoupment data from previous summer break in the instructional program, the IEP conference participants may determine prospectively whether a child is likely to suffer severe regression combined with limited recoupment ability or otherwise significantly jeopardize educational benefits, based upon appropriate information as described in paragraphs A-G above.

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

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

1. The EPT shall promptly conduct or arrange to have conducted the necessary evaluation.
 2. The EPT shall report its findings (and its recommendations, if any) to the IEP Team.
- D. If it is determined that special education and/or related services are required over the summer, the IEP Team shall include ESY goals and services in the individual education program.
1. The IEP Team should first determine the goal(s) and objective(s) for which ESY programming is essential.
 2. The Team will determine, on an individualized basis, the nature, amount, and duration of special education and/or related services to be provided through ESY.
 3. The IEP shall contain only the goal(s), objective(s), and services that are essential to prevent severe regression and/or to avoid significantly jeopardizing educational benefits accrued during the school year.
- E. In making its decision, the IEP Team shall determine, not whether an ESY service would be beneficial, but whether it is a necessary component to provide a free and appropriate education for an individual child. (See WWSU ESY Worksheet).
- F. The current special education case manager will complete all required ESY paperwork. The ESY portion of the IEP shall be completed by the IEP Team no later than May 15 of the year for which the ESY services are being offered.
- G. The special education case manager will document ESY decisions at annual IEP meetings on the IEP and in meeting minutes and will send to parents all required paperwork.
1. Notice of annual IEP meeting prior to meeting
 2. Minutes of meeting following meeting
 3. Parental Rights during meeting
 4. Prior written notice and/or refusal form (Form 7)
 5. IEP Cover Page, Service Page, and Goals must be developed at the annual IEP meeting to the extent possible. Specific program content development/scheduling must be developed no later than May 15.
- H. Following the ESY determination meeting, parents will be provided with written notice of the ESY services decision (State required form 7 or 7a). **Form 7 or 7a** shall include justification for the decision to propose or refuse ESY services based on WWSU policy and VDE rule §2363.8(h).
- I. Current special education case manager will send a copy of form 7 or 7a to the WWSU Director of Student Support Services.

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

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

- A. Building level administrators will act as LEA at meetings and review ESY service needs prior to scheduling ESY services.
- B. Location of service determines which school will schedule, hire, train, and supervise the service providers.
 - 1. If tutoring is occurring at HUHS or CBMS, the sending school case manager will send the WWSU ESY Cover Page (yellow), IEP, and materials and the receiving school will hire, train, plan for, and supervise the service delivery.
- C. Employment letters and timesheets will be used to process payroll for ESY services.
 - 1. Building level administrators will issue letters to paraprofessional staff/instructional assistants advising them of the ESY pay rate (Appendix A)
 - a. *For current WWSU employees, the teaching contract allows for additional time to be paid at the per diem rate and the ESY policy outlines the pay for staff.*
 - b. *Teachers will receive the employment letter and will submit timesheets to Central Office.*
- D. Building level administrators who are hiring non WWSU staff will follow the usual hiring process through central office and will receive employment letters. These employees will need to meet the usual hiring guidelines, including HQP, references, and a criminal record check.
- E. Timesheets need to be completed by all staff providing ESY services, indicating the student names, approval by the Building Administrator, and be submitted via the regular payroll process.

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

- A. WWSU Employees
 - 1. **Licensed professional** (including teachers, counselors, special educators, SLPs, etc) - per diem rate according to their negotiated agreements
 - 2. **Highly Qualified Paraprofessional** - \$20.00 per hour
 - 3. **Paraprofessional with Teaching License** (functioning as a licensed teacher; as required by an IEP) - \$25.00 per hour
- B. Outside WWSU

1. **Licensed professional** (including teachers, special educators) - \$25.00 per hour
 2. **Highly Qualified Paraprofessional** (must provide documentation of HQP status to Director of SSS by June 15) - \$20.00 per hour
 3. **Privately Contracted Related Service Providers** (including counselors, SLPs, OTs, PTs, etc) – up to \$70.00 per hour; per existing agreements
- C. Time Sheets – All time sheets will be signed by supervisor and submitted to WWSU Business Office, or for HUHS employees, the HUHS Business Office.

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

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

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

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

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

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

- E. Following the meeting when the team determines to terminate services, a Form 7a shall be completed and sent to the parents along with Parental Rights.

