

Jordan School District
ESY Eligibility Facts, Tips and Documentation

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For some students with disabilities, the progress achieved during the school year may erode during scheduled breaks in instruction and may not be re-attained in a reasonable time, which in effect jeopardizes the overall progress the IEP team individually determines that a particular student is capable of making from year-to-year.

ESY is an entitlement **if** the IEP team determines that the student could not receive a FAPE without it (reasonable progress towards IEP goals).

ESY services are different from regular school, enrichment/tutoring programs and/or summer school and are not just an extension of time or duplication of the regular school year services.

ESY services focus on maintenance of specific goals selected by the IEP team from the current IEP.

- **PURPOSE OF ESY**
 - Maintain student skills on current IEP goals to ensure a FAPE.
 - Used to ensure that skills do not regress so significantly that the level of achievement attained prior to an educational break cannot be re-attained in a reasonable period of time after traditional instruction resumes (hindering the student’s ability to make reasonable progress towards achieving goals).
 - ESY is NOT required or meant to address needs of students who did not meet IEP goals or to maximize educational progress.
 - ESY services are NOT designed to develop new skills not currently identified in the student’s IEP.

- **WHO MAY BE ELIGIBLE FOR ESY SERVICES?**
 - Students for whom the IEP Team has considered:
 - **Multiple Factors**
 - **Associated Data**
 - AND for whom:
 - **Data has been evaluated and decision determined annually**
 - Previous eligibility does not trigger an ongoing eligibility for ESY.
 - Decisions regarding ESY services must be made at least annually by the IEP team.

- **DETERMINING IF ESY SERVICES ARE NECESSARY**
 - Consider several sources of education data, predictive and retrospective
 - IEP teams should begin with a retrospective analysis of skills measured during breaks and the length of time to recoup previously attained skills.
 - IF the retrospective analysis does not show a need for ESY, the team should then pursue a predictive analysis to determine if evidence suggests a significant risk of experiencing such significant regression in skills and extended time to re-achieve previously attained skills that they are not receiving FAPE.

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ELIGIBILITY DATA

A special education student is eligible for ESY if either:

- Data shows a likelihood of substantial regression and/or the amount of time to recoup skills or behavior would be longer than that of student without disabilities, OR
- The impact of predictive factors indicates a need for ESY services.

| The reasonable recoupment time after a break in training is: | | | |
|--|------------------------------|-------------------|------------------------------|
| Duration of Break | Reasonable Recoupment Period | Duration of Break | Reasonable Recoupment Period |
| 8-12 weeks | 20 instructional days | 2 weeks | 3 instructional days |
| 3-4 weeks | 5-7 instructional days | 1 week or less | 2-3 instructional days |

A special education student is NOT eligible for ESY services if:

- Data DO NOT show a likelihood of substantial regression and/or the amount of time to recoup skills or behavior would be longer than that of student without disabilities, AND
- The impact of predictive factors DOES NOT indicate a need for ESY services.

• **EXAMPLES OF DATA**

- IEP teams should consider *multiple* factors, most applicable to the circumstances of the individual student.
- **RETROSPECTIVE DATA** refers to data that currently exists, verified through observation, data collection and review, this may include such data as:
 - Regression and Recoupment Data—behavioral or academic data gathered at the end of instruction before a break, at the beginning of subsequent instruction after a break, and at the time of recoupment of the skill to its former level.
 - Past Regression Data—data gathered from past regression on targets that demonstrate significant regression on learned skills during a break in services (e.g., degree of regression and exact time of regression).
 - Past Rate of Recoupment Data—data gathered on past of recoupment of skills that is significantly delayed, or skills only recouped to a limited degree after services resume.
 - Other Data—any other data that meets the standard of significant skill losses of such degree and duration as to seriously impede appropriate progress required for a FAPE.
- **PREDICTIVE DATA** refers to examining student, classroom, school, and home-based indicators to predict student outcomes, such as:
 - The professional judgment of the IEP team on **data**, including those such as:
 - The degree and nature of the student’s disability
 - The student’s rate of progress on IEP goals
 - Any physical or behavioral concerns regarding the student
 - The areas of the student’s curriculum that need continuous attention
 - Emerging skills
 - The student’s vocational and transition needs
 - Circumstantial considerations based on information about unique situations in the student’s home, neighborhood, or community, including those such as:
 - The availability of alternative resources
 - The ability of the student to interact with nondisabled students
 - Anecdotal reports from teachers, parents, caregivers, and related service providers
 - **Data** from measures of daily performance such as state-wide assessment data, norm-referenced test data, checklists, work samples, and others

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DOCUMENTATION REQUIREMENTS

STEP ONE:

- COMPLETE ELIGIBILITY DATA STEP 1 - pg. 2 of the *JSD ESY Student Data Packet* – SpEd Forms > Extended School Year (ESY)
- If needed, COMPLETE ELIGIBILITY DATA STEP 2 - pg. 3 of the *JSD ESY Student Data Packet* – SpEd Forms > ESY

STEP TWO:

- COMPLETE IEP or IEP AMENDMENT
- Indicate if ESY services are needed on that IEP
- If no, stop here, no additional information is needed
- If yes, complete the *Extended School Year Services Form* - pg. 4 of the *JSD ESY Student Data Packet* – SpEd Forms > ESY
 - Use data documented in STEP ONE - ELIGIBILITY STEPS 1 - 2 to complete the data box on the *ESY Services Form*
 - Identify the IEP goals that impact a student’s access to FAPE and therefore require ESY to maintain
 - If a goal is listed, there must be **data** in the data section on this form **about that goal**
 - **ESY Services will be based on the goals selected**
 - Complete the services section for each area for which ESY services are needed
 - List only those service for which you have identified through the above data as needed to receive FAPE.
 - ESY programming will be provided based on the services and goals documented to require ESY
- Finalize the *Extended School Year Services Form* and **attach to IEP and give copy to parents**. *This is an addendum to the IEP and must be attached to the IEP document where the student was determined to be eligible*
 - Include a copy with the *JSD ESY Student Data Packet*

STEP THREE:

- COMPLETE Information on Goals (page 5 of *JSD ESY Student Data Packet* – use multiple pages, one for each goal)
 - Include a completed data sheet demonstrating how data is completed
 - Include a blank data sheet for ESY data collection
 - Include materials, methods, tips, strategies, reinforcements for working on this goal
- COMPLETE Student Information sheet (page 6 of *JSD ESY Student Data Packet*)
- COMPLETE Student contact Information and ESY attendance page with parents (page 7 of *JSD ESY Student Data Packet*)
 - **If parents decline ESY services, include that in section 10 of the IEP under services offered and declined as part of the IEP or IEP Amendment Meeting**

STEP FOUR:

- Send the following information to the appropriate ESY Coordinator by the due date listed on *JSD ESY Student Data Packet*
- A copy of the IEP with the *ESY Services Form* attached
- The entire *JSD ESY Student Data Packet* and the items listed in STEP THREE
- A copy of the student’s current *Health Care Plan* (if applicable)
- A copy of the student’s current *Behavior Intervention Plan* – BIP (if applicable)
- Any materials or tools needed to implement the ESY goal(s)**
ESY teachers have very limited access to materials that look like what your student needs

If you have questions, please contact the Teacher Specialist assigned to your school.