

# **Determining Extended School Year Services:**

## **A Practitioner's Guide**

**Developed by CESA #9 through an IDEA  
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Department of Public Instruction**



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This document is intended to be used as a guide for the IEP Team in making decisions regarding a child's {with a disability} need for extended school year.

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## **INTRODUCTION**

Over the years, there have been a number of issues and questions concerning a school district's responsibilities to provide Extended School Year (ESY) services. ESY services are required special education and/or related services provided during the summer and at other times not within the school term. These services are provided consistent with a child's individualized education program (IEP) in order for a child to receive a free appropriate public education (FAPE).

During the 1997-98 school year, CESA #9 in coordination with the Department of Public Instruction, Special Education Team, started the process of reviewing how school districts in Wisconsin and other states were dealing with Extended School Year policies and with the implementation of ESY services. All 50 states were surveyed with 46 states responding.

In the fall of 1997, the ESY Committee of CESA #9 sent a questionnaire to school districts in Wisconsin that conducted ESY programs during the summer of 1996. Districts were asked to provide:

- Number of children served in each special education category
- Factors considered in determining the need for ESY
- Examples of wording used on the IEP to document the need
- Examples of data collected, recorded and analyzed to document the need
- Examples of how ESY services were provided
- Copies of forms or checklists that were used

Results provided a variety of responses, which were then analyzed and used in the development of this guide. National Association of State Directors of Special Education's (NASDSE) analysis of state regulations and policies, Wisconsin Council of Administrators of Special Services' (WCASS) report on ESY, ERIC Digest paper, opinions in court cases, and several other papers written on ESY were also incorporated into this guide. Finally, we have included case examples to more realistically describe the process an IEP team may use to determine the need for ESY and the implementation of these services.

The new federal IDEA regulations were published, in March of 1999, and for the first time, addressed Extended School Year services. This language has been incorporated into this guide.

We hope that this will be a helpful tool as you and your IEP team makes decisions regarding a child's need for Extended School Year services.

## **EXTENDED SCHOOL YEAR: STATUTORY REFERENCES**

### State Statute

Chapter 115.77(lm)(b):

“A local educational agency shall demonstrate: [that it] makes available a free appropriate public education to children with disabilities.”

### Federal IDEA Regulations

CFR 300.309

#### (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.

(Authority: 20 U.S.C. 1412(a)(1))



## DEFINITIONS OF KEY TERMS

1. **EXTENDED SCHOOL YEAR SERVICE(S)** - The provision of special education and/or related services beyond the normal school year.
2. **REGRESSION** - A decline to a lower level of functioning demonstrated by a decrease of previously attained skills that occurs as a result of an interruption in educational programming.
3. **RECOUPMENT** - The ability to recover or regain skills at the level demonstrated prior to the interruption of education programming.
4. **TRADITIONAL SUMMER SCHOOL** - Summer programs designed for special and/or general education students. These programs are voluntary and optional and provide enrichment or reinforcement activities. Summer school is not required to provide a student FAPE. ESY service(s) could be provided in combination with an existing summer school program as appropriate and as designated in a student's IEP.
5. **CRITICAL POINT OF INSTRUCTION OR EMERGING SKILL** - The point at which a student has almost mastered the skills in an instructional sequence. As the need for ESY service(s) is made, the IEP team must determine that a break in instructional programming would result in the loss of significant progress made toward the acquisition of a critical or emerging skill.
6. **SEVERE REGRESSION** - This occurs when the amount of time required to relearn skills or behaviors becomes so significant that it interferes with the gains made during the school year. Since most students experience some regression over extended breaks, a significant increase in the recoupment period must exist in order for regression to pose a significant threat to the gains made during the school year.
7. **CRITICAL OBJECTIVES** - Essential elements needed for the achievement of projected IEP goals.
8. **INTERFERING BEHAVIORS** - Behaviors such as stereotypic, ritualistic, aggressive, or self-injurious behavior(s), targeted by IEP objectives that would have prevented the student from receiving some benefit from his or her educational program during the regular school year, or whether the interruption of programming for this (these) interfering behavior(s) is likely to prevent the student from receiving benefit from his or her educational program without ESY service(s).

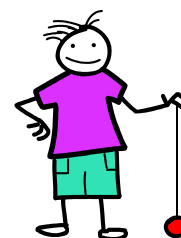
Adapted From: Extended School Year, Georgia Department of Education  
Division for Exceptional Students, 1997

## FACTORS TO CONSIDER

- Each local school system should develop policies and procedures related to consideration of ESY. These policies and procedures will serve as guidelines for IEP teams making decisions for individual students.
- School personnel must document a student's progress toward achieving mastery of IEP goals throughout the school year. Procedures for measuring student progress, informing parents of that progress, and the extent to which that progress is sufficient for attainment of annual IEP goals must be addressed in the IEP.
- The IEP team should document goals met as part of any IEP annual review. The student's progress on goals that were not met should also be determined and documented.
- The IEP team should consider all relevant information relating to the student receiving a free appropriate public education (FAPE). The IEP team should not use a single criterion (such as regression-recoupmnt) to determine the necessity of ESY.
- If the student needs ESY service(s), the IEP team should identify the IEP goals and objectives to be addressed.
- Decisions regarding service(s) must be based on the student's individual needs and not be dependent on existing programs.
- ESY service(s) should emphasize the maintenance of existing skills and development of emerging skills as indicated on the IEP. The ESY service(s) should be based on ESY service(s) needs identified in the present IEP.
- ESY service(s) should address identified ESY needs only. Usually ESY service(s) will vary from those provided during the regular school year.
- The provision of ESY service one-year does not guarantee service(s) for succeeding years. The need for ESY service(s) must be determined on an annual basis.
- ESY service(s) must be provided by qualified personnel.
- ESY service(s) must be individually designed rather than determined solely by the severity and/or category of disability.

**See Figure 1 and Figure 2**

Adapted From: Extended School Year, Georgia Department of Education  
Division for Exceptional Students, 1997



**Figure 1**

**Factors to Consider: Areas of Consideration**

<i>Type and Severity</i>	<ul style="list-style-type: none"><li>▪ The degree of impairment</li><li>▪ The areas of the student's curriculum which need continuous attention</li><li>▪ The student's vocational needs, whether the requested services are extraordinary for the student's impairment, as opposed to an integral part of the program for those with the student's impairment</li></ul>
<i>Rate of Progress</i>	<ul style="list-style-type: none"><li>▪ The degree of regression suffered by the student</li><li>▪ The recovery time from this regression</li><li>▪ The student's rate of progress (including emerging skills)</li><li>▪ Critical time to work on an emerging skill</li></ul>
<i>Alternate Resources</i>	<ul style="list-style-type: none"><li>▪ The ability of the student's parents to provide the educational structure at home</li><li>▪ The availability of alternative resources</li></ul>
<i>Behavior/Physical</i>	<ul style="list-style-type: none"><li>▪ The student's behavioral and physical problems</li></ul>
<i>Other Relevant Factors</i>	<ul style="list-style-type: none"><li>▪ The ability of the student to interact with students who do not have disabilities</li></ul>

## Figure 2

### Factors to Consider: Critical Questions

In this section, you will find examples of predictive factors, as determined by the Tenth Circuit Court of Appeals, with critical questions that might be asked to help determine whether the Predictive Factors are relevant in determining eligibility for ESY services. In some cases, examples are provided to further clarify when significant regression could occur and ESY services may need to be provided. These factors are to be reviewed anytime a student is being considered for ESY services.

#### *Type and Severity*

- ◆ In what ways does the student's disability and/or intensity of needs impact the maintenance of learned skills?
  - A student with autism has a history of losing skills in the area of communication when structured activities are not provided over an extended school break.
  - A student with TBI has ongoing problems retaining learned skills and needs ongoing practice of these skills to prevent serious regression.
  - A student with multiple and severe disabilities requires very intensive services over the school year by parents and school staff collectively, to make progress on IEP objectives

#### *Behavioral/Physical*

- ◆ Are there behavioral or physical factors that negatively impact the student's ability to maintain learned skills?
- ◆ Have there been extended absences that impact ability to maintain learned skills?
- ◆ Have there been major life events that impact ability to maintain learned skills?
- ◆ Have there been significant behavioral challenges that interfere with maintenance of learned skills?

