

Washington West Supervisory Union

Guidelines and Procedures for Extended School Year (ESY) Services

I. Definition of Extended School Year Services

- A. The term extended school year services means special education and related services that are provided to a child with a disability beyond the normal school year of the LEA in accordance with the child's IEP and state standards and at no cost to the parents of the child (Vermont Department of Education State Board of Special Education Rules §2360.3(14)).
 - 1. ESY services are not summer school, enrichment, custodial care, or remedial services.
 - 2. Maximizing potential is not the standard in determining need for extended school year services.
 - 3. ESY services are provided where such services are essential to the provision of a Free Appropriate Public Education (FAPE) to an eligible student.
 - 4. Once a determination that the child is eligible for special education services has been made for a given year, provision of such services is not automatic in later years.
 - 5. An annual determination must be made by the IEP team.

II. Purpose of Extended School Year Services

- A. Students with disabilities, like their nondisabled peers, benefit from school vacations. Breaks in formal programming allow most children to integrate into their natural environment the skills and behaviors learned in school.
 - 1. For most children, "learning" takes place outside the formal school environment as well.
 - 2. For some students, the break in programming may be detrimental rather than beneficial to the overall learning process. Such a student may require ESY programming in order to prevent severe regression and/or otherwise to avoid significantly jeopardizing educational benefits accrued during the regular school year.

III. Factors to Consider in Making Determination for Extended School Year Services

- A. ESY services shall be provided only if a child's IEP team determines that the services are necessary for the provision of FAPE to the child because one or more of the following factors (State Board of Education Rule §2363.8(h)):
 - 1. ESY is essential to permit the child an opportunity to reach reasonably set educational goals (Typically, this means the goals set in the students IEP);
 - 2. There has been a significant amount of regression over the past winter, spring, and summer vacations and recoupment did not occur within a reasonable amount of time;

3. The severity of the child's disability presents a danger of substantial regression; or
 4. The youth's transition goals require continued programming beyond the school year IEP.
- B. In order to find that a student requires ESY services, the IEP Team must first find that:
1. Within the last three years the student has been determined by the Evaluation and Planning Team to be eligible for special education and related services in accordance with state and federal law; and
 2. That the specified ESY services are an essential (not merely beneficial) component of the child's IEP.
- C. The determination as to whether a child should received ESY services shall be made on an individualized basis. The determination shall not be made on the basis of the category of the child's disability. In addition to III(A), the following factors must be considered by the IEP Team in making that determination:
1. The nature of the disability;
 2. The severity of the disability;
 3. Whether the student would suffer a significant regression/recoupment loss in an area of learning which is particularly crucial to reaching the goal of self-sufficiency and independence from caretakers;
 4. The extent of regression which has been (or is predicted to be) caused by interruption in educational programming;
 5. The rate of recoupment which has been (or is predicted to be) possible following the interruption in educational programming.
- D. The IEP Team shall also consider whether the child is failing (or is likely to fail) to achieve short term instructional objectives on his/her IEP due to interruption of instruction between school years. However, the fact that a child is not meeting a goal(s) or objective(s) shall not alone necessarily require provision of ESY services.
- E. Depending on the student's needs and program, the IEP Team should consider, as they deem relevant, other factors, including but not limited to:
1. The child's rate of progress;
 2. The child's behavioral, emotional, and physical status as they relate to learning;
 3. The availability of alternative resources;
 4. The child's vocational needs; and
 5. The child's past history of retention skills after breaks in school attendance (for example, weekends, mid-term/year vacations, summer breaks).
- F. In reaching its determination as to the need for ESY services, the IEP Team shall consider relevant information from sources such as:
1. Experience of persons who work with the child, such a teachers, parents, and therapists;

2. Empirical data, if any, maintained on the child, including pre- and post-test IEP data;
 3. Medical, psychological, or education records of the child from public and private sources; and
 4. Prognosis or opinions of educators, evaluators, medical personnel, parents, and others who work with the child.
- G. The IEP Team shall consider all circumstances, which have seriously impeded, or may be expected to seriously impede, or have contributed to the impeding of, the student's progress, and whether such circumstances are related to the student's disability.
- H. Assessment shall include, where possible, retrospective analysis to determine the effects of previous breaks in instructional program as an objective measure of the impact of the summer break. However, in the absence of relevant regression/recoupment data from previous summer break in the instructional program, the IEP conference participants may determine prospectively whether a child is likely to suffer severe regression combined with limited recoupment ability or otherwise significantly jeopardize educational benefits, based upon appropriate information as described in paragraphs A-G above.

