

Extended School Year Services for Students with Disabilities

Background

Since 2000, Texas has followed the OSEP Continuous Improvement Monitoring Process (CIMP), which is designed to assess, on an ongoing basis, the impact and effectiveness of state and local efforts in providing early intervention services to infants and toddlers with disabilities and their families, and a free appropriate public education to children and youth with disabilities. During the spring of 2002, the U.S. Department of Education Office of Special Education Programs (OSEP) monitored the state of Texas.

In 2003, the Texas Education Agency received the OSEP Monitoring Report which outlined the specific areas of noncompliance, strengths, and suggested areas of improvement for the Individuals with Disabilities Education Act (IDEA)-B (ages 3-21) and IDEA-C (ages 0-3) programs in the state of Texas. The provision of extended school year (ESY) services was identified as an area of noncompliance for the State.

An Improvement Planning Task Force met to review the State's current guidance regarding ESY services and determine a desired result. Additionally, this task force discussed the action needed by the State to achieve this result.

The ongoing improvement and planning activities, in response to the federal monitoring process, is referred to as the Texas Continuous Improvement Process (TCIP). Using the TCIP, the State submitted an Improvement Plan in response to the OSEP Monitoring Report. It addresses areas of improvement identified during the self-assessment, validation planning (public meeting), and validation data collection (onsite visit) phases of the process.

An overview of the CIMP, TCIP, the Self Assessment, the Texas Monitoring Report and the Improvement Plan may be found on the web at:

<http://www.tea.state.tx.us/special.ed/cimp/>

One of the greatest challenges currently facing Texas in regard to the delivery of services for students with disabilities is the prevalence of inconsistent and inaccurate information. The purpose of this document is to provide information and guidance to parents, district staff, and other interested stakeholders regarding the provision of extended school year (ESY) services. It is intended to address the identified Improvement Area in the State.

The document includes:

- A Definition of ESY Services
- Legal References Regarding ESY Services (Federal and State)
- Areas of Improvement Identified for ESY Through the OSEP Continuous Improvement Monitoring Process
- State Result Developed Through the Texas Continuous Improvement Process
- Action Needed to Ensure the State Meets the Identified Result

Definition of ESY Services

Extended School Year Services—an individualized instructional program for eligible students with disabilities that are provided beyond the regular school year. The need for ESY services must be determined on an individual basis by the admission, review, and dismissal (ARD) committee.

Some students with disabilities have difficulty retaining skills during long school holidays and/or summer. If a student requires a significant amount of time to recoup mastered skills, then the ARD committee should discuss whether the student needs extended educational and/or related services during school breaks.

The determination of whether a child will receive ESY services will be made by the ARD committee; and the individualized education program (IEP) developed for ESY must include goals and objectives.

Legal References Regarding ESY Services | Federal Regulations

Individuals with Disabilities Education Act (34 CFR Part 300)

§300.309. Extended school year services.

- (a) General.
 - (1) Each public agency shall ensure that extended school year services are available as necessary to provide FAPE, consistent with paragraph (a)(2) of this section.
 - (2) Extended school year services must be provided only if a child's IEP team determines, on an individual basis, in accordance with §§300.340-300.350, that the services are necessary for the provision of FAPE to the child.
 - (3) In implementing the requirements of this section, a public agency may not—
 - (i) Limit extended school year services to particular categories of disability; or
 - (ii) Unilaterally limit the type, amount, or duration of those services.
- (b) Definition. As used in this section, the term extended school year services means special education and related services that—
 - (1) Are provided to a child with a disability—
 - (i) Beyond the normal school year of the public agency;
 - (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.

§300.24. Related services. [excerpt]

- (a) General. As used in this part, the term related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training.
- (b) Individual terms defined. The terms used in this definition are defined as follows:
 - (15) Transportation includes—
 - (i) Travel to and from school and between schools;
 - (ii) Travel in and around school buildings; and
 - (iii) Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.