#### *Alternative Resources*

- ◆ What community/home resources are already planned or could be available in order for the student to maintain learned skills?
- ◆ How does the parents' ability to provide educational structure at home impact the child's ability to maintain learned skills?
  - A child with a learning disability has a family who is in crisis and therefore is not able to provide ongoing support in reading.

#### *Ability to Interact with Non-Disabled Peers*

- ◆ Does the lack of opportunities for the student to interact with non-disabled peers significantly interfere with maintenance of learned skills?
  - A child with multiple disabilities has a goal of developing social initiation skills, but lives in an isolated rural area where no opportunities exist for interaction with typical peers.
- ◆ What community/home support is needed to provide necessary opportunities for this student?
  - A child who is deaf and whose primary mode of communication is sign language has limited opportunities to communicate with others using sign language in the community.

*Curriculum That  
Needs Continuous  
Attention*

- ◆ Are there any objectives on the IEP that require ongoing support in order to maintain learned skills?
- ◆ Are there other elements of the IEP, such as a behavior plan or health care plan, which require ongoing support in order to maintain learned skills?

*Vocational Needs*

- ◆ Does this student require ongoing support in order to maintain learned vocational skills?
  - A student has a job during the school year with support from the job coach. The question for the IEP team is: Will this student lose the opportunity to maintain learned skills over the summer without the support of a job coach?

*Extraordinary  
Vs. Integral*

- ◆ What support/services are essential, as well as reasonable, to meet this student's individual needs in order to maintain learned skills?
  - A district can provide a student with Autism appropriate educational services within the school district, rather than sending them to an out-of-district/state special camp.
  - A district can provide a student with a disability who is reading well below grade level appropriate services within the school district, rather than sending them to a costly out-of-state special reading program.

*Child's Rate  
of Progress*

- ◆ How does the length of time that the student takes to learn a skill negatively impact the maintenance of learned skills?
- ◆ Would the interruption of services be detrimental to the student's continued progress?
  - A student with an emotional disability begins the school year with many office referrals. In the course of the year, the number of referrals decrease, but without the benefit of ESY, it can be predicted that the frequency of referrals would escalate to, or near to, the rate observed initially.
  - A student with a perceptual/communicative disability demonstrates peaks and valleys regarding the time it takes to become proficient in a skill. Data collection may not give a true picture of the difficulty the student has, but ESY could provide the prolonged opportunity for maintenance.

*Other  
Relevant  
Factors*

- ◆ Has anything occurred additionally throughout the year that ought to be considered?

Adapted From: Determining Extended School Year Services  
March 1998, Colorado Department of Education

## **STEPS TO FOLLOW WHEN AN IEP TEAM CONSIDERS ESY**

If IEP team participants believe extended school year (ESY) services are necessary for a child to receive a FAPE, that issue must be considered at an IEP team meeting. The IEP team considers all appropriate factors in determining whether the progress a student has made during the regular school year will be significantly jeopardized if the student is not provided ESY services. The IEP team's consideration of the need for ESY services should include all relevant factors.

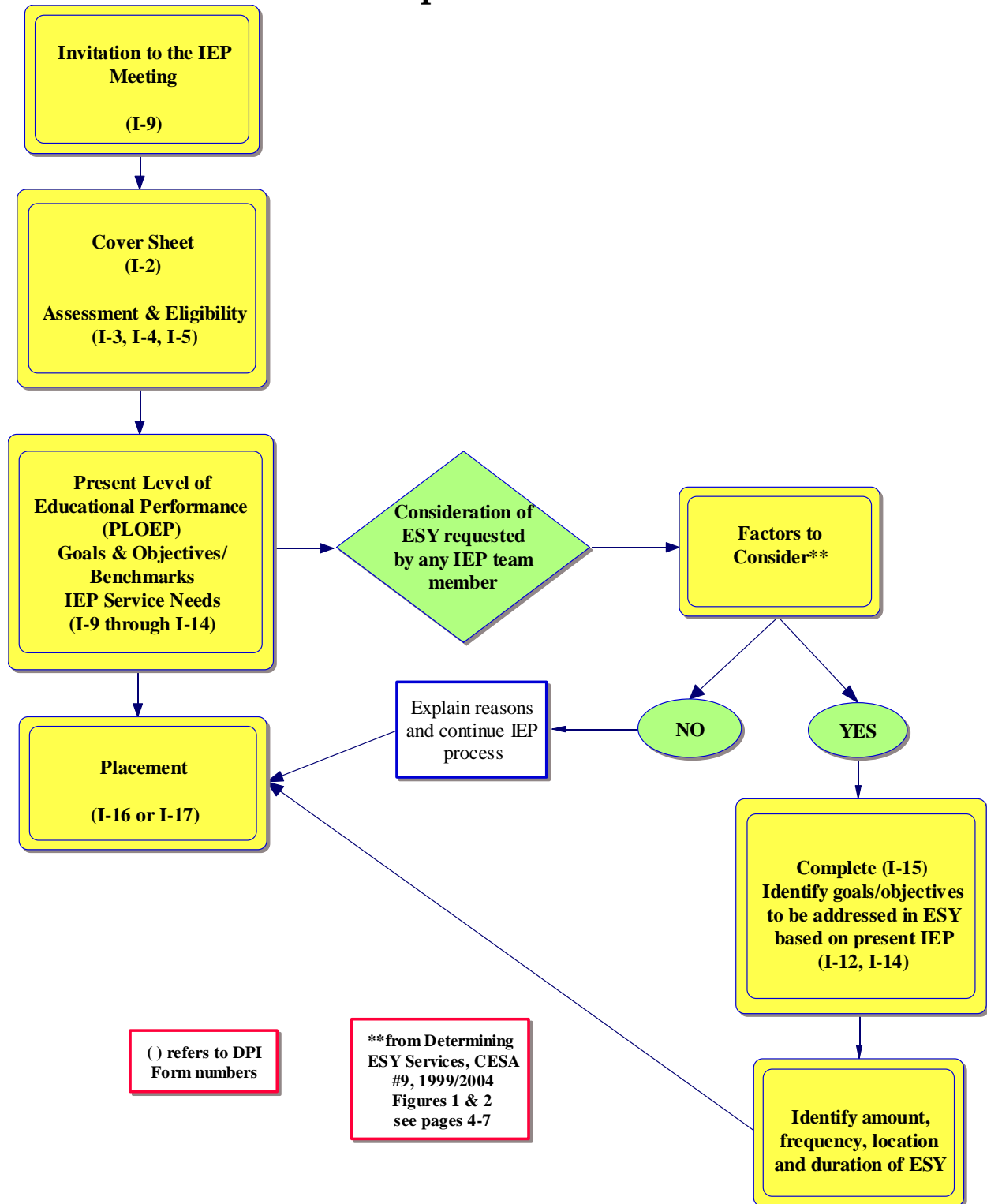
If ESY services are needed in order for the student to receive a FAPE, the student's IEP must include the specific special education and related services to be provided during the extended school year, and the frequency, location, amount, and duration of those services. In addition, the IEP must include goals and short-term objectives or benchmarks to be addressed during the extended school year.

A Flow Chart showing ESY and the IEP Process follows on page 9.



# ESY AND THE IEP PROCESS:

## Steps to Follow



( ) refers to DPI Form numbers

\*\*from Determining ESY Services, CESA #9, 1999/2004 Figures 1 & 2 see pages 4-7

**Figure 3: Wisconsin DPI ESY Form (I-15)**

Page \_\_\_\_ of \_\_\_\_

**EXTENDED SCHOOL YEAR FOR \_\_\_\_\_ (I-15)**  
**\_\_\_\_\_ SCHOOL DISTRICT**

Does the child require extended school year (ESY) services to receive a free and appropriate public education (FAPE)?