IV. **WWSU Procedures for Extended School Year Services**

- A. A school staff IEP Team member shall raise the issue of ESY services for consideration by the IEP Team whenever it appears that a student is or may be eligible for ESY services as described above.
1. Parents will receive prior written notice of all IEP / ESY IEP meetings.
 2. At the annual IEP meeting, a discussion will be held and documented, in meeting minutes and on IEP, regarding the need for ESY services. Subsequent ESY planning meetings may also be scheduled to determine specific goals and programming/scheduling.
- B. Upon a request for ESY services of an IEP Team member (including a student's parent), the IEP Team shall promptly convene for the purpose of considering the request. The team will meet and review available information and decide what, if any, additional information is required to make a final determination by the procedures herein whether such student requires special education or related services beyond the regular school year in order to receive a FAPE.
1. If the student will be transitioning to another WWSU school, an LEA representative from the receiving school must be present during the ESY determination.
- C. If the IEP Team determines that it needs additional evaluation of the student in order to make its decision, it shall refer the matter to the Evaluation and Planning Team (EPT).

1. The EPT shall promptly conduct or arrange to have conducted the necessary evaluation.
 2. The EPT shall report its findings (and its recommendations, if any) to the IEP Team.
- D. If it is determined that special education and/or related services are required over the summer, the IEP Team shall include ESY goals and services in the individual education program.
1. The IEP Team should first determine the goal(s) and objective(s) for which ESY programming is essential.
 2. The Team will determine, on an individualized basis, the nature, amount, and duration of special education and/or related services to be provided through ESY. Small group instruction is typically more enjoyable for students than 1:1 service during the summer.
 3. The IEP shall contain only the goal(s), objective(s), and services that are essential to prevent severe regression and/or to avoid significantly jeopardizing educational benefits accrued during the school year.
- E. In making its decision, the IEP Team shall determine, not whether an ESY service would be beneficial, but whether it is a necessary component to provide a free and appropriate education for an individual child. (See WWSU ESY Worksheet).
- F. The current special education case manager will complete all required ESY paperwork. The ESY portion of the IEP shall be completed by the IEP Team no later than May 15 of the year for which the ESY services are being offered.
- G. The special education case manager will document ESY decisions at annual IEP meetings on the IEP and in meeting minutes and will send to parents all required paperwork.
1. Notice of annual IEP meeting prior to meeting
 2. Minutes of meeting following meeting
 3. Parental Rights during meeting
 4. Prior written notice and/or refusal form (Form 7 or 7a)
 5. IEP Cover Page, Service Page, and Goals must be developed at the annual IEP meeting to the extent possible. Specific program content development/scheduling must be developed no later than May 15.
- H. Following the ESY determination meeting, parents will be provided with written notice of the ESY services decision (State required form 7 or 7a). **Form 7 or 7a** shall include justification for the decision to propose or refuse ESY services based on WWSU policy and VDE rule §2363.8(h).
- I. Current special education case manager will file form 7 or 7a in student special education file.

- J. A copy of the proposed IEP including the ESY goals, objectives, and services if ESY services are to be provided, shall be provided to the parents and included in the student's educational file. (See optional sample parent letter to accompany IEP).
- 1. Yellow WWSU ESY Cover Page sent to Crossett Brook Middle School or Harwood Union High School, if necessary, by May 15.

V. **Scheduling & Hiring Staff for Extended School Year Services**

- A. Building level administrators will act as LEA at meetings and review ESY service needs prior to scheduling ESY services.
- B. Location of service determines which school will schedule, hire, train, and supervise the service providers.
 - 1. If services are occurring at HUHS or CBMS, the sending school case manager will send the WWSU ESY Cover Page (yellow), IEP, and materials and the receiving school will hire, train, plan for, and supervise the service delivery.
- C. In late May, building level administrators will hire and train ESY staff as per the WWSU Hiring procedures.
- D. Building level administrators will issue letters (for current WWSU staff) or contracts (for non WWSU staff) advising them of the ESY pay rate.
- E. Timesheets need to be completed by all staff providing ESY services, indicating the student names, and submitted via the regular payroll process.

