

School Administrative Unit #24

EXTENDED SCHOOL YEAR ELIGIBILITY WORKSHEET

Student Name:

Grade:

ESY Program:

District:

School:

Teacher/Case manager:

<p>1. Are ESY Services necessary for this student to receive FAPE? (i.e. the benefits the student gains during a regular school year will be significantly jeopardized if he/she is not provided with an educational program during the summer months.)</p>	<div style="display: flex; align-items: center;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div> <p style="margin-left: 100px;">If no, then the student is not eligible for ESY Services. If yes, then ask questions 2-6 and complete appropriate paperwork.</p>
<p>2. What factors were determined by the IEP Team as a trigger/justification for the need for ESY? (Please indicate trigger for ESY. If no factors are noted on the right, the student is not eligible for ESY.) Please record the pre-and post-break data that evidences a substantial regression in a critical life skill.</p> <p><u>Break 1 (must have data from both breaks)</u> Date: _____</p> <p>Pre-break data: _____</p> <p style="text-align: right;">Date: _____</p> <p>Post-break data: _____</p> <p>Assessment method/instrument: _____</p> <p><u>Break 2 (must have data from both breaks)</u> Date: _____</p> <p>Pre-break data: _____</p> <p style="text-align: right;">Date: _____</p> <p>Post-break data: _____</p> <p>Assessment method/instrument: _____</p>	<div style="margin-bottom: 10px;"> <input type="checkbox"/> Regression/Recoupment: The IEP team should determine whether without these services, there is a likelihood of substantial regression of critical life skills caused by a school break and a failure to recover those lost skills in a reasonable time following the school break (e.g., six to eight weeks after summer break). </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Degree of Progress: The IEP team reviews the student's progress toward the IEP's goals on critical life skills and determines whether, without these services, the student's degree or rate of progress toward those goals, objectives or benchmarks will prevent the student from receiving benefit for his/her educational placement during the regular school year. </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Emerging Skills/Breakthrough Opportunities: The IEP team reviews all IEP goals targeting critical life skills to determine whether any of these skills are at a breakthrough point. When critical life skills are at this point, the IEP team needs to determine whether the interruption in services and instruction on those goals, objectives or benchmarks by the school break is likely to prevent the student from receiving benefit from his/her educational program during the regular school year without these services. </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Interfering Behaviors: The IEP team should determine whether without ESY services any interfering behavior(s) such as ritualistic, aggressive or self-injurious behavior(s) targeted by IEP goals have prevented the student from receiving benefit from his/her educational program during the school year. The team also determines whether the interruption of programming which addresses the interfering behavior(s) is likely to prevent the student from receiving benefit from his/her educational programming during the next school year. </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Nature and/or Severity of the Disability: The IEP team should determine whether, without ESY services, the nature and/or severity of the student's disability is likely to prevent the student from receiving benefit from his/her educational program during the regular school year. </div> <div> <input type="checkbox"/> Special Circumstances or Other Factors: The IEP Team should determine whether, without ESY services, there are any special circumstances that will prevent the student from receiving benefit from his/her education program during the regular school year. </div>

Extended School Year Eligibility Worksheet (continued)

3. What critical life skills/benefits gained during the school year would be significantly jeopardized?	Note: the individual, specific critical life skill(s), that require(s) maintenance services through ESY in THE CONSIDERATION OF ELIGIBILITY FOR ESY section of the IEP. Attach the appropriate goal/benchmark page noted to this worksheet.
4. What are the educational services needed, in order to maintain the student's critical life skills?	Note: the educational and/or related services, amount of time and dates in THE CONSIDERATION OF ELIGIBILITY FOR ESY section of the IEP. Any related services noted in this section MUST BE signed by the related service provider currently working with the student.
5. What related services are necessary in order for the student to benefit from his/her special education program or maintain CRITICAL LIFE SKILLS?	
6. What is the least restrictive environment (LRE) setting in which the educational services can be provided? <div style="margin-left: 100px;"> <input type="checkbox"/> Home Packet The student is presented materials in the form of a study packet to review with parents. </div> <div style="margin-left: 100px;"> <input type="checkbox"/> School Based Services The student will participate in services offered in a school setting. </div> <div style="margin-left: 100px;"> <input type="checkbox"/> Self-Contained School Based Services The student will receive services with other children with disabilities. </div> <div style="margin-left: 100px;"> <input type="checkbox"/> Other: </div>	
7. ESY Determination <div style="margin-left: 20px;"> <input type="checkbox"/> Yes <input type="checkbox"/> No Date Determined: </div> <div style="margin-left: 20px;"> <input type="checkbox"/> ESY offered, but declined by parent </div>	

ESY

Define:

- ESY is the need to provide student with FAPE
- Decision determined by IEP team; determined on individual basis that services are necessary for FAPE
- Although Federal and State guidelines suggest ESY is normally provided in the summer there is nothing to stop a district from providing ESY during the school year- before/ after regular school hours, during school vacations. NH rules state ESY services shall not be limited to the school year or to predetermined program design.
- A critical life skill includes any skill determined by the IEP team to be critical to the student's overall educational progress.

Criteria:

- District required to provide ESY only when "an interruption of the program of an educationally disabled student would result in severe and substantial harm and regression and would have the effect of negating the benefits of such educationally disabled student's regular special education program" (RSA186C:15)
- 3 factors court consider in determining qualifications for ESY
 1. extent of the regression the student will likely suffer
 2. the length of time the student will likely take to recoup losses
 3. the severity of the student's disability

As an aside, some courts have looked at the "window of opportunity" for emergent skills as a criteria.

Factors to be considered:

- regression/recoupment
- degrees of progress
- emerging/breakthrough opportunities
- interfacing behaviors
- nature and severity of the disability
- other factors

Things to consider:

- Student's special education program is appropriate if it yields some educational benefit-law does not require "best program". If a student makes some progress over 12 months without ESY services- FAPE standard would create "would not have a right to ESY".
- Court (First Circuit) has stated adequacy of overall program should not be assessed solely by looking at one part of a program-i.e.: do not make a decision about adequacy of ESY offering based on the review of the offering.

Data:

- In order to fulfill the factors in determining ESY data must be collected to show the following:
 1. Regression after breaks as well as show the period of time for recoupment after such breaks.
 2. Data collected should include behavior and academics

Because ESY services are uniquely designed to provide FAPE to students with disabilities, it is necessary to emphasize that these services are:

- NOT based on the category of student's disability – services must be based on the student's unique educational needs;
- NOT mandated twelve-month services for all students with disabilities;
- NOT a child care service;
- NOT necessarily a continuation of the total IEP provided to a student with a disability during the regular school year;
- NOT required to be provided all day, every day, or each day;
- NOT an automatic program provision from year-to-year;
- NOT summer school per se, compensatory services, or enrichment programs;
- NOT required to be provided in a traditional classroom setting; and
- NOT a service to be provided to maximize each student's potential.