

Extended School Year vs. Summer School: What's the difference?

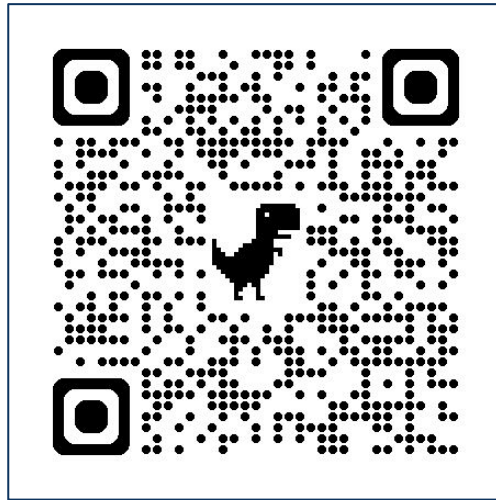
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Introduction

Please share in the chat-What's something you are looking forward to this summer?

[Questions:](#)



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Introduction

Special education is governed by many levels of laws/regulations:

- Federal statutes (Individuals with Disabilities Education Act)
- Federal regulations
 - Comments
- Wisconsin Statutes
- Wisconsin Administrative Code
- Case law, hearing decisions, complaints, etc.



IEPs – Legal Requirements

- The IEP is the legal document that describes the student's
 - **F**ree
 - **A**ppropriate
 - **P**ublic
 - **E**ducation
- “A written statement for a child with a disability that is developed and implemented in accordance with IDEA.”



IEP Team Participants

- Each IEP team must consist of the following:
 - The **parents**** of the child.
 - School must take steps to ensure one or both of the parents are at the IEP meeting or have the opportunity to participate, including:
 - Notifying the parents of the meeting early enough to ensure they have an opportunity to attend, and
 - Scheduling the meeting at a mutually agreeable time and place.

IEP Team Participants

- IEP Team Meeting may be conducted without parent participation if the school is unable to convince the parents they should participate.
- The school must have a record of *at least three good-faith attempts* to reach the parents. Examples:
 - Telephone calls and the results of those calls;
 - Correspondence sent to parents and any response received;
 - Records of visits to the parent and the results of those visits.

IEP Team Participants

- Each IEP team must consist of the following:
 - At least one **regular education teacher**** of the child if the child is, or may be, participating in a regular educational environment.
 - At least one **special education teacher**** who has recent training or experience related to the child's known or suspected area of special education needs or, where appropriate, at least one special education provider of the child.

IEP Team Participants

- A **representative of the local educational agency**** (often called the LEA Representative) who is
 - Qualified to provide, or supervise the provision of, special education,
 - Knowledgeable about the general curriculum, and
 - Knowledgeable about and authorized to commit the available resources of the local educational agency.

IEP Team Participants

- At the discretion of the parent or the LEA, **other individuals who have knowledge or special expertise about the child**, including related services personnel as appropriate.
 - It is up to the parent or the LEA to determine whether someone has special expertise about the child.



IEP Team Participants

- Whenever appropriate, **the child**.
 - Be thoughtful about this! Often appropriate for child to attend at least part of IEP team meeting.



What are ESY services?

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

Definition of School Term

Wis. Stats., Section 115.001(12), 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.

IEP and FAPE

A school district is required to provide ESY services to a child **when the child requires such services to receive FAPE.**



IEP and FAPE (cont.)

The IEP team considers whether the child's gains made during the regular school year are threatened if the LEA does not give ESY services.

The IEP team should look at:

- the extent of the disability;
- the extent of the skills lost or that may be lost;
- the time needed to relearn skills;
- skill just being introduced;
- emerging skills; and
- other appropriate factors.

Determining the need for ESY services

– Regression

- The IEP team determines whether without these services, there is a likelihood of substantial regression of skills caused by a school break and a failure to recover those lost skills in a reasonable time following the school break.

– Slow recoupment

- The IEP team reviews the student's progress toward the IEP's goals and determines whether, without these services, the student's degree or rate of progress toward those goals will significantly jeopardize the student's receipt of benefit for his/her educational placement during the regular school year.

– Predictive data

- Review of child's IEP goals (or objectives or benchmarks, if required)
- Data and observations regarding the child's performance after long weekends, vacations, and past summer breaks.
- Assessment of the child, including pre-test and post-test data
- Curriculum-based assessments including pre-test and post-test data

Determining the need for ESY services (cont.)

A child may still be eligible for ESY services even though there is no documentation of past regression–recoupment problems.

Determining the need for ESY services (cont.)

Federal special education regulations and court cases establish a standard for determining whether a child is eligible for ESY services.

ESY Services Included in a Child's IEP

ESY services are intended to minimize the effects of regression and recoupment problems. Therefore, it is reasonable for the ESY services to concentrate on areas of regression and limited recoupment.

ESY Program as a Related Service

While a child may not need ESY special education, a child may need ESY related services **in order to benefit from special education when school resumes during the school term.**

Placement of Services

The requirement regarding placement in the least restrictive environment (LRE) during the normal school year applies to ESY services. The placement should be based on the IEP.

Provision of Services

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

Transfer Students

When a school district receives a transfer student with a disability, the receiving district must provide services comparable to those described in the child's IEP until the new district either adopts the child's IEP from the previous agency or conducts an evaluation, if determined to be necessary, and develops and implements a new IEP. This requirement includes implementing IEP provisions relating to ESY services.

Summer School vs. ESY

Wis. Stats., Section 118.04, provides that a school board may elect to operate summer classes or to permit pupils to attend summer classes operated by another district on a tuition basis if the school district of operation will accept them.

Parents who Disagree with ESY Services and Determination

The department recommends the parties attempt to resolve any disagreements locally through informal means.

DPI Resources

Information for Parents

- <https://dpi.wi.gov/sped/families>

Special Education in Plain Language

- <https://dpi.wi.gov/sites/default/files/imce/sped/pdf/spec-ed-plain-lang-english.pdf>

Individualized Education Program (IEP): Preparing Students for College and Career

- <https://dpi.wi.gov/sped/college-and-career-ready-ieps>

Extended School Year bulletin #10.02

- <https://dpi.wi.gov/sped/laws-procedures-bulletins/bulletins/10-02>

Questions?

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