VI. **Rate of Pay for Extended School Year Services**

- A. Current WWSU Employees – receive a letter of Employment (Appendix A)
 - 1. **Licensed professional** (including teachers, counselors, special educators, SLPs, etc) - per diem rate according to their negotiated agreements
 - 2. **Highly Qualified Paraprofessional** - \$20.00 per hour
 - 3. **Paraprofessional with Teaching License** (functioning as a licensed teacher; as required by an IEP) - \$25.00 per hour
- B. Non WWSU Employees – receive employment contract (usual hiring process through central office)
 - 1. **Licensed professional** (including teachers, special educators) - \$25.00 per hour
 - 2. **Highly Qualified Paraprofessional** (must provide documentation of HQP status to Director of SSS by June 15) - \$20.00 per hour
 - 3. **Privately Contracted Related Service Providers** (including counselors, SLPs, OTs, PTs, etc) – up to \$70.00 per hour; per existing agreements (Appendix B or C)
- C. Time Sheets – All time sheets will be signed by supervisor and submitted to WWSU Business Office, or for HUHS employees, the HUHS Business Office.

VII. **Transportation for Extended School Year Services**

- A. In general, transportation to and from ESY services will be the responsibility of the student's parent(s). If transportation is provided during the school year as a related service, the IEP team will determine whether or not transportation as a related service is necessary for ESY.

VIII. **Planning Time for Extended School Year Services**

- A. **Licensed Professional** – 2 hours prior to summer services and post summer services for planning and progress reporting as required by every IEP.
 - 1. A summer progress report will be written.
- B. **Paraprofessional** – 2 hours prior to summer services and post summer services for preparation and progress reporting with case managers.

IX. **Attendance at Extended School Year Services**

- A. Each school will determine written protocols for addressing absenteeism of students during summer services including a progressive system for home contact when there are recurrent absences.
- B. The Director of Student Support Services should be notified to the possibility of termination of services.
- C. Typically after 2 “no shows” a meeting will be held, with parents, to consider individual circumstances and determine continuation of services. The ESY provider will be paid for up to 2 no shows while a meeting is scheduled to discuss termination.
- D. Individual circumstances will be taken into account prior to the termination of ESY services.
- E. Following the meeting when the team determines to terminate services, a Form 7a shall be completed and sent to the parents along with Parental Rights.

Washington West Supervisory Union Extended School Year (ESY) Services Worksheet

To be used at IEP meetings

Definition of Extended School Year (ESY) Services: §2363.8(h) explains that ESY may be provided if a student's IEP team finds that such services are necessary to provide a free appropriate public education to the student. There are many students who would benefit from summer academic work. This is not the purpose of ESY.

Many students with and without disabilities look forward to school vacations and the opportunities to participate in non-school related activities (recreation programs, camps, family vacations, travel, summer jobs, etc.). It is important that teams consider this to make sure that ESY does not interfere with allowing students to live a "regular life."

Questions Teams Should Consider in Determining ESY Services:

	<u>YES</u>	<u>NO</u>
1. Are ESY services <u>essential</u> (not simply beneficial) to permit the student an opportunity to reach IEP goals?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the student regress during summer break to such an extent that he/she will be unable to recoup his/her losses within a reasonable timeframe?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the regression be extraordinary or irretrievable?	<input type="checkbox"/>	<input type="checkbox"/>
4. Does the severity of the disability present a danger of substantial regression?	<input type="checkbox"/>	<input type="checkbox"/>
5. Are the transition needs such that the student needs continued programming beyond the school year IEP?	<input type="checkbox"/>	<input type="checkbox"/>
6. If the student does not receive ESY services, is there solid information (e.g., past performance showing substantial regression over the vacations) or are there other reasons to suggest that he or she will not received an appropriate education? <u>Please explain.</u>	<input type="checkbox"/>	<input type="checkbox"/>
7. What are the student's goals for the summer? Would summer disruption cause irreparable, permanent, or major loss of skills?	<input type="checkbox"/>	<input type="checkbox"/>

Does the team agree that ESY services are essential in order to provide FAPE? _____