Yes

No

If no, explain reasons rejected:

If yes, identify which annual goals, including benchmarks or short term objectives, will be addressed during ESY:

Specify all needed services:

I. Special Education	<u>Frequency/ Amount</u>	<u>Location</u>	<u>Duration (beginning and ending dates)</u>
II. Related services			
III. Supplementary aids and services - aids, services, and other supports provided to or on behalf of the student in regular education or other educational settings			
IV. Program modifications or supports for school personnel that will be provided			

## **SIGNIFICANT COURT CASES RELATED TO ESY**

### ***Board of Education v. Rowley*** 458 U.S. 176 (1982)

The U.S. Supreme Court attempted to define “appropriate” indicating that an IEP formulated in accordance with the IDEA requirements should be “reasonably calculated” to enable the student to “benefit educationally” or to receive educational benefits.

### ***Rettig v. Kent City School District*** 539F.Supp.768 (N.D. Ohio 1981)

The federal district court held that the issue in ESY is not whether ESY may be beneficial, but whether “it is a necessary component of an appropriate education for the student.”

### ***Cordrey v. Euckert*** 917F.2d1460 (6<sup>th</sup> Cir. 1990)

Where no empirical data are available, the need for ESY "may be proven by expert opinion, based upon a professional individual assessment." "ESY must be deemed an exception rather than a rule under IDEA." The court also said that ESY may not be required unless "the benefits accrued to the child during the regular school year will be significantly jeopardized if he is not provided an ESY."

### ***Battle v. Commonwealth of Pennsylvania*** 629 F.2d 269 (3<sup>rd</sup> Cir. 1980)

The Court of Appeals in the Battle decision stated that "inflexible application of a 180 day maximum prevents the proper formulation of appropriate educational goals for individual members of the plaintiff class."

### ***GARC v. McDaniel*** 716 F.2d 1565 (11<sup>th</sup> Cir. 1983)

In *Georgia Association for Retarded Citizens (GARC) v. McDaniel*, the court stated that there can be “no question that defendants must provide schooling in excess of 180 days for any child that might need it.” The court ruled that "school systems may not refuse to consider the provision of extended year services to mentally retarded children. If, after considering the need for extended year service, it is determined that such a need exists, then the school system may not refuse to provide for that need." Note: Based on both the Battle and the *GARC v. McDaniel* decisions, schools and systems cannot defend inflexible rules which provide a maximum 180 day school year to everyone, without exception. For some students, ESY may be needed.

## **SIGNIFICANT COURT CASES RELATED TO ESY, continued**

### ***Armstrong v. Kline*** 476F.Supp. 583 (E.D. Pa. 1979)

*Armstrong v. Kline* (affirmed in *Battle v. Commonwealth of Pennsylvania*) established that for certain handicapped children... a program in excess of 180 days is required if they are to attain that level of self-sufficiency that is otherwise possible given an appropriate education. This case provided some standards to be considered in ESY decisions: 1) nature of handicapping condition, 2) severity of handicapping condition, 3) extent of regression or recoupment, and 4) skills in self-sufficiency and independence from caretakers.

### ***Johnson v. Independent School District No. 4*** 17EHLR170, 921 F.2d 1022 (10<sup>th</sup> Cir. 1990)

Regression-recoupment is not the only measure used to determine the necessity of ESY. Other factors may include: 1) degree of impairment, 2) ability of the child's parents to provide educational structure at home, 3) child's rate of progress, 4) child's behavioral and physical problems, 5) availability of alternative resources, 6) ability to interact with non-disabled peers, 7) areas of the curriculum which need continuous attention, and 8) child's vocational needs.

### ***Reusch v. Fountain*** 21IDELR1107, 872 F. Supp. 1421 (D.Md. 1994)

A federal judge said that a Maryland school district improperly restricted summer school services by offering summer school only to students likely to regress. He ordered the district to consider whether a summer break could: 1) halt the student's progress toward developing critical life skills, 2) interrupt the student at a "critical breakthrough" period, and 3) intensify "interfering behavior" such as aggression or self-injurious behavior.



## QUESTIONS AND ANSWERS



The following question and answer excerpts are from Wisconsin Department of Public Instruction: Learning Support/Equity and Advocacy Information Update Bulletin No. 96.01 that addresses ESY concerns:

### ***What are extended school year services?***

School districts must provide a free appropriate public education to each resident child who has disabilities. In order to provide a free appropriate public education, districts must ensure that all children with disabilities receive special education and related services consistent with the provisions of their individualized education programs (IEPs). **Special education and related services provided pursuant to an IEP, beyond the limits of the school term, are extended school year services.**

### ***What is the school term?***

Section 115.001(12), Wis. Stats. defines “school term” as the time commencing with the first school day and ending with the last school day that the schools of the district are in operation for attendance of pupils in a school year, other than for the operation of summer classes.

### ***When is a school district required to provide extended school year services to a child with disabilities?***

A school district is required to provide extended school year services to a child **when the child requires such services to receive a free appropriate public education**. If the child requires extended school year services to receive a free appropriate public education, the school district must develop an IEP for the child that includes extended school year services. These requirements apply to all children with disabilities between the ages of three and 22 who have not graduated from high school with a regular diploma.

### ***Who decides whether a child requires extended school year services in order to receive a free appropriate public education?***

This decision is the responsibility of the members of the IEP team. When the IEP team is meeting to develop the child’s IEP, they must consider, as appropriate, whether a child needs extended school year services in order to receive a free appropriate public education. The Department of Public Instruction recommends that determinations regarding extended school year services during the summer be made prior to the end of April to permit adequate time to arrange for needed services.

***Must the district consider extended school year services for each child at an IEP team meeting?***

The district is not required to consider extended school year services for each child at an IEP team meeting. If extended school year services are an issue that is raised by a parent or another IEP team participant, then the IEP team participants must determine whether the child requires extended school year services in order to receive a free appropriate public education.

***When there is no documentation of past regression-recoupment problems, may a child be eligible for extended school year services?***

Yes. A child may still be eligible for extended school year services although there is no documentation of past regression-recoupment problems. In analyzing a child's potential regression-recoupment problems, the district needs to consider predictive information as well as any information obtained from prior experience with recoupment and regression, along with other appropriate factors.

***Does the fact that extended school year services were provided to a child in a prior year mean that extended school year services are needed in the current year?***

The provision of extended school year services in a prior year does not mean that extended school year services are needed in the current year. Similarly, the fact that no extended school year services were provided in a prior year does not mean that extended school year services are not needed in the current year.

***If the IEP team participants decide that the child requires extended school year services in order to receive a free appropriate public education, how does the school district ensure that the services are provided?***

If the IEP team participants decide that the child requires extended school year services in order to receive a free appropriate public education, then they must include a description of the necessary extended school year services in the child's IEP. The district is obligated to provide the extended school year services consistent with the IEP. The LEA representative who attends the IEP team meeting should ensure that the extended school year services in the IEP are made available.

***May extended school year services be limited to children with certain disabilities or limited to children who require a minimum number of hours of extended school year services?***

No. Any child who requires extended school year services in order to receive a free appropriate public education must be provided with needed extended school year services. A district may not have a policy that prohibits or inhibits full consideration of the educational needs of each child. Consideration for extended school year services may not be limited to children with certain disabilities or to children labeled as “severely” or “profoundly” disabled. Eligibility for extended school year services may not be limited to children who require a certain minimum number of hours of extended school year services.

***Which extended school year services should be included in a child’s IEP?***

The extended school year services may differ markedly from the services provided to a child during the school term. The extended school year services may or may not be school-based. The specific extended school year services provided, including the frequency, amount, duration and location of the services, must be determined by the IEP team participants and be based upon the child’s individual needs. Any changes to the frequency, amount, duration or location of the extended school year services cannot be made without holding another IEP team meeting.

***Must the IEP team participants consider the provision of related services as extended school year services?***

Yes. The IEP team participants must consider whether the child requires related services, including transportation, in order to benefit from special education.

