

Intradistrict Communication

DATE: January 24, 2017

TO: Principals
Special Education Staff

Time Sensitive Please Read Immediately

FROM: Laura Finlinson, Administrator of Curriculum/Staff Development & Special Programs
Lisa Robinson, Director of Special Education
Julie Brown, Program Specialist-Special Education
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SUBJECT: Extended School Year (ESY) Qualification Procedures and Timelines

IDEA directs us to consider all students for Extended School Year (ESY) services. However, ESY services should only be provided if the IEP team determines that it is necessary for the provision of a free, appropriate public education (FAPE). A student is eligible for Extended School Year (ESY) services when the IEP team determines that, without ESY services, the educational program would be of little or no benefit to the child due to the lack of services during the break in the current school year and the next school year. The purpose of ESY is to **maintain** current skills, **not** to teach new skills.

Attached are the guidelines for determining a student's eligibility for Extended School Year Services (ESY). Please note that the process has been developed to provide greater clarification and reflect current case law, IDEA 2004 and current Utah Administrative Board Rule requirements.

IEP Teams should consider all IEP goals in making the determination for ESY eligibility for an individual student. However, ESY services will be provided only in those areas where the IEP team has determined that the student is eligible based on a review of multiple data sources and factors. A multi-factored approach that looks at both *retrospective* and *predictive* sources of educational data must be considered in determining the need for ESY. IDEA eligibility does not automatically require the provision of ESY services. Previous eligibility for ESY services does not trigger an ongoing need for ESY. The decision must be made annually by the student's IEP team based on *JSD Extended School Year Guidelines*.

Please note that all ESY decisions must be accomplished in sufficient time to allow either the parent or the District to exhaust administrative remedies prior to the beginning of the ESY program should there not be agreement regarding a student's eligibility or program. Parents must be informed of their rights and of procedures through which they may challenge the decision of the IEP team. This includes both the written recommendation of eligibility/ineligibility and the scheduling of the IEP where services are determined. Therefore, **adherence to outlined timelines is essential to ensure that parents are afforded their rights.**

Parents who choose not to send their children to ESY even though they are eligible are being asked to indicate their non-participation at the time eligibility is discussed with them. This is not a binding decision on the part of the parent, but is necessary in order for the District to have an accurate count of how many students will be accessing ESY services. This will also enable us to staff the program appropriately.

Please review the attached Extended School Year (ESY) Guidelines carefully. IEP teams (including the parents) must consider **all** students for ESY services each year at the annual IEP. **In order to meet all legal timelines that will afford parents the opportunity to exercise their due process rights, the following process is to be followed beginning January, 2017 to April 3, 2017:**

Beginning immediately (January 2017),

- 1) Review all IEPs (or run a Goalview report) to identify the ESY eligibility status of all students.
- 2) If the current IEP reflects that the student is **“not eligible”** and the available data supports that decision and the parent has been involved in making that determination, the team does not need to do anything at this time.
- 3) For all students who have been determined to be **“eligible”** for ESY or whose eligibility is **“to be determined later”**, convene an IEP team meeting to review the following:
 - Review multiple data sources to determine if there are *retrospective* or *predictive* factors that would make the student eligible for ESY services (e.g., whether there has been regression and an inability to recoup those skills to former levels within the timelines specified in the ESY Guidelines or whether predictive data identifies a skill that requires ESY for FAPE).

As an IEP team, complete the “Eligibility for Extended School Year (ESY)” form and complete/submit the following:

- For students who are eligible for ESY services, complete and submit the “ESY Services” form, along with all other required information to the appropriate ESY coordinator by **March 31, 2017**.
- For students who are not eligible, complete the “Eligibility for Extended School Year (ESY)” form by checking the box that states that the student is not eligible, have the IEP team sign the form and place it in the student’s special education file.

Please note that an ESY packet must be submitted for each student who has been deemed eligible to receive services. Also, note that there must be documentation in each student’s file of their eligibility determination (i.e., the student’s eligibility status must be checked on the IEP and if the student “is eligible” or the status is “to be determined later” the “Eligibility for Extended School Year (ESY)” form must be placed in the special education file). At the end of the ESY services, all packets will be returned to the teacher and should be placed in the student’s special education file to provide documentation that the services were delivered.