	Done
1. Send parent(s) copy of IEP, Parental Rights, and Form 7/7a.	<input type="checkbox"/>
2. Send central office Decision Form (Form 7/7a).	<input type="checkbox"/>
3. FOR MEDICAID STUDENTS ONLY, send central office copy of IEP.	<input type="checkbox"/>

Washington West Supervisory Union

Extended School Year Cover Page for Transitioning Students

(only for students receiving services at Crossett Brook or Harwood Union)

In order to appropriately plan for ESY needs, this form must be filled out completely, by sending school, **before May 15th** and submitted to Crossett Brook Middle School or Harwood Union High School. Any questions, please contact Donarae Dawson, WWSU Director of Student Support Services at 496-2272 x 113.

Student Name: _____

Parent / Guardian Name: _____

Student's Physical Address:	
Parent / Guardian's Work Phone:	
Parent / Guardian's Home Phone:	

SENDING SPECIAL EDUCATOR INFO

Name:	
School:	
Phone Number:	
E-mail Address:	

SUMMER HOURS REQUIRED BY CURRENT IEP

Area of Instruction (Please attach IEP)	Hours / Days Required	Personnel (i.e., OG, Para, SLP, HQT, Special Educator)

1. When will the student **NOT** be available this summer? _____
2. Transportation needed (only if currently receiving special transportation)? YES ____ NO ____

ATTACH: IEP ☐
 Student Working Folder ☐

Notice of Local Educational Agency Refusal

School District: _____ Date Form Completed: ____/____/____

Student Name: _____ Date of Birth: ____/____/____

Dear _____:

This letter is to provide you with written notice that the school district refuses to initiate or change the:

- ☐ special education evaluation of a child or student
- ☐ identification of a child or student as having a disability
- ☐ educational placement of a student or child with a disability
- ☐ provision of a Free Appropriate Public Education for the child or student

The following is a description of the request and an explanation as to why the school district has made this decision:

The evaluation procedures, tests, records, reports and other factors upon which this decision was based were:

Other options, if any, that the district considered and reasons why those options were not chosen:

Other factors, if any, that are relevant to this action:

Procedural Safeguards To Protect Parent Rights

Both the state and federal laws concerning special education of children with disabilities include many parental rights. Receiving notices about the proposed actions or decisions the school wishes to take in regards to your child and your being a part of the educational planning team for your child with a disability are examples of rights given to you by these laws. These laws also require that the school follow certain procedures to make sure you know your rights and have the opportunity to exercise those rights. You received a copy of these rights when your child was referred. You should read them carefully and, if you have any questions regarding your rights, please contact:

_____ by phone at _____

or write to this person at: _____

Sincerely,

Signature: _____

Printed Name/Position: _____

Prior Written Notice of Decision

Local Education Agency: _____ **Date Form Completed:** ____/____/____

Student Name: _____ **DOB:** ____/____/____ **Child Count ID#:** _____

Dear _____:

The Local Education Agency (LEA) must, by law, provide you written notice whenever it:

- ☐ Proposes to begin or change the identification, evaluation or educational placement of your child or the provision of a free and appropriate public education to your child, AND/OR
- ☐ Refuses to begin or change the identification, evaluation or educational placement of your child, or the provision of a free and appropriate public education to your child.

This notice is sent to you for that purpose.

A description of the action(s) the LEA proposes or refuses to take:

An explanation of why the LEA proposes or refuses to take the action(s):

A description of each evaluation procedure, assessment, record or report the LEA used in deciding to propose or refuse the action(s):

Other options, if any, that the district considered, and the reasons why those options were not chosen:

A description of other reasons (if any) why the district is proposing or refusing the action(s):

The Effective Date of this proposal or refusal decision will be: ____/____/____.

Procedural Safeguards to Protect Parent Rights

Resources that you may contact for help in understanding the special education law are located at the back of the Procedural Safeguards (Parental Rights) booklet put out by the Vermont Agency of Education:

To obtain a copy of your "Parental Rights in Special Education," which describe your rights, including procedural safeguard protections under special education law, or if you have any questions about this notice or the Parental Rights, please contact me at: _____ (Tel.) or write to me at:

Mailing Address: _____

Printed Name/Position: _____

Enclosures:

Form 7a



Washington
West
Supervisory
Union

340 Mad River Park
Suite 7
Waitsfield, VT 05673

Phone: (802) 496-2272
Fax: (802) 496-6515

June 1, 2015

Dear _____:

The IEP team has determined that extended school year programming is not necessary for _____ during the summer of 2015 because a summer break without special education services will not cause severe regression or loss of skills and will not jeopardize the benefits accrued during this school year. The team considered many factors in making this determination and these were discussed with you during the IEP meeting held on _____. If you have any questions, would like to discuss this further, or would like more information, please contact me at _____.