***Is it necessary to make a separate showing of regression and poor recoupment of skills for extended school year related services?***

No separate showing of a regression-recoupment problem is required. What is required is a showing that related services are needed to assist the child to benefit from special education.

***May a district provide related services as the sole component of an extended school year program?***

Yes. While a child may not need extended school year special education, a child may need extended school year related services **in order to benefit from special education when school resumes during the school term.** In this instance, the related services may be the sole component of the extended school year program. The decision as to whether the child should be provided related services as the sole component of an extended school year program is the responsibility of the IEP team participants.

***Must a child receive extended school year services in the least restrictive environment?***

Children receiving extended school year services must be educated in the least restrictive environment in which the child's IEP can be implemented. However, because extended school year services are provided during a time when the full continuum of educational placements is not normally available, the district is not required to establish programs to ensure that a full continuum of education placements is available. Options on the continuum must be made available only to the extent necessary to implement a child's IEP. If the participants in the child's IEP team meeting determine that interaction with non-disabled children is required, then the district must provide the child with an opportunity to interact with non-disabled peers.

## ESY SCENARIOS

Scenario	Description	ESY Needed?	If yes, why?
Antonio	Second grade, LD	Yes	a. Progress on IEP goals and objectives b. Emerging/critical skills
Beau	Age 4-5, SDD	No	N/A
David	Age 9-5, Autism	Yes	Interfering behaviors
Kathy	Age 13-5, CD	Yes	Regression/ recoupment
Donetta	Age 13-5, CD	Yes	Progress on IEP goals and objectives
Victor	Age 10-3, VI	Yes	Regression/recoupment
Jonathon	Age 3-7, Early Childhood: Speech and Language	Yes	Emerging skills: regression/recoupment
Nhia Kou	Age 8-9, Speech/Language	Yes	Emerging skills

Scenarios modeled after training materials from Georgia Department of Education Division for Exceptional Children. *Extended School Year Training Package, 1997.*

## SCENARIO: ANTONIO

### Background Information

Antonio is a second grade student of above average intelligence and good social skills. At the end of first grade, Antonio was determined eligible for special education in the area of learning disabilities due to a significant reading disability. Antonio is well liked by his teachers and peers and has a strong desire to succeed. In the area of math, he is on grade level and enjoys helping his peers. The only time that he has difficulty during math class is when he is required to read.

Antonio's language skills are good. He has average expressive language skills for a student his age and has very good receptive skills. Antonio can understand age-appropriate materials that are read to him. Antonio's listening comprehension skills allow him to listen to and understand the material read in science or social studies. For example, he is able to repeat factual information and make some inferences from the information heard.

In spite of his strong motivation and such good skills in many areas, Antonio has consistently demonstrated difficulty with every aspect of reading since kindergarten. During his kindergarten year, when Antonio was introduced to the names of the letters in his first name, he had trouble immediately. This trouble was compounded as each of the 26 letters in the alphabet was introduced. Antonio had great difficulty remembering the letter names and this was only heightened by letters with very different upper and lower case symbolization (such as "q" and "Q"). Because of this, learning "sight words" was laborious and seemingly impossible.

Given these difficulties, it was not hard to predict that when Antonio was asked to learn and recall the **sound** associated with each letter, it would be almost an impossible task. In addition, when Antonio would listen to his teacher demonstrate how to put letter sounds together into words (e.g., /c/, /a/, /t/=cat), he would have a look of awe and disbelief on his face, perhaps representing how foreign this process was to him at that time.

Antonio's IEP called for special education (LD) intervention for all of language arts (reading, spelling, writing, vocabulary development) and specific modifications for his regular education classroom to address his reading/writing difficulties which would impact on his other academic subject areas. During the current school year (2nd grade), Antonio's special education teacher worked hard to teach him the letter/sound relationships and their association with the world of reading. During March, she began to use yet another approach and she began to see the first glimmer of understanding from Antonio. Gradually, over the next 4-6 weeks, when presented with sound-symbol associations and sound blending models, the look of disbelief on Antonio's face began to be replaced with a look of understanding. Whatever the reason for the turn-around, actual progress began to take place. Antonio began to learn and recall some of the consonant sounds and some short vowel sounds. He also began to associate the words

Antonio - page 2

He heard with the correct initial consonant sound. Antonio began to understand the relationship between the letter configuration, the sound, and the resulting sound at the beginning of words. Then, ever so slowly, he began to blend together two letter words ("at," "on") and three letter words ("hot," "cap," etc.) for the purposes of reading and spelling.

### IEP Team

Antonio's annual IEP review was due in early May. The committee reviewed the goals/objectives/benchmarks, which addressed the following general areas:

- Improving recall of basic sight vocabulary, such as the Dolch list.
- Developing recall of consonant sounds for reading and writing purposes.
- Developing recall of short vowel sounds for reading and writing purposes.
- Developing sound blending ability for CVC words, for reading and writing purposes.

### Examination of Progress on IEP Goals/Objectives

In the areas addressed by Antonio's IEP goals/objectives, Antonio's progress had been close to imperceptible from September until March. Then, some signs of understanding by Antonio began to be noted. Very slow progress, but at least perceptible progress, began to be noted. In other areas not affected by Antonio's reading disability, his academic progress had been steady. For example, Antonio had learned the science terminology and information relating to weather, and had worked with peers in a cooperative learning approach for a science project. Antonio's work, understanding, and mastery of the science/weather information were at or above the level of his peers.

Factors to Consider:

#### Consideration of Regression/Recoupment

The IEP team examined this issue and determined that Antonio's difficulties were not related to the usual interpretation of the regression/recoupment issue. Indeed, Antonio's skills in reading were so very rudimentary that, to be quite candid, they did not appear to regress. Every year, since kindergarten, Antonio began the new school year right where he left off in all affected academic areas, including reading. The problem, the IEP team determined, was not regression so much as lack of progression in the area of basic reading skills.

#### Consideration of Emerging/Critical Skills and of the Severity of the Disability

The severity of Antonio's learning disability in the area of basic reading skills (and, therefore, in the area of written language skills) was significant. At the end of the second grade, his basic reading/written language skills were, at best, at the level of a beginning kindergarten student of average ability. It is well known that the ability to decode/read and encode/write language is significant in its relationship to one's independent functioning and self-sufficiency in the adult world. In every other way,

### Antonio - page 3

Antonio had the cognitive, social, and behavioral skills that would predict an ability to be self-sufficient and independent of a caregiver. Considering all of this, the IEP team deemed Antonio's reading/writing disability to be severe and to present the possibility of hampering significantly his ability to be self-sufficient as an adult. In addition, the IEP team recognized the long, tortuous period of time from kindergarten through the current school year when Antonio made little to no progress in decoding/encoding skills related to language development. The team contrasted that time with the glimmer of understanding on Antonio's part that began to emerge in March of the current year. The IEP team discussed the situation at length and determined that:

- Reading is a critical skill.
- The onset of the acquisition of early reading skills was recently observed, and Antonio's progress would be significantly jeopardized by an interruption in educational programming at the very time that the critical skill development was emerging.

#### ESY Determination

The IEP team determined there was a need for an ESY in Antonio's case in order to avoid an interruption in instruction in a critical skill area at a time that basic skill acquisition was beginning to emerge.

The IEP team decided on an ESY program that included:

- Two hours per day (from the 3rd week in June to the 3rd week in August) to address ESY goals/objectives/benchmarks identified [will provide his ESY services at the summer program offered for elementary school students by Antonio's local school system].
- Provision of "instructional support" packet of materials for parents to use at home to support ESY instruction.
- Instruction to parents related to use of above packet (approximately one hour).

**EXTENDED SCHOOL YEAR FOR \_\_\_\_\_ (I-15)**  
**\_\_\_\_\_ SCHOOL DISTRICT**

Does the child require extended school year (ESY) services to receive a free and appropriate public education (FAPE)?