The document *Texas Special Education Rules and Regulations*, which includes special education related federal regulations, state laws and rules, can be found on the Web at:

<http://www.tea.state.tx.us/special.ed/rules/sbs.html>

Legal References Regarding ESY Services | State Rules

Texas Administrative Code (TAC) Title 19, Chapter 89. Adaptations for Special Populations, Subchapter AA: Commissioner's Rules Concerning Special Education Services

§89.1065. Extended School Year Services (ESY Services).

Extended school year (ESY) services are defined as individualized instructional programs beyond the regular school year for eligible students with disabilities.

- (1) The need for ESY services must be determined on an individual student basis by the admission, review, and dismissal (ARD) committee in accordance with 34 Code of Federal Regulations (CFR), §300.309, and the provisions of this section. In determining the need for and in providing ESY services, a school district may not:
 - (A) limit ESY services to particular categories of disability; or
 - (B) unilaterally limit the type, amount, or duration of ESY services.
- (2) The need for ESY services must be documented from formal and/or informal evaluations provided by the district or the parents. The documentation shall demonstrate that in one or more critical areas addressed in the current individualized education program (IEP) objectives, the student has exhibited, or reasonably may be expected to exhibit, severe or substantial regression that cannot be recouped within a reasonable period of time. Severe or substantial regression means that the student has been, or will be, unable to maintain one or more acquired critical skills in the absence of ESY services.
- (3) The reasonable period of time for recoupment of acquired critical skills shall be determined on the basis of needs identified in each student's IEP. If the loss of acquired critical skills would be particularly severe or substantial, or if such loss results, or reasonably may be expected to result, in immediate physical harm to the student or to others, ESY services may be justified without consideration of the period of time for recoupment of such skills. In any case, the period of time for recoupment shall not exceed eight weeks.
- (4) A skill is critical when the loss of that skill results, or is reasonably expected to result, in any of the following occurrences during the first eight weeks of the next regular school year:
 - (A) placement in a more restrictive instructional arrangement;
 - (B) significant loss of acquired skills necessary for the student to appropriately progress in the general curriculum;
 - (C) significant loss of self-sufficiency in self-help skill areas as evidenced by an increase in the number of direct service staff and/or amount of time required to provide special education or related services;
 - (D) loss of access to community-based independent living skills instruction or an independent living environment provided by noneducational sources as a result of regression in skills; or
 - (E) loss of access to on-the-job training or productive employment as a result of regression in skills.
- (5) If the district does not propose ESY services for discussion at the annual review of a student's IEP, the parent may request that the ARD committee discuss ESY services pursuant to 34 CFR, §300.344.
- (6) If a student for whom ESY services were considered and rejected loses critical skills because of the decision not to provide ESY services, and if those skills are not regained after the reasonable period of time for recoupment, the ARD committee shall reconsider the current IEP if the student's loss of critical skills interferes with the implementation of the student's IEP.
- (7) For students enrolling in a district during the school year, information obtained from the prior school district as well as information collected during the current year may be used to determine the need for ESY services.
- (8) The provision of ESY services is limited to the educational needs of the student and shall not supplant or limit the responsibility of other public agencies to continue to provide care and treatment services pursuant to policy or practice, even when those services are similar to, or the same as, the services addressed in the student's IEP. No student shall be denied ESY services because the student receives care and treatment services under the auspices of other agencies.
- (9) Districts are not eligible for reimbursement for ESY services provided to students for reasons other than those set forth in this section.

Texas Continuous Improvement Process Extended School Year Services

**What were the
CONCERNS
identified?**

Areas of Improvement Identified for ESY Through the OSEP Continuous Improvement Monitoring Process

- Decisions to provide ESY services may be based on the student's category of disability rather than the individual needs of each student.
- Transportation, as a related service, is not always provided to students with disabilities participating in extended school year programs.
- In some districts, ESY services are not discussed during ARD meetings or provided to students, and the criteria used for determining eligibility varies across districts/schools.
- There is much variation across districts/schools in terms of what and how ESY services are provided. In many cases, the timing and amount of ESY services are inflexible, and services do not always address all needed and relevant goals for students.