Sincerely,

_____ and _____
Case Manager Building Administrator

Enclosures: Parental Rights in Special Education with Notice (Form 7)
WWSU Policy and Procedures for ESY

CC: Building Administrator
Student file
Other: _____

Fayston · Harwood Union · Moretown · Waitsfield · Warren · Waterbury-Duxbury



Washington
West
Supervisory
Union

340 Mad River Park
Suite 7
Waitsfield, VT 05673

Phone: (802) 496-2272
Fax: (802) 496-6515

June 1, 2015

Dear _____:

The IEP team has determined that extended school year programming is necessary for _____ during the summer of 2015 because a summer break without special education services will cause severe regression or loss of skills and would jeopardize the benefits accrued during this school year. The team considered many factors in making this determination and these were discussed with you during the IEP meeting held on _____. A copy of the IEP with the selected goals and services for ESY is attached.

Sincerely,

_____ and _____
Case Manager Building Administrator

Extended school year services for your child will take place at _____ on the following dates and times:

Please indicate your preference below and return to your child's case manager by June 15th:

_____ My child will attend ESY services as scheduled.

_____ My child will NOT attend ESY services this year.

_____ My child will attend ESY services, but I would like to discuss alternative dates.

Parent or Guardian Signature

Enclosures: Parental Rights in Special Education with Prior Written Notice (Form 7a)
WWSU Policy and Procedures for ESY
IEP

CC: Building Administrator
Student file
Other: _____

Fayston • Harwood Union • Moretown • Waitsfield • Warren • Waterbury-Duxbury

Washington West Supervisory Union

School _____

Date _____

Dear _____,

Thank you for agreeing to provide Extended School Year (ESY) services to eligible students this summer.

You will be paid in accordance with the WWSU policy and procedures for Extended School Year Services (check those items which apply):

- ☐ Certified Teacher (per diem rate according to negotiated agreement)
- ☐ Highly Qualified Paraprofessional - \$20/hour (functioning as a paraeducator)
- ☐ Paraprofessional with a Teaching License (functioning as a licensed teacher as required by the IEP) - \$25/hour

I will inform you about your schedule and assignment for ESY services. In order to be paid, timesheets must be completed and submitted to me for approval.

Sincerely,

Building Principal

- Provide a copy of this form to WWSU Central Office
- Submit completed time sheets to WWSU Payroll Coordinator at Central Office

Attachments: WWSU Extended School Year Policy
WWSU Guidelines and Procedures for Extended School Year (ESY) Services

Washington West Supervisory Union

School _____

Date _____

Dear _____,

Thank you for serving as a Summer School Teacher (ESY services) at _____. This confirms your compensation for any time you are employed during the _____ school year. Your service will run from _____, to no later than _____.

You will be paid at the rate of \$_____ per hour. Your anticipated schedule will be _____, for a total of _____ hours. Timesheets are required for payment to be made.

If your employment ends before the end of the school year, you will be paid for hours worked. Employment is contingent on the result of a criminal record check, any applicable licensing or position requirements, and funding for the position.

Please sign below to indicate your understanding and concurrence and return original to the Principal.

Sincerely,

Board Chair or Designee

Brigid S. Scheffert
Superintendent

Employee Signature

Date

For Central Office Use:

Date Criminal Record Check Result Received: _____

GL Code: _____

Washington West Supervisory Union

School _____

Related Service Provider/Consultant

Contractual Agreement: Summer Services

Between: _____ **and** _____
(School) (Service Provider)

Maximum Amount: \$ _____ per hour, for up to _____ hours of direct service, plus up to _____ hours of planning time and up to _____ hours for pre-planning and progress report writing. Students served include _____. The service provider is responsible for providing a post summer services progress report to be submitted to the school no later than _____. Additionally, the service provider is responsible for completing Medicaid paperwork, if relevant, connected to provision of services.