Yes                       No

If no, explain reasons rejected:

If yes, identify which annual goals, including benchmarks or short term objectives, will be addressed during ESY:

*Emerging understanding of decoding/encoding skills related to reading.*

Specify all needed services:

I. Special Education	<u>Frequency/ Amount</u>	<u>Location</u>	<u>Duration (beginning and ending dates)</u>
<i>Individualized instruction – Reading-decoding/encoding skills for CVC words, for reading and writing purpose.</i>	<i>Two hours per day</i>	<i>Resource Room</i>	<i>June 15 - August 15</i>
II. Related services			
III. Supplementary aids and services - aids, services, and other supports provided to or on behalf of the student in regular education or other educational settings  <i>Provision of instructional support packet of materials for parental use to support ESY instruction.</i>	<i>Weekly</i>	<i>Home</i>	<i>June 15 – August 15</i>
IV. Program modifications or supports for school personnel that will be provided  <i>Instruction to parents on use of packet</i>	<i>One hour session</i>	<i>Home</i>	<i>Week of June 9</i>

## **SCENARIO: BEAU**

### Background Information

Beau is a 4 year, 5 month old male who was referred for special education services from the private PreK program he attended. The main concern of his PreK teachers was his behavior, especially during instructional time and transitions. Upon evaluation, it was determined that Beau had two areas in which he met eligibility for Significant Developmental Delay-- cognitive and adaptive behavior. Beau's IEP services, ten hours per week, were provided directly in the private PreK program. The Pre-K teacher collaborated with the special education teacher and implemented behavioral and instructional strategies during the periods the special education teacher was not in the room.

The main focus of the preschool special education services provided to Beau included maintaining appropriate behavior and providing some basic academics. During the school year, Beau has made progress. He is now able to complete two-step directions accurately, but he is inconsistent in completing three-step directions. He is able to recognize his name but unable to name any of the letters of the alphabet. Beau can name three shapes and four colors consistently.

A behavior modification plan was implemented to increase Beau's appropriate behavior. The plan, based on a token system, involved stickers which were given for appropriate behavior and could be exchanged for small toys, edibles, or extra play at the end of the day. This system was in place for all of the children in the class. Beau's behavior improved during the year. When given a signal before transition times, Beau learned to stop what he was doing and wait for further directions. However, this behavior was not consistent during play and lunch times. When asked to stop an inappropriate behavior, such as playing in a center not assigned or playing during instructional times, Beau would still tantrum. Tantrums included loud vocalizations, kicking, attempts to bite, and pulling away from adults. The frequency of the tantrums reduced, however, from fifteen per week to three, with periodic weeks of no tantrums. When tantrums occurred, an examination of the situation usually revealed that the teacher did not provide time for transition. Beau was observed playing appropriately with peers for five-minute spans of time, but would occasionally take items without asking.

### IEP Team

The IEP team met to review Beau's goals and objectives, which addressed the following areas:

- Completing two- and three-step directions.
- Naming five shapes and colors.
- Maintaining appropriate behavior during transitions.
- Maintaining appropriate behavior when redirected.

Beau - page 2

### Examination of Progress on IEP Goals/Objectives

It was evident to the IEP team that Beau had made some academic, social, and behavioral advances during the year. While he was not at the same level as his PreK peers, his progress was continuing. The staff of the day care center was using the techniques provided by the special educator; therefore, there was consistency in treatment and educational approach.

### Factors to Consider:

#### Consideration of Regression/Recoupment

The IEP team could identify no significant signs of regression in relation to Beau's IEP goals/objectives.

#### Consideration of Emerging/Critical Skills and of the Severity of the Disability

The level of Beau's disability was mild to moderate and none of the skills on which he was working was determined to be emerging and potentially jeopardized by an interruption in instruction. Beau's progress on his goals/objectives had been steady throughout the year, and his target skills were well beyond an emerging stage of development.

#### Consideration of Interfering Behaviors

The tantrums Beau exhibited had greatly interfered with his participation in the PreK setting. However, they had dramatically decreased during the year, and there were some weeks in which no tantrums occurred. It was decided that these tantrums could be further controlled with adequate transition time and use of the behavior management approach currently in place.

### ESY Determination

The IEP team determined that Beau did not need an extended school year.

**EXTENDED SCHOOL YEAR FOR \_\_\_\_\_ (I-15)  
\_\_\_\_\_ SCHOOL DISTRICT**

Does the child require extended school year (ESY) services to receive a free and appropriate public education (FAPE)?

- Yes                       No

If no, explain reasons rejected:

*No significant signs of regression in relation to Beau's IEP goals.  
No skills considered to be emerging.  
The Behavior Management approach currently in place is considered adequate for dealing with Beau's behavior concerns.*

If yes, identify which annual goals, including benchmarks or short term objectives, will be addressed during ESY:

Specify all needed services:

I. Special Education	<u>Frequency/ Amount</u>	<u>Location</u>	<u>Duration (beginning and ending dates)</u>
II. Related services			
III. Supplementary aids and services - aids, services, and other supports provided to or on behalf of the student in regular education or other educational settings			
IV. Program modifications or supports for school personnel that will be provided			

## **SCENARIO: DAVID**

### Background Information

David is 9 years, 5 months old and is a high functioning student with Autism. He has received special education services since he was 1 year old. He is on grade level in all academic subject areas. David is excellent with facts and detail, but he has difficulty with abstract concepts and reasoning. For example, he can recall and recite extensive dates, numbers of soldiers, battle names and sites, and similar information but he has difficulty expressing a reason for the outbreak of the War Between the States. David began the school year in a self-contained psychoeducational program setting for the majority of the school day, but he spent approximately 45-60 minutes per day in a regular education class for spelling and handwriting activities.

Socially, David has memorized acceptable ways to interact with others but he has difficulty moving beyond his well-practiced social approaches and managing a spontaneous interaction. Consequently, his social interactions appear "stilted." For example, David might say "Hello Mrs. Jones; you look nice today," or "Hello Molly; when is your birthday?" David often prefers to be by himself.

David exhibits self-stimulatory behaviors not uncommon to individuals with Autism. David exhibits "flapping" behavior accompanied by excessive repetition of a single phrase in a whispering voice (example: repeating "brown hairy dog"). While engaged in hand flapping and verbal repetition, David rocks his entire upper body boldly and rapidly. Due to these accompanying movements and sounds, David's "flapping" behavior is extremely distracting to others in his environment.

In approximately February, David's special education teacher began a rigorous behavioral management program designed to decrease the duration of David's flapping episodes and, eventually, to also decrease the frequency of the episodes. Extensive data collection was a part of the management program that was initiated. At first, for every minute of nonflapping behavior, David was allowed one minute of flapping. Then for every two minutes of nonflapping, David was allowed one minute of flapping. This approach continued, gradually increasing the number of minutes of nonflapping behavior expected for every one minute of flapping behavior allowed. Eventually, David was able to control his self-stimulatory behavior for an hour at a time. At this point, his special education teacher told him "David, you may now have 2 minutes to flap." By the end of spring, David's progress had reached a level where he often expressed a preference for continuing with his classroom work when his teacher told him that he could take time to flap. David's parents were thoroughly aware of the management plan and its progress and they were supportive of it. At that time, the plan was only in effect at school.

As the school year progressed, David's continued academic and behavioral progress suggested to his teachers that his time in regular education environments should be

David - page 2

increased. In the spring, his teachers were considering a regular classroom setting for all of Language Arts/Reading and possibly even math for the upcoming school year.

### IEP Team

The IEP team met in May of that year and reviewed David's goals/objectives, addressing the following areas:

- Initiating appropriate interactions with peers and adults.
- Maintaining conversational exchanges with adults.
- Bringing appropriate materials to class.
- Improving basic academic skills/knowledge in all content areas, with emphasis on the underlying abstract concepts and/or reasons.
- Increasing the frequency and duration of nondistracting behaviors.

### Examination of Progress on IEP Goals/Objectives

It was evident to the IEP team that David had made academic, social, and behavioral progress during that school year. The team discussed relevant information supporting the progress he had made.