**How did the State
address the
CONCERNS?**

**Improvement Plan
regarding ESY**

<http://www.tea.state.tx.us/special.ed/tcip/fape.html>

**Identified Result
to Address
CONCERNS**

State Result Developed Through the Texas Continuous Improvement Process

Each district must ensure that extended school year services are available as necessary to provide a free appropriate public education.

- ESY services are determined by the student's ARD committee.
- ESY services are not limited to particular categories of disability.
- ESY services are not unilaterally limited as to the type, amount, or duration.
- Transportation, as a related service, is considered and offered to students with disabilities who need this service to benefit from ESY services.

Texas Continuous Improvement Process Extended School Year Services

How will the
State achieve the
RESULT?

→ Action Needed to Ensure the State Meets the Identified Result

DISTRICT ACTION

Districts should examine their current guidelines/framework used to determine and provide ESY services to ensure that the following considerations are in place:

ESY Services are considered and determined by the student's ARD committee.

District has and disseminates specific written guidelines and procedures pertaining to the provision of ESY.

- Guidelines/Procedures include a timeline for planning.
- Guidelines/Procedures include an evaluation of the effectiveness of the program.
- Guidelines/Procedures include consideration of ESY services for students transferring to the district from other districts or Early Childhood Intervention (ECI) programs.

All district staff are informed of and understand the purpose of ESY services and the role staff play in the consideration and delivery of ESY services.

- District staff refers to administrators, supervisors, teachers, related service personnel, and teaching assistants.
- District staff participate in the consideration of ESY services discussion.
- District staff involved in the provision of ESY services are informed of the student's goals and other information related to ensuring the effectiveness of the services.

Parents of students with disabilities receive an explanation of the purpose for ESY services. Additionally, parents are informed of the role they play in the consideration and delivery of the ESY services.

Districts consider and determine a variety of options for the delivery of ESY services including amounts of time and duration of services.

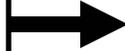
- Services are student need driven and include a variety of options.
- Consideration of service delivery includes community options/services.
- ESY Goals/Activities are reflected in the student's current IEP.

Districts consider ESY services for children in all disability categories.

- District information reflects that all disability categories are considered for ESY.
- Consideration is by individual student need.

Texas Continuous Improvement Process Extended School Year Services

**How will the
State achieve the
RESULT?**



Action Needed to Ensure the State Meets the Identified Result

DISTRICT ACTION (continued)

Districts should examine their current guidelines/framework used to determine and provide ESY services to ensure the following considerations are in place:

ESY Services are connected to previous and future school year services.

- A communication system is in place that defines roles and responsibilities for ESY documentation to flow between and among district staff.
- Sending and receiving teachers provide information and feedback regarding the provision and effectiveness of the ESY services.
- Framework for the ESY program includes a process for planning prior to the initiation of and following the end of ESY services.

Districts consider and determine related services, including transportation, needed for the student to benefit from ESY services.

Each district ensures that ESY services are available as necessary to provide a free appropriate public education.

ESY services are effective in maintaining identified critical skills.

PARENT ACTION

Parents understand information provided to them in regard to the purpose and intent of ESY services.

When parents have questions regarding this service, they know who to ask for further discussion and/or explanation of the process.

Parents participate in the ARD committee discussion regarding the consideration of ESY services.

When needed or appropriate, parents provide documentation to the ARD committee for use in the determination of ESY eligibility.

Parents communicate with district staff and participate in the ESY services as they would for their child's school year services.

Resources

Additional information from the State regarding the provision of ESY services will be available on the TEA Special Education web page:

<http://www.tea.state.tx.us/special.ed/>

For technical assistance and training in regard to ESY and other aspects of the provision of services for students with disabilities; contact your regional education service center (see the web page listed below for education service center locations and contact information).

<http://www.tea.state.tx.us/ESC>