

SPECIAL EDUCATION PROCEDURE	
District Name	Warren Woods Public Schools
Subject/Topic of This Procedure	Developing IEP Content: Considering and Documenting the Need for Extended School Year
Date Procedure was Adopted or Revised	06/19/2023

Legal Requirement with Citation	<p>§300.106 of the Individuals with Disabilities Education Act (IDEA) requires that each public agency ensure that extended school year services are available as necessary to provide FAPE. Extended school year services must be provided only if a child’s IEP Team determines, on an individual basis, that the services are necessary for the provision of FAPE to the child. A public agency may not limit extended school year services to particular categories of disability or unilaterally limit the type, amount, or duration of those services.</p> <p>The term extended school year (ESY) services means special education and related services that are provided to a child with a disability beyond the normal school year of the public agency, in accordance with the child’s IEP, and at no cost to the parents of the child. Further, ESY services must the standards established by the state.</p> <p>R 340.1721e of the Michigan Administrative Rules for Special Education (MARSE) indicates that the IEP team shall determine if a student's current annual goals address 1 or more skills that need extended school year services. For any identified annual goal, the IEP team shall consider all of the following:</p> <ul style="list-style-type: none"> • Data that indicate that in the identified annual goal there is a potential for regression of skills beyond a reasonable period of recoupment. • Data regarding the nature or severity of the disability of the student that indicate that there is a need to provide services in the identified annual goal during breaks in the school year. • Information that indicates that in the identified annual goal the student is at a critical stage of learning or in a critical area of learning where failure to provide a
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	<p>service beyond the normal school year will severely limit the student's capacity to acquire essential skills.</p> <p>If the IEP team determines that any data or information described above indicates a need for extended school year services, extended school year services must be included in the student's IEP.</p> <p>The IEP team:</p> <ul style="list-style-type: none"> • may not determine the need for extended school year services based on a formula or policy that prohibits full consideration of the unique educational needs of each student. • must consider related services, transportation, supplementary aids and services, and instructional programming when planning a student's extended school year services. • must conclude consideration of extended school year services in sufficient time to make plans for the delivery of extended school year services.
<p>Under what circumstances will this procedure be used?</p>	<p>This procedure will be used when considering the need for extended school year during every student's IEP, at least once every twelve months.</p>
<p>Who will implement this procedure?</p>	<p>Special education service providers and IEP Team members, including (but not limited to) special education teachers and related services staff</p>
<p>Describe the steps in this procedure.</p>	<ol style="list-style-type: none"> 1. The IEP team must determine if there is a need for ESY. The IEP team must document consideration of the need for ESY for every student at every IEP, even though most will not require it. 2. Gather and review available data regarding the student's performance and progress on annual goals and short-term objectives. 3. The IEP team then must determine whether one or more of the annual goals addresses skills which need to be maintained without interruption for the student to benefit meaningfully from a FAPE. These goal areas of concern should represent skills essential to the progress of the student.

4. If the IEP team does not identify a goal area of concern due to the break in instruction, the student does not meet the first test of eligibility for ESY. If the IEP Team determines that the student is not eligible for ESY, the rationale must be documented either in the IEP itself or in the Notice of an Offer of FAPE (options considered and not selected.)
5. If the IEP team does identify a goal area of concern due to the break in instruction, the IEP Team should go on to consider the following three standards for ESY:

a. Regression/Recoupment

The IEP must consider whether there are data to indicate that, in the identified goal area(s) of concern, there is a serious potential for regression of skills beyond a reasonable period of recoupment.

Regression means the inability of the student to maintain an acquired skill in an identified goal area of concern when special education instruction or related services in an IEP goal area are interrupted and require an unreasonable amount of time for recoupment.

Recoupment means the student's capacity to recover those regressed skills to a level demonstrated prior to the break in instruction.

Regression/Recoupment requires a two-part analysis. First, there must be serious potential for regression of skills related to the goal area(s) of concern. Second, the potential period of recoupment must be beyond a reasonable amount of time.