Factors to Consider:

#### Consideration of Regression/Recoupment

It was evident to the IEP team that the above-noted progress had continued over the previous summer, the winter holiday period, a weeklong bout with the flu, and spring break. No IEP committee member, including his parents, could provide evidence of significant regression in academic, social, and/or behavioral areas as a result of breaks in school instruction.

#### Consideration of Emerging/Critical Skills and of the Severity of the Disability

All members of the IEP team agreed that David was a high functioning student with stereotypical behaviors and characteristics frequently found in individuals with Autism, but overall, the severity level of David's disability was mild. David's steady progress, academic skill levels, basic social skills, and solid communication abilities did not suggest that David's overall development in any particular area was at a significant point related to the emergence of a critical life skill. To the contrary, David's progress over the years was steady with few, if any, set backs and/or times of difficulty in skill acquisition.

#### Consideration of Interfering Behaviors

David's decrease in hand flapping/rocking/vocalizing behaviors had been dramatic from February through May. At the time of the IEP team meeting, David's episodes of flapping behavior were under the control of his teacher, who guided David's classroom educational experiences and allowed periodic/time-limited opportunities for flapping. The team discussed the important relationship between the decrease in David's flapping/disrupting behaviors and the resulting consideration of an increase in the amount of time in a regular educational environment.

David - page 3

The team was concerned that an interruption in the behavior management program would result in a return to the previously high rate, frequency and intensity of David's flapping behaviors, and this would not only be disruptive to the education of his peers, but would interfere with the proposal to gradually transition David to increasing amounts of time in a regular education environment. An increase in these behaviors would also significantly interfere with David's development of a level of self-sufficiency and independence commensurate with his ability and/or potential.

ESY Determination

The IEP team decided on ESY Services for David that include:

- Three one-hour sessions of instruction to David's parents in the behavior management program basics.
- Provision to the parents of suggested summer activities and materials for David.
- Home visit 3 hours per week by David's special education teacher to monitor his flapping behavior and consult with David's parent(s) from [June 10-August 10].
- Provision to parents of data collection materials to record flapping behaviors.

**EXTENDED SCHOOL YEAR FOR \_\_\_\_\_ (I-15)**  
**\_\_\_\_\_ SCHOOL DISTRICT**

Does the child require extended school year (ESY) services to receive a free and appropriate public education (FAPE)?

Yes                       No

If no, explain reasons rejected:

If yes, identify which annual goals, including benchmarks or short term objectives, will be addressed during ESY:

*Goal: To increase frequency and duration of non-distracting behaviors.*  
*Objective: David will demonstrate non-distracting behavior in the home setting commensurate with the frequency and duration exhibited in the school setting at the end of the school year.*

Specify all needed services:

I. Special Education	<u>Frequency/ Amount</u>	<u>Location</u>	<u>Duration (beginning and ending dates)</u>
<i>Monitor flapping behavior.</i>	<i>3-1 hour sessions</i>	<i>Home</i>	<i>Before June 10</i>
<i>3 hours per week</i>		<i>Home</i>	<i>June 10- August 10</i>
II. Related services			
III. Supplementary aids and services - aids, services, and other supports provided to or on behalf of the student in regular education or other educational settings			
<i>1. Instruction to David's parents in behavior management program basics including data collection materials;</i>	<i>1 hour session</i>	<i>Home</i>	<i>Before June 10</i>
<i>2. Provision to parents of suggested summer activities and materials.</i>			
IV. Program modifications or supports for school personnel that will be provided			

## **SCENARIO: KATHY**

### Background Information

Kathy is a 13 year, 5 month old youngster who is diagnosed as having cognitive disabilities. She lives with her mother who gave birth to Kathy in her later years and is now Kathy's sole support. The mother has had difficulty physically managing the child as she has grown larger, and she is concerned that she will be unable to manage Kathy by herself within a few years.

Kathy uses a wheelchair but is able, at school, to get out of the chair, crawl around the classroom, and pull herself up into chairs or onto the toilet. Kathy's mother reports that the child does not exhibit any of these skills in the home setting, although generalization to the home setting has been a targeted skill for a long time. To maintain skills, Kathy requires extreme consistency and the expectation that she will demonstrate the various skills every day. In the past, when Kathy has been out of school for extended periods, such as winter holidays, spring break, or summer vacation, she has been unable to do things independently upon return to school unless retraining occurs for a number of weeks. The retraining often requires intense support from the physical therapist (PT) to reteach skills and procedures.

### IEP Team

The IEP team reviewed and discussed Kathy's IEP goals and objectives. Primarily, they address Daily Living Skills, as follows:

- Travel training.
- Ambulating independently in wheelchair and crawling around familiar environments.
- Generalizing getting into/out of wheelchair from school to home setting.
- Feeding self independently, including use of napkin, fork and spoon.
- Understanding one to one concept with functional items [one plate for one placemat; one sock for every shoe, etc...].
- Indicating yes/no by head nod/shake in response to questions.

### Examination of Progress on IEP Goals/Objectives

The IEP team discussed the importance of the skills of independent movement into/out of the wheelchair to Kathy's independent functioning in her future and especially to her mother's ability to manage Kathy in the future without additional caretakers. For example, Kathy's ability to pull herself from the crawling position into a chair or onto the toilet emerged at school during the last school year and has become more consistent and coordinated during the current school year. Now the team's focus is on maintaining this level of skill at school and generalizing it to the home setting. Similarly, Kathy was able to use a spoon to feed herself as long as she had an assistant's guidance and supervision. Her instruction in self-feeding will begin to include the use of a fork. In summary, Kathy has demonstrated progress in IEP goal/objective areas during the current school year.

Kathy – page 2

**Factors to Consider:**

Consideration of Regression/Recoupment

The team also discussed Kathy's pattern of regressing in important, functional skill areas, which are critical to her future independence from caretakers during even short interruptions of educational programming, such as spring break or winter holidays. While Kathy has, in the past, eventually recouped her previous skill levels, this has occurred only after several months of intensive retraining.

Given Kathy's current age and physical size, the team determined that the amount of time given to recoupment each school year was not appropriate and interfered with Kathy's continuity of skill attainment in the critical self-sufficiency (daily living) areas addressed by her IEP goals/objectives. The team determined the need for ESY in targeted objectives.

Consideration of Emerging/Critical Skills and the Severity of the Disability

After much discussion, the IEP team determined that Kathy was not at an emerging stage of a skill critical to her self-sufficiency and/or freedom from caretakers. These skill areas had already emerged and needed to be enhanced and maintained.

ESY Determination

The IEP team determined that an ESY was needed for Kathy and would target instruction in the school and home environment for a few hours per week on the skills of transfer from crawling to furniture, the wheelchair, and to the toilet. The PT would also be involved periodically in the ESY program for consultation purposes in the home and school setting. In addition, the mother would come to the school setting periodically to assist with Kathy's instruction as a way of helping Kathy generalize these skills to the home setting.

**EXTENDED SCHOOL YEAR FOR \_\_\_\_\_ (I-15)**  
**\_\_\_\_\_ SCHOOL DISTRICT**

Does the child require extended school year (ESY) services to receive a free and appropriate public education (FAPE)?