Washington West Supervisory Union Extended School Year (ESY) Services Worksheet

To be used at IEP meetings

Definition of Extended School Year (ESY) Services: §2363.8(h) explains that ESY may be provided if a student’s IEP team finds that such services are necessary to provide a free appropriate public education to the student. There are many students who would benefit from summer academic work. This is not the purpose of ESY.

Many students with and without disabilities look forward to school vacations and the opportunities to participate in non-school related activities (recreation programs, camps, family vacations, travel, summer jobs, etc.). It is important that teams consider this to make sure that ESY does not interfere with allowing students to live a “regular life.”

Questions Teams Should Consider in Determining ESY Services:

	<u>YES</u>	<u>NO</u>
1. Are ESY services <u>essential</u> (not simply beneficial) to permit the student an opportunity to reach reasonably set educational goals?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the student regress during summer break to such an extent that he/she will be unable to recoup his/her losses?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the regression be extraordinary or irretrievable?	<input type="checkbox"/>	<input type="checkbox"/>
4. Does the severity of the disability present a danger of substantial regression?	<input type="checkbox"/>	<input type="checkbox"/>
5. Are the transition needs such that the student needs continued programming beyond the school year IEP?	<input type="checkbox"/>	<input type="checkbox"/>
6. If the student does not receive ESY services, is there solid information (e.g., past performance showing substantial regression over the vacations) or are there other reasons to suggest that he or she will not received an appropriate education? <u>Please explain.</u>	<input type="checkbox"/>	<input type="checkbox"/>
7. What are the student’s goals for the summer? Would summer disruption cause irreparable, permanent, or major loss of skills?	<input type="checkbox"/>	<input type="checkbox"/>

Does the team agree that ESY services are essential in order to provide FAPE? _____

	Done
1. Send parent(s) copy of IEP, Parental Rights, and Form 7/7a.	<input type="checkbox"/>
2. Send central office Decision Form (Form 7/7a).	<input type="checkbox"/>
3. FOR MEDICAID STUDENTS ONLY, send central office copy of IEP.	<input type="checkbox"/>

Washington West Supervisory Union

Extended School Year Cover Page for Transitioning Students

(only for students receiving services at Crossett Brook or Harwood Union)

In order to appropriately plan for ESY needs, this form must be filled out completely, by sending school, **before May 31st** and submitted to Crossett Brook Middle School or Harwood Union High School. Any questions, please contact Donarae Cook, WWSU Director of Student Support Services at 496-2272 x 113.

Student Name: _____

Parent / Guardian Name: _____

Student's Physical Address:	
Parent / Guardian's Work Phone:	
Parent / Guardian's Home Phone:	

SENDING SPECIAL EDUCATOR INFO

Name:	
School:	
Phone Number:	
E-mail Address:	

SUMMER HOURS REQUIRED BY CURRENT IEP

Area of Instruction (Please attach IEP)	Hours / Days Required	Personnel (i.e., OG, Para, SLP, HQT, Special Educator)

1. When will the student **NOT** be available this summer? _____
2. Transportation needed (only if currently receiving special transportation)? YES ____ NO ____

ATTACH: IEP

Student Working Folder

Notice of Local Educational Agency Refusal

School District: _____ **Date Form Completed:** ____/____/____

Student Name: _____ **Date of Birth:** ____/____/____

Dear _____:

This letter is to provide you with written notice that the school district refuses to initiate or change the:

- special education evaluation of a child or student
- identification of a child or student as having a disability
- educational placement of a student or child with a disability
- provision of a Free Appropriate Public Education for the child or student

The following is a description of the request and an explanation as to why the school district has made this decision:

The evaluation procedures, tests, records, reports and other factors upon which this decision was based were:

Other options, if any, that the district considered and reasons why those options were not chosen:

Other factors, if any, that are relevant to this action:

Procedural Safeguards To Protect Parent Rights

Both the state and federal laws concerning special education of children with disabilities include many parental rights. Receiving notices about the proposed actions or decisions the school wishes to take in regards to your child and your being a part of the educational planning team for your child with a disability are examples of rights given to you by these laws. These laws also require that the school follow certain procedures to make sure you know your rights and have the opportunity to exercise those rights. You received a copy of these rights when your child was referred. You should read them carefully and, if you have any questions regarding your rights, please contact:

