

EXTENDED SCHOOL YEAR PROGRAM STANDARDS (REGULATIONS)

In accordance with the policy of the board of education, the following regulations shall govern the standards for the Extended School Year (ESY) program. The school district will strictly follow the requirements as set forth in *Policies and Procedures for Special Education in Oklahoma* and the technical assistance document *Extended School Year (ESY) Services for Children and Youth With Disabilities*.

Individuals over the age of twenty-one and under the age of twenty-six years, who are legal residents of this school district, may be entitled to receive educational privileges and opportunities in order to complete a secondary education program when they have been unable to complete the twelfth grade due to physical disability or military service. Legal residents of this school district nineteen years of age or older, who are not enrolled in a high school program and have not completed the twelfth grade, may attend adult high school completion programs if such programs are established by the school district and approved by the Oklahoma State Department of Education (SDE).

This school district is responsible for providing Free Appropriate Public Education (FAPE) for children ages 3 through 21 years when it is determined by the individualized education program (IEP) team that the services are needed to receive FAPE.

Extended school year (ESY) services are defined as special education and related services provided by this school district to children with disabilities beyond the regular instructional year as a necessary part of FAPE. The type, amount, or duration of ESY services may not be unilaterally limited, but must be determined on an individual basis by the IEP team. The time period during which ESY may be offered may not be restricted, but will be determined on an individual basis by each student's IEP team.

A Disabled student will be eligible for ESY services when it is determined that in the absence of such services the student will regress to such a marked degree that the student will be unable to recoup the loss within a reasonable time. Many factors will be considered in evaluating a student's need for an ESY program. Some of these factors are:

1. **Nature of the Disabling Condition:** Certain children, by the nature of their disability, may be predisposed to severe regression and limited recoupment. However, ESY services will not be limited based upon particular categories of disabilities.
2. **Severity of Condition:** Children more severely disabled are most likely to need services.
3. **Availability of Home Stimulus During Summer Months:** In many instances it is feasible for a parent to monitor and implement a child's program during the summer break. When such a non-school program can be implemented by the student's parents and/or peers, it may provide a child the dual benefit of a vacation break from school without severe regression.
4. **Other Factors:** Other factors to be considered in determining the need for ESY include, but are not limited to: the degree of the child's disability; the parents' ability to provide education in the home; the child's rate of progress; the child's need for interaction with nondisabled peers and vocational training; and whether the requested services are an integral part of a program for children with similar disabilities.

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The following factors **must** be considered by the Individual Education Program (IEP) team in determining need for ESY programming:

- Degree of impairment;
- Degree of regression;
- Recovery time from this regression;
- Ability of parents to provide educational structure at home;
- Child's rate of progress;
- Child's behavioral problems;
- Child's physical problems;
- Availability of alternative resources;
- Ability of the child to interact with children and youth who are not disabled;
- Area(s) in curriculum that need continuous attention;
- Child's vocational needs;
- Whether the requested service is extraordinary for the child's condition, as opposed to an integral part of a program for those with the child's condition; and
- Other relevant factors as determined by the IEP team.

Determination of the need for ESY services must be made on an individual basis and addressed appropriately on the IEP.

ESY services may also be appropriate for some children who have received SoonerStart services. To determine need for ESY services, the Individualized Family Service Plan (IFSP) and IEP teams (including family members) will meet and consider all pertinent information including background information, current evaluations, and information provided by SoonerStart. IEP team participants will include:

- an administrator or administrative representative;
- the child's regular education teacher;
- a special education teacher qualified to provide special education in the area of the suspected disability;
- the child's parent(s);
- the child, as appropriate;
- other individuals at the discretion of the parent(s) or this district; and
- a member of the multidisciplinary evaluation team or a representative of the district or some other person who is knowledgeable about the evaluation procedures and the results.

ESY Review Procedures

The IEP review may occur at any time the team member(s) considers appropriate. However, a review must occur on or before the anniversary date of the IEP (i.e., at least once a year). The review requires participation of team members as described under Team Participants in this section. Any team member, including a parent, may initiate a review of placement when revision of the IEP is needed. The IEP should reflect the specific amount and type of special education and related services provided to a child at all times.

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The educational progress and appropriateness of the placement for each eligible child shall be reviewed on at least an annual basis. The review of the IEP shall be accomplished with reference to the schedules and procedures for evaluation of the goals and objectives specified in the IEP. The IEP team continues to provide: ongoing review of the effectiveness and appropriateness of the child's special education and related services; need for changes in type, frequency, or duration of services; and whether the child's placement continues to be the least restrictive environment or needs to be changed.

A review of placement meeting should occur following reevaluation or consideration of new information concerning the educational program of the child. The purpose of this meeting would be to review the present placement, services and any necessary change in services in relation to the new information.

Extended School Year (ESY) services are provided to children with disabilities who meet requirements of this ESY policy. ESY services must be determined and documented through the IEP. Special education and related services shall be provided beyond the regular instructional year as a necessary part of a free appropriate public education, for individual children determined eligible for ESY. Such determinations shall be made on an individual basis.

All special education students will be considered for an ESY program and screened upon request of a parent or other member of the IEP team. However, because of their propensity toward severe regression and slow recoupment, multi-Disabled and trainable mentally Disabled students will automatically be screened, each year, for the need of ESY.

Data and Evaluation Information to Determine ESY Needs

The IEP team must determine a child's need for ESY services by collecting, reviewing, and analyzing existing information and pertinent data, including, but not limited to, the child's disability, educational history, and present levels of performance/educational functioning and needs. Examples of data and information could involve a review of the following:

Criterion-referenced and standardized tests, including pretest and posttest data of a student's progress;

Functional assessments used in natural environments (e.g., home, community, work, school);

Analysis of data collected on a regular basis;

Evaluations and progress records for related services;

Parent, student, and/or service provider information;

Attendance records;

Behavior and disciplinary records;

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Health/medical information;

Interviews with teachers and parents, students; and

Progress reports and assessments to determine the child's performance of IEP annual goals and objectives or benchmarks across time.

Screening Process

1. All special education students will be considered for an ESY program at their annual IEP team meeting and provision will be made on the IEP at that time if the team determines that an ESY program is necessary. Likewise, notation will be made on the IEP if a determination has been made that the student does not need or desire an ESY program.
2. All multi-disabled and trainable mentally disabled students will be screened by their teachers and therapists using forms provided by the district.
3. Screening of students with other disabilities will be conducted upon request by a parent, teacher, or other service provider.
4. The district will compile a list of those students requiring additional consideration and analyze possible service needs.
5. For those students identified as in need of ESY, the district will prepare recommendations as to the nature, duration, and frequency of services needed to assure that significant regression will not occur to such a degree that recoupment cannot be accomplished within a reasonable period of time.
6. At either the IEP review or IEP team meeting, the team shall be advised of the referral for ESY and the recommendation, if any, that the student be placed in an ESY program for the summer. The advantages and disadvantages of such a program shall be explained to the parent as well as the basis for the referral and recommendation.

If the parent rejects the ESY, such should be recorded on the IEP. If the parent accepts the recommendation for an ESY, the IEP team should complete an amendment to the IEP with regard to services to be provided.

ESY services may be necessary for a free appropriate public education; therefore, procedural safeguards include the right to request a due process hearing. Parents or guardians may request a hearing to challenge the identification, evaluation, or educational placement. Mediation must be available as an option whenever a hearing is requested. However, parents and schools may use mediation to resolve a dispute regarding ESY without a request for a due process hearing.