Yes                       No

If no, explain reasons rejected:

If yes, identify which annual goals, including benchmarks or short term objectives, will be addressed during ESY:

*Goal: To develop increased independence in pulling self up from crawling position and transferring self to wheelchair and to toilet.*

*Objective: Kathy will demonstrate independence in pulling self up from crawling position and transferring self to wheelchair and to toilet at the same level demonstrated at the end of the school year.*

Specify all needed services:

I. Special Education	<u>Frequency/ Amount</u>	<u>Location</u>	<u>Duration (beginning and ending dates)</u>
<i>Training and monitoring of transferring skills.</i>	<i>4 hours per week</i>	<i>Special Ed Classroom</i>	<i>June 18 – August 22</i>
	<i>2 hours per week</i>	<i>Home</i>	
II. Related services			
<i>Physical Therapy</i>	<i>30 min per week in classroom</i>	<i>Special Ed Classroom</i>	<i>June 18 – August 22</i>
	<i>30 min per week in home</i>	<i>Home</i>	
III. Supplementary aids and services - aids, services, and other supports provided to or on behalf of the student in regular education or other educational settings			
<i>Collaboration of service providers with parent</i>	<i>1 hour per week</i>	<i>Special Ed Classroom</i>	<i>June 18 – August 22</i>
IV. Program modifications or supports for school personnel that will be provided			

## **SCENARIO: DONETTA**

### Background Information

Donetta is a 12 year, 2 month old youngster with Down Syndrome. Donetta's cognitive development is delayed and she has received special education services since the age of three. Since the age of five, her IEP has called for a self-contained special education setting. Donetta has a very short attention span: she is only able to attend to tasks for approximately five seconds before needing to be redirected. Donetta is very social, talks a lot, and likes to draw attention to herself. However, her speech is mostly unintelligible.

At the beginning of last school year, Donetta received an assistive technology evaluation in order to determine which augmentative communication device would be appropriate for her. Shortly before Thanksgiving last year, she began to use a Macaw at school. Donetta was able to demonstrate a very basic level of skill in her use of the Macaw and her instructional objectives included an emphasis on meaningful communication. However, once she gained this basic level of skill, very little progress had been evident since the beginning of the current school year.

### IEP Team

Donetta's IEP team reviewed her current IEP. The goals/objectives of this IEP generally addressed the following skill areas:

- Initiating and using the communication device in conjunction with speech to make wants/needs known.
- Using the communication device to initiate social conversation and to "converse" in a social setting.
- Requesting help when needed.
- Completing assigned tasks.
- Mastering functional academic skills in reading, writing, math areas.
- Developing independence in personal hygiene and self-help skills.
- Developing independence in skills related to basic household chores.

### Examination of Progress on IEP Goals/Objectives

Donetta's teachers and parents noted some progress in some of the functional academic areas and in overall attention to task. Donetta appeared to be more interested in her work and in marking her "reward chart" which indicated tasks completed at an acceptable level. Donetta demonstrated progress in the objectives addressing her personal care and had begun to demonstrate some pride in her level of independence. Similarly, school personnel had noted Donetta's improved skills related to household chores and some carryover to the home setting was beginning to emerge, especially when her older siblings ceased to "pick up after her" at home and to make Donetta's sandwiches. In summary, the IEP team was pleased with the progress Donetta had demonstrated in some of the areas addressed by her IEP.

Donetta - page 2

However, the IEP team could note little, if any, measurable progress in the goals/objectives which related to Donetta's use of the Macaw augmentative communication device. This lack of progress over the past one and one-half school years was of great concern to the team, especially considering the level of emphasis given to these objectives and the degree of importance of understandable communication to Donetta's future level of self-sufficiency. The IEP team determined that an extension of the school year was needed in order for Donetta to address the specific objectives related to the use of the Macaw.

Factors to Consider:

Consideration of Regression/Recoupment

In the areas in which Donetta had shown progress over the years, some of which were discussed above, Donetta had not shown significant regression of skills which could not be recouped within a reasonable time. The parents and school personnel agreed that regression/recoupment of skills was not an issue of concern.

Consideration of Emerging/Critical Skills and the Severity of the Disability

Donetta demonstrated a very basic level of skill related to the use of the Macaw. The IEP team agreed that meaningful/understandable communication was critical to Donetta's future, especially given her significant level of disability. It is important to develop her levels of self-sufficiency and independence as thoroughly as possible. The team did not view her communication skills using the augmentative device as just now emerging. The concern of the team was related more to Donetta's rate of progress.

ESY Determination

Donetta's IEP team determined the need for an ESY because of the slow rate of progress on the IEP objectives that addressed communication using an augmentative communication device. Communication was deemed critical to Donetta's future.

**EXTENDED SCHOOL YEAR FOR \_\_\_\_\_ (I-15)**  
**\_\_\_\_\_ SCHOOL DISTRICT**

Does the child require extended school year (ESY) services to receive a free and appropriate public education (FAPE)?

Yes                       No

If no, explain reasons rejected:

If yes, identify which annual goals, including benchmarks or short term objectives, will be addressed during ESY:

*Goal: To develop meaningful communication skills.*  
*Objective: To increase the level of communication skills using an augmentative communication device.*

Specify all needed services:

I. Special Education	<u>Frequency/ Amount</u>	<u>Location</u>	<u>Duration (beginning and ending dates)</u>
<i>Communication skills using an augmentative communication device.</i>	<i>3 hours per week</i>  <i>3 hours per week</i>	<i>Special Ed Classroom</i>  <i>Home &amp; community settings</i>	<i>June 11– August 15</i>
II. Related services			
III. Supplementary aids and services - aids, services, and other supports provided to or on behalf of the student in regular education or other educational settings  <i>Activity packets to promote use of augmentative communication device</i>	<i>Provided weekly</i>	<i>Home</i>	<i>June 11 - August 15</i>
IV. Program modifications or supports for school personnel that will be provided  <i>Instruction to parents in regard to use of augmentative communication device and activity packets</i>	<i>1 hour</i>	<i>Home</i>	<i>Week of June 2</i>

## **SCENARIO: VICTOR**

### Background Information

Victor is a 10 year, 3 month old youngster who is totally blind due to retinopathy resulting from prematurity. Victor functions within the high average range of intellectual ability and has received special education services since he was three years old. Victor's receptive and expressive language skills are age appropriate and are considered a strength, relative to his other skills. Educationally, Victor's skills are at a first grade level in all academic areas. Physically, Victor is more like a 7 to 8 year old in size and his fine motor skills are more like that of a first grade student. Victor's social behaviors are below age level but this is related to the "blindisms" that he exhibits, such as rocking and excessive hand wringing. Victor's social skills and gross motor skills have improved somewhat since his involvement with general education, same-age peers has increased. Victor has some friends and his involvement with general education students has helped his peers understand and be sensitive to students with disabilities. Peers take an interest in helping Victor in the general education setting; however, this willingness to help often has to be monitored by the teachers. This is because Victor has a tendency to wait for help and exhibits a "helpless" attitude in order to elicit assistance from others. Victor has a very loving and supportive family, which is very interested in Victor's education. However, Victor's family helps him in all areas at home, and this "dependence attitude" interferes with Victor's progress toward future independence in activities of daily living,

Victor's current placement includes general education classes for science, social studies, and physical education (with adaptations). His special education services include resource services from the VI teacher for three class periods per day, weekly service from the OT, orientation and mobility services weekly, and adapted physical education.

### IEP Team

At the most recent IEP review meeting, the IEP team discussed Victor's goals and objectives. Generally, they address the following global areas:

- Braille reading, writing, mathematics.
- Keyboarding skills.
- Daily living skills.
- Fine motor skills.

### Examination of Progress on IEP Goals/Objectives

The IEP team reviewed Victor's progress on the goals and objectives established for the current school year. Formal data and informal examples of progress were available from the school setting. In most skill areas, this progress was noted in the home setting via informal observations of progress. The rate and amount of Victor's progress was generally commensurate with progress noted in the past 2-3 years.

Victor - page 2

**Factors to Consider:**

**Consideration of Regression/Recoupment**

The IEP team reviewed Victor's progress over the past year and the data available related to each IEP objective. Thorough data had been kept for the past few years because of a concern about Victor's regression of Braille skill levels in reading, writing, and mathematics. The current data indicated that Victor regressed significantly over the previous summer vacation period and did not recover to his previous skill levels until approximately mid-November of the current school year. The VI teacher's instructional efforts from the beginning of the school year until mid-November were devoted to helping Victor regain the skills related to Braille, which he had demonstrated the previous June. The team determined that the recoupment period was too great, given Victor's individual considerations, and recommended an ESY to maintain Victor's Braille skill level during the upcoming summer vacation period.