_____ by phone at _____

or write to this person at: _____

Sincerely,

Signature: _____

Printed Name/Position: _____

Notice of Local Educational Agency Decision

School District _____ **Date Form Completed** ____/____/____

Student Name _____ **Date of Birth** ____/____/____ **Child Count ID #** _____

Dear _____:

This letter is to provide you with written notice that the school district,
 proposes OR has decided not to implement

the following action(s) in regard to:

- the special education evaluation of a child or student
- the identification of a child or student as having a disability
- the educational placement of a student or child with a disability
- the provision of a Free Appropriate Public Education for the child or student

The following is an explanation as to why the school district proposes or declines to take action:

The evaluation procedures, tests, records, reports and other factors upon which this decision was based were:

Other options, if any, that the district considered and reasons why those options were not chosen:

Other factors, if any, that are relevant to this action:

The effective date of this proposal or decision will be ____/____/____.

Procedural Safeguards To Protect Parent Rights

Both the state and federal laws concerning special education of children with disabilities include many parental rights. Receiving notices about the proposed actions or decisions the school wishes to take in regard to your child and your being a part of the educational planning team for your child with a disability are examples of rights given to you by these laws. These laws also require that the school follow certain procedures to make sure you know your rights and have the opportunity to exercise those rights. You received a copy of these rights when your child was referred. You should read them carefully and, if you have any questions regarding your rights, please contact me by phone at:

_____ or write to me at:

Mailing Address: _____

Printed Name/Position: _____

Enclosures:



Washington
West
Supervisory
Union

1673 Main Street
Suite A
Waitsfield, VT 05673

Phone: (802) 496-2272
Fax: (802) 496-6515

June 1, 2011

Dear _____:

The IEP team has determined that extended school year programming is not necessary for _____ during the summer of 2011 because a summer break without special education services will not cause severe regression or loss of skills and will not jeopardize the benefits accrued during this school year. The team considered many factors in making this determination and these were discussed with you during the IEP meeting held on _____. If you have any questions, would like to discuss this further, or would like more information, please contact me at _____.

Sincerely,

_____ and _____
Case Manager Building Administrator

Enclosures: Parental Rights in Special Education with Notice (Form 7)
WWSU Policy and Procedures for ESY

CC: Building Administrator
Student file
Other: _____



Washington
West
Supervisory
Union

1673 Main Street
Suite A
Waitsfield, VT 05673

Phone: (802) 496-2272
Fax: (802) 496-6515

June 1, 2011

Dear _____:

The IEP team has determined that extended school year programming is necessary for _____ during the summer of 2011 because a summer break without special education services will cause severe regression or loss of skills and would jeopardize the benefits accrued during this school year. The team considered many factors in making this determination and these were discussed with you during the IEP meeting held on _____. A copy of the IEP with the selected goals and services for ESY is attached.

Sincerely,

_____ and _____
Case Manager Building Administrator

Extended school year services for your child will take place at _____ on the following dates and times:

Please indicate your preference below and return to your child's case manager by June 15th:

- _____ My child will attend ESY services as scheduled.
- _____ My child will NOT attend ESY services this year.
- _____ My child will attend ESY services, but I would like to discuss alternative dates.

Parent or Guardian Signature

Enclosures: Parental Rights in Special Education with Prior Written Notice (Form 7a)
WWSU Policy and Procedures for ESY
IEP

CC: Building Administrator
Student file
Other: _____

Washington West Supervisory Union

School _____

Date _____

Dear _____,

Thank you for agreeing to provide Extended School Year (ESY) services to eligible students this summer.

You will be paid in accordance with the WWSU policy and procedures for Extended School Year Services (check those items which apply):

- Certified Teacher (per diem rate according to negotiated agreement)
- Highly Qualified Paraprofessional - \$20/hour (functioning as a paraeducator)
- Paraprofessional with a Teaching License (functioning as a licensed teacher as required by the IEP) - \$25/hour

I will inform you about your schedule and assignment for ESY services. In order to be paid, timesheets must be completed and submitted to me for approval.

Sincerely,

Building Principal

- Provide a copy of this form to WWSU Central Office
- Submit completed time sheets to WWSU Payroll Coordinator at Central Office

Attachments: WWSU Extended School Year Policy
WWSU Guidelines and Procedures for Extended School Year (ESY) Services