

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 - *To be followed when:*

- **Eligibility needs to be determined for a student**
- **When ESY eligibility will be determined later was selected on the IEP**

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** and indicate if ESY services are needed on that IEP
- Complete the **Prior Written Notice of ESY Services - IEP Attachment** (EMBRACE > Add document to IEP or IEP Amendment)
 - **“This action is proposed because”** - Indicate the reason this decision was made (examples below) ▪ The student showed significant regression following breaks
 - The student has just begun mastering a skill and needs support to main progress
 - The student is making progress on goals and does not show significant regression over breaks.
 - **“Describe information used to determine the services offered”**
 - Brief Summary of Data from *ESY Student Data Forms*
 - **“Describe other options considered and the reasons why those options were rejected:”**
 - Describe other options considered (including other methods of delivering ESY - e.g., home packets, teacher check-ins/school-based sessions, online instruction sessions, in person district-based sessions) ▪ Include why that was not selected (e.g. “Home based packets not sufficient for student needs” or “in person half day sessions not needed for specific goals identified” or “student making progress on goals”
 - **“Other factors relevant to the ESY proposal:”**
 - Include other factors if any
 - **“Describe the ESY program to provide a free appropriate public education based on individual student needs:”**
 - What does the student need to receive FAPE? (e.g., home packets, teacher check-ins/school-based sessions, online instruction sessions, in person district-based sessions)
- Finalize the *Prior Written Notice of ESY Services* – IEP Attachment (**Embrace**)
 - Attach it to the IEP along with the *JSD ESY Student Data Forms Showing Eligibility*

If student was determined to need ESY services

STEP THREE:

- COMPLETE Information on Goals (page 4 of *JSD ESY Student Data Packet*)
 - 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 5 of *JSD ESY Student Data Packet*)
- COMPLETE Student contact Information and ESY attendance page with parents (page 6 of *JSD ESY Student Data Packet*) ○

If parents decline ESY services, include that in the Services Page of the IEP under services offered and declined 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 Prior Written Notice of ESY Services - IEP Attachment
- ☐ 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.