**Consideration of Emerging/Critical Skills and the Severity of the Disability**

The IEP team determined that Victor was not at an emerging point in critical skill areas.

**ESY Determination**

The IEP team determined that an ESY in targeted Braille objectives was needed in order to maintain his skill level between June and September.



## **SCENARIO: JONATHAN**

### Background Information

Jonathan is a 3 year, 7 month old child who had attended the developmental center from the time he was 2 years, 2 months. He displays limited communication skills and often refuses to verbalize or utilize any expressive communication. He has some difficulty with both fine and gross motor skills. Therapy was based on a home program with a monthly group intervention at the center for the parents and children. He transitioned to the school system's preschool special education program of services, having been determined eligible for special education under speech/language disabilities because of significant expressive speech delay.

Jonathan's current IEP calls for approximately 30 minutes per day, five days per week to address his specific goals and objectives. He is enrolled in an Early Childhood class and attends Head Start classes during the afternoon session twice per week. The preschool special education teacher provides consultant services to Head Start personnel regarding Jonathan's needs.

During the current school year, Jonathan's skills have improved. He is producing several vowel sounds and is beginning to attempt early developing consonants such as /m, b, p/. Receptive language appears to be within the expected range of development. Verbalizations and eye contact have been noted with the intent to communicate with both peers and staff. The parents report that they have not seen these two behaviors at home.

### IEP Team

The IEP team met and reviewed Jonathan's goals and objectives. The IEP addressed the following areas:

- Initiating verbal interaction with family and peers
- Eye contact with others
- Vowel productions
- Consonant approximations

### Examination of Progress on IEP Goals/Objectives

The IEP team agreed that Jonathan has made progress during the school year on his IEP goals and objectives. The IEP team agreed that mastery has not been seen in any of the objectives on the IEP.

### Factors to Consider:

#### Consideration of Regression/Recoupment

The IEP team agreed that during the time school was not in session (vacations) some regression occurred. The amount of regression was considered higher than for other children in the program.

Jonathon -page 2

Emerging/Critical Skills and the Severity of the Disability

All of the IEP team members agreed that Jonathan's emerging skills, including both vowel and consonant productions, were at a critical stage of development. The team felt that these skills were critical for Jonathan's future progress in his oral communication development.

ESY Determination

The IEP team recommended extended school year for Jonathan. Specifically, the following program/service was recommended:

- Instruction in expressive language, specifically in the production of consonant and vowel sounds.
- Continued emphasis in maintaining direct eye contact with peers and adults for communication purposes.
- Attendance in a community preschool setting in order to have Jonathan interact with peers, since he is an only child in his rural home.

In order for Jonathan to receive a FAPE, continuing services are necessary to establish the emerging speech/language skills that he has begun to demonstrate.

**EXTENDED SCHOOL YEAR FOR \_\_\_\_\_ (I-15)  
\_\_\_\_\_ SCHOOL DISTRICT**

Does the child require extended school year (ESY) services to receive a free and appropriate public education (FAPE)?

Yes                       No

If no, explain reasons rejected:

If yes, identify which annual goals, including benchmarks or short term objectives, will be addressed during ESY:

- Goal: To initiate verbal interaction and approximate vowel/consonant sounds.*
- Objective: Develop emerging communication skills in the production of consonants such as: /m, b, p/ with 20% consistency*
- Objective: Maintain eye contact 50% of the time Jonathon is in the act of communicating.*
- Objective: Increase peer interaction from parallel play to interactive play 50% of the time*

Specify all needed services:

I. Special Education	<u>Frequency/ Amount</u>	<u>Location</u>	<u>Duration (beginning and ending dates)</u>
<i>Instruction in expressive language skills Social Skills</i>	<i>4 hours per week</i>	<i>Community Preschool</i>	<i>June 15 - August 15</i>
II. Related services			
III. Supplementary aids and services - aids, services, and other supports provided to or on behalf of the student in regular education or other educational settings			
IV. Program modifications or supports for school personnel that will be provided			

## **SCENARIO: NHIA KOU**

### Background Information

Nhia Kou is currently 8 years, 9 months old. In March, he was diagnosed as having a muscle tension dysphonia with vocally abusive behaviors. He began receiving speech therapy for a moderately harsh, breathy voice with a decreased habitual pitch. During voicing, significant tension is noted in his face, mouth, and neck. Poor respiratory support is also noted. Nhia Kou's IEP goals and objectives currently address the following areas:

- Relaxation techniques.
- Placement of vocal resonance.
- Increase respiratory support.
- Monitor voice to eliminate vocal abuse.

Nhia Kou has made significant progress in using relaxation techniques and increased respiratory support. He is demonstrating emerging milestones in vocal resonance and the elimination of vocal abuses.

### IEP Team

In late April, Nhia Kou's IEP team met to review his goals and objectives and to make revisions, as needed, in the goals/objectives and IEP service plan for next year. As part of this process, the team examined several areas to determine if ESY needed to be considered.

### Examination of Progress on IEP Goals/Objectives

Nhia Kou made steady progress in 6 weeks, improving relaxation techniques and increasing respiratory support. Vocal resonance and the awareness of vocal abuse were emerging. Relevant information supporting this progress was discussed by the team members and then recorded into his file.

### Factors to Consider:

#### Consideration of Regression/Recoupment

No evidence regarding regression/recoupment could be presented, as there had been no breaks during the time he received special education instruction.

#### Consideration of Emerging/Critical Skills and Severity of the Disability

Nhia Kou was diagnosed with a muscle tension dysphonia with vocally abusive behaviors two and one-half months before the end of the school year. He made progress using relaxation techniques and increasing respiratory support. He has just begun to reduce his vocal abuses and appears to have a basic understanding of vocal resonance.

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ESY Determination

The IEP team determined that Nhia Kou is at an important developmental point because of the emergence of skills critical to reducing vocal abuse and the placement of vocal resonance. Therefore, the IEP team determined the needs for an ESY in order to promote continued emergence and avoid an interruption in educational programming.

The IEP team recommended the following:

- Two 30 minute sessions with Nhia Kou's parents on the awareness and basics of reducing vocal abusive behaviors techniques:
- Voice therapy to reduce tension, reduce vocal abuses, and increase relaxation
- Two 30 minute sessions per week from June 8 - July 17
- Weekly- 1-hour sessions from July 20 - August 21 for voice therapy and consultation with parents.

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\_\_\_\_\_ SCHOOL DISTRICT**

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Yes                       No

If no, explain reasons rejected:

If yes, identify which annual goals, including benchmarks or short term objectives, will be addressed during ESY:

*Goal: To reduce vocal abuse and establish the placement of vocal resonance.  
Objective: Reduce tension and increase vocal relaxation 80% of the time with cueing.*

Specify all needed services:

I. Special Education	<u>Frequency/ Amount</u>	<u>Location</u>	<u>Duration (beginning and ending dates)</u>
<i>Voice therapy to reduce vocal tension and increase vocal relaxation</i>	<i>2- 30 minute sessions per week</i>	<i>Speech Therapy Room</i>	<i>June 8 – July 17</i>
<i>2 1-hour sessions per week</i>		<i>Community /Home</i>	<i>July 22 – August 31</i>
II. Related services			
III. Supplementary aids and services - aids, services, and other supports provided to or on behalf of the student in regular education or other educational settings			
<i>Parent awareness and basics of reducing vocal abusive behavior training sessions</i>	<i>2- 30 minute sessions</i>	<i>Home</i>	<i>Before June 8</i>
IV. Program modifications or supports for school personnel that will be provided			

## RESOURCES

DPI Bulletin 96, Extended School Year Services For Children With Exceptional Educational Needs, Wisconsin Department of Public Instruction, 1996, <http://www.dpi.state.wi.us/dpi/dlsea/een/bul96-01.html>.

Extended School Year, Georgia Department of Education, Division for Exceptional Students, 1997

Determining Extended School Year Services, Colorado Department of Education, March 1998, <http://www.cde.state.co.us/cdesped/download/pdf/law-ESYGuidelines.pdf>.