If a child is a “no show” for more than 2 sessions, the service provider is responsible for contacting the principal to determine continuation of services. The provider will be paid for up to 2 no shows.

The service provider is responsible for arranging services with the client; contact information will be provided by each child's case manager.

Transportation to and from ESY services will be the responsibility of the student's parents.

Service Period:

Payment: Payment will be issued within 30 days after receipt of invoice(s) and all required documentation from the service provider. Service provider agrees to submit a detailed invoice with complete documentation of students served, grade level of student, date, and services delivered. Payment under this agreement is limited to the maximum amount indicated above. All expenses must occur within the service period, with a final invoice issued no later than 5 days after the completion of services rendered under this agreement.

Insurance: Service provider is required to provide a Certificate of Insurance indicating professional liability coverage and workers compensation coverage with an insurance agency licensed to transact such business in the State of Vermont.

Amendments: No changes, modifications of amendments in the terms or conditions of the agreement shall be effective unless reduced to writing and signed by the duly authorized representative of _____ and the service provider.

Cancellation: This agreement may be suspended or cancelled by either party by giving written notice at least 30 days in advance.

We the undersigned parties, certify that we are authorized to enter into this agreement and agree to be bound by its terms.

Principal Date Service Provider Date

Washington West Supervisory Union Master ESY Services List

List all students receiving ESY services indicating location, staffing, and schedule. Submit to Building Principal (or designee) and Donarae Dawson by **May 15th**.

Name of Student	Location of Service	Staff Providing Service	Case Manager and/or Supervisor	Schedule

Washington West Supervisory Union

Extended School Year (ESY) Checklist for Administrators

Completed checklist must be submitted to Donarae Dawson, at the Central Office, prior to June 30.

ESY services usually start during the first week in July, as the new fiscal year begins. It is the building administrator's responsibility to act as the LEA at all IEP meetings. If they are not able to attend, they must designate a special educator or another administrator who will be in attendance, to act as the LEA in order to approve ESY services. Please refer to the WWSU ESY Policy and Procedures (Administrative Guidebook, Students: 10.5) for worksheets for determining eligibility for services as well as for our procedures for staffing and transitioning records to the next school.

- ☐ Building Administrator has approved all services, according to student IEP's
- ☐ ESY Form Letters (denial or proposal) & Form 7/7a have been sent to parents, returned, and filed
- ☐ All ESY services have been scheduled and specifics (dates, times, location, and absence procedures) have been communicated to parents
- ☐ Hiring of staff for all ESY services that are taking place at your school(s) have been completed and WWSU Business Office has all information needed to pay staff (rate of pay set according to page 5 of ESY procedures)
- ☐ Employment agreements/letters and timesheets have been distributed to ESY staff (Appendix A, B, or C)
- ☐ Building Administrator (or designee) has identified who will schedule an IEP meeting, with parents, in the event of 2 student absences
- ☐ Building Administrator has procedures in place for supervision of all ESY staff in their building
- ☐ Master ESY Services List has been sent to Donarae Dawson (Appendix D)

TRANSPORTATION FOR EXTENDED SCHOOL YEAR SERVICES:

Remember, transportation of students to ESY programs is the responsibility of the parent with the exception of students who require transportation on their school year IEP.

- ☐ Building Administrator has verified that transportation is on IEP service pages
- ☐ Transportation has been set up and staff hired
- ☐ Transportation employment agreement (according to WWSU Hiring Procedures) has been completed and submitted to WWSU Business Office

FOR STUDENT TRANSITIONING TO ANOTHER WWSU SCHOOL FOR EXTENDED SCHOOL YEAR SERVICES:

Unless other arrangements have been agreed to, by building administrators (sending school & receiving school), the student will receive services at the receiving school and the receiving school hires, trains, and supervises staff providing services in their building.

- ☐ ESY Form: (yellow) Extended School Year Cover Page for Transitioning Students completed for each student transitioning to a new WWSU school
- ☐ Lessons, plans, and materials have been reviewed with assigned tutor
- ☐ Sending school & receiving school have communicated schedule, dates, times, location, & absence procedures to parents

I have met with case managers and reviewed their responsibilities (checklist) prior to their dismissal for summer vacation.

Building Administrator (or designee)

Date