Summer 2017 Site-Based Program Dates

Extended School Year (ESY) services are individually determined. Students who require a site-based program will be assigned to a location where they can receive some or all of their services based on the following summer schedule, **unless the IEP team has determined that the student’s skills cannot be maintained at a level that provides FAPE during the scheduled time periods**. District staff will work with individual school teams for these cases.

Please note that the schedule is intended to provide coverage throughout the summer months and to allow for greater maintenance of skills. It is also hoped that it will allow staff to schedule much needed vacation time and still maintain student progress in eligible areas. Student hours will be from **8:45-11:45** and **staff hours will be from 8:30-12:30** with the **exception** of the first three days in June. On **June 20, 21, 22** student hours will be **9:15-12:15**. The complete schedule is outlined below:

June 2017						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

June 20-22

July 2017						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

July 11-13, 18-20

August 2017						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Aug 1-3

ESY Packet Information -- Due: March 31, 2017

The IEP team must submit the following information for all students who are eligible for ESY services. Please note that **ESY packets are due no later than the end of the day on March 31, 2017**. The following information must be submitted in the packet:

- 1) *Extended School Year (ESY) Services Packet Checklist*
- 2) *Prior Notice for Student Eligibility for Extended School Year (ESY) Services* form for **each** goal that qualifies the student
- 3) A copy of the data collected for the ESY goal AND a blank data sheet for continued data collection
- 4) A copy of the *Jordan School District Prior Notice for Extended School Year (ESY) Services Plan*
- 5) A copy of the *ESY Student Information Form* (both sides filled out)
- 6) A copy of the student's current IEP
- 7) If a new IEP is developed before the start of ESY, please submit a copy of the most current IEP
- 8) A copy of the student's current *Health Care Plan* (if applicable)

ESY packet information should be submitted to the following ESY coordinators:

Clusters/Boundary School Students (all classifications):

Submit to **Kristin Norris at the District Office** (801) 567-8372

Kauri Sue Hamilton Students:

Submit to **Jenni Eyre** at Kauri Sue Hamilton School (801) 567-8500/8517

River's Edge School Students:

Submit to **Don Link** at River's Edge School (801) 565-7584

Preschool Students:

Submit to **Debbie Ballard** at Kauri Sue Hamilton School CDC (801) 567-8510

School teams will be contacted by the appropriate ESY coordinator **no later than April 19, 2017** to discuss the specifics of ESY services for their eligible student(s). Parents must be notified of their right to exhaust their administrative remedies if they do not agree with the ESY determinations of the IEP team.

If you are interested in working in the ESY program, applications are currently being accepted (application attached for current employees). Please contact the ESY coordinator of the site at which you would like to be assigned. The number of staff hired will be based on the number of eligible students who will be participating in the program. No staffing decisions will be made, until the programmatic needs and the numbers of participating students are determined. Therefore, we appreciate your prompt attention to this important service for your students. **If you have questions, please contact the appropriate ESY coordinator as identified above.**

PLEASE NOTE: The *Prior Notice for Student Eligibility for Extended School Year (ESY) Services* form and *Jordan School District Prior Notice for Extended School Year (ESY) Services Plan* must be completed for all students deemed "**eligible**" for services and/or for whom the IEP team had checked that ESY services were "**to be determined**" at a later time. If on the IEP, ESY services were marked "**to be determined later**", an IEP amendment MUST be completed to indicate if the student is eligible or not.

The *Prior Notice for Student Eligibility for Extended School Year (ESY) Services* form and *Jordan School District Prior Notice for Extended School Year (ESY) Services Plan*, including the ESY packet (if applicable) **should be placed in the student's Special Education file to provide documentation that ESY services were considered and delivered.**

THANK YOU for all you do to serve students with special education needs in Jordan District! If you have questions, please contact the Teacher Specialist assigned to your school.