A "reasonable" period of recoupment is determined by the IEP team. The IEP team must consider the unique needs of the student, rather than basing the determination on a formula.

The IEP team should take into account the fact that all students lose skills when there is a break in services. Students who lose skills over breaks in service, but who can recoup those skills with re-teaching in a reasonable amount of time, are not eligible for ESY services.

ESY services cannot be limited only to those students who have actually experienced serious regression of skills requiring an unreasonable amount of time for recoupment. The IEP team must assess the potential for such difficulties in regression and recoupment.

If the IEP team determines that there is evidence that the student will experience regression of acquired skills in the goal area(s) of concern and not recoup those skills within a reasonable period of time, ESY services must be included in the student's IEP.

If the IEP team determines that the student does not require ESY due to Regression/Recoupment, the rationale for that determination must be documented in the IEP itself or in the Notice of an Offer of FAPE (options considered and not selected.)

b. Nature/Severity of the Disability

The IEP team must consider whether there are data to indicate that, due to the nature or severity of the disability of the student, there is a need to provide services in the identified goal area(s) of concern during breaks in the school year.

The IEP team should consider whether the nature or severity of the student's disability requires highly structured or consistent programming without substantial breaks in service in order to make progress in the identified goal area(s) of concern.

If a student requires more consistent or highly structured programming techniques due to the severity of the disability, the student may be more vulnerable to the loss of essential skills when the school program is interrupted.

Students with severe disabilities may revert to lower-functioning levels or exhibit more behaviors which interfere with learning after a long break in programming. A student's mental, emotional, or physical health, or the chronic nature of his or her disability, may also indicate the need for ESY services in order to maintain skills that otherwise would be lost and not recovered in a reasonable amount of time.

If the IEP team determines that there is evidence that the nature or severity of the student's disability is such

that the student requires highly structured or consistent programming without substantial breaks in service in order to make progress on skills in the goal area(s) of concern, ESY services must be included in the student's IEP.

If the IEP team determines that the student does not require ESY due to the Nature/Severity of the Disability, the rationale for that determination must be documented in the IEP itself or in the Notice of an Offer of FAPE (options considered and not selected.)

c. Critical Stage/Area of Learning

The IEP team must consider whether there are data to indicate that, in the identified goal area(s) of concern, the student is at a critical stage of learning or in a critical area of learning where failure to provide a service beyond the normal school year will severely limit the student's capacity to acquire essential skills.

A critical stage in learning means that this learning must occur without delay and learning the skills in the identified goal area(s) of concern will enhance the student's ability to function independently.

A critical area of learning means an area of instruction that is essential to the student's development in becoming self-sufficient and independent.

In considering critical stage or area of learning, the IEP team should consider questions such as:

- Is there a skill that needs to be mastered immediately?
- If the student does not master the skill immediately, is the degree of mastery likely to be permanently reduced?
- Is the student at a critical stage of development where there is a window of opportunity that will be lost if services are not provided?
- Are there changes in the student's medical, physical, or sensory status that makes it possible to predict an accelerated rate of learning during the ESY period (critical stage)?
- Is the skill in a critical area of learning, and will a break in services result in the loss of a window of opportunity for mastering the skill?

If the IEP team determines that the student is at a critical stage of learning or in a critical area of learning where failure to provide a service beyond the normal school year will severely limit the student's capacity to acquire essential skills, ESY services must be included in the student's IEP.

If the IEP team determines that the student does not require ESY due to a Critical Stage/Area of Learning, the rationale for that determination must be documented in the IEP itself or in the Notice of an Offer of FAPE (options considered and not selected.)

6. Decision-making regarding the need for extended school year must be individualized and based on data. Minimally, the IEP team must consider the following data points:

- status at the end of instruction (i.e., the end of the most recent school year.)
- status at the beginning of the subsequent instruction (i.e., the beginning of the next school year.)
- status at the time of recoupment (i.e., the date of regaining previously acquired skills).
- status after breaks during the school year (i.e., long weekends, winter break, spring break.)
- _status at progress reporting times identified in the IEP.

7. Additional potential data sources which may be considered by the IEP team (based on the individual needs of the student) include:

- Data recorded and provided by parents
- Data from another school district that the student attended
- Reports from outside agencies and professionals
- Interviews with present and past teachers or service providers, the parents, and the student
- Medical records indicating that the student has experienced significant trauma making the need for services immediate
- Data that indicate continuous or year-round programming is an integral part of the teaching methodology used with the student
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- Data that indicate continuous or year-round programming is an integral part of the teaching methodology used with the student
- Professional peer-reviewed literature in the goal area(s) of concern that provides research substantiating a critical stage in learning and that this learning must occur without delay
- Developmental standards within the goal area(s) of concern that indicate the student is at a critical stage of learning

8. The determination of the need for ESY services must be accomplished in sufficient time to make plans for the delivery of ESY services and to permit any party to exhaust administrative remedies if there is a difference in opinion prior to the break in services. In this district, determinations around the need for ESY services must be accomplished no later than 45 school days before the projected start date of the ESY services. Exceptions must be approved by SE Administrator

If the need for ESY services and/or the characteristics of those services is not known at the time of the annual IEP meeting, the IEP team may:

- Identify the date it will reconvene to determine the need and services to be provided.
- Plan what data should be gathered to assist in making later determinations.
- Create a new IEP or amendment to address ESY needs no later than the date specified above.

9. If the IEP team determines that a student requires ESY in order to receive a FAPE, the following apply to the development of a plan for delivering ESY:

- ESY serves different purposes for different students provided in different ways to address unique needs.
- ESY services must be tailored to the unique needs of each student and cannot be based solely on the availability of services during the summer.
- ESY must be provided at no cost to the parents.
- The purpose of ESY is to address skills which need to be maintained without interruption for the student to benefit meaningfully from a FAPE.
- The purpose of ESY is to maintain skills rather than to teach new ones.
- Related services (including therapy services and transportation) and supplementary aids and

	<p>supports must be considered as well as instructional programming.</p> <ul style="list-style-type: none"> • The district may use community resources as part of an individual ESY plan. • ESY is not limited to the summer months, especially in programs that spread school days across the calendar year. • ESY services can be offered through summer school, although offering summer school by itself is not an acceptable substitute for ESY services. • Requirements for placement in the LRE during the academic year also apply to ESY services; however, the district is not required to create new programs as a means of providing ESY services in integrated or inclusive settings if the school does not provide services at that time for its students without disabilities. <p>Following are some examples of how ESY might be delivered. This list is for illustration only and is not exhaustive.</p> <ul style="list-style-type: none"> • Traditional classroom setting • School-based programs that vary in length of schedule • Daily instruction in specific IEP goal areas • Small group instruction • One or more related service(s) at a community recreation program • Cooperative programs with other agencies • Inter-district cooperative programs • Consultation with a job coach • Intensive short-term instruction at various points in the summer months to prevent regression • A week of intensive review just prior to the beginning of the school year • Home-based programs that include parent training <p>The plan for the delivery of ESY will be documented by the IEP team on the programs/services page of the IEP itself.</p>
<p>What forms are necessary to implement this procedure?</p>	<p>IEP form (to document the consideration of the need for ESY and the decision of the IEP team regarding the provision of ESY.)</p>
<p>How, when and by whom will this</p>	<p>Compliance with this procedure is documented on the PowerSchool Special Programs IEP form.</p>

procedure be consistently documented?	
How, when and by whom will this procedure be routinely supervised?	<p>Compliant ESY consideration will be supervised by the Special education administrator.</p> <p>IEPs will be reviewed for compliance with ESY requirements, monthly based on a random sample.</p>
How, when and by whom will changes to this procedure be communicated?	<p>Changes to this procedure will be communicated by the Special education administrator.</p> <p>Changes to this procedure will be communicated annually and as a result of MDE guidance.</p> <p>Changes will be communicated using the district website, hard copies to staff and during scheduled professional development.</p>