



Determining

ESY

Services



COLORADO DEPARTMENT OF EDUCATION

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Denver, Colorado 80203-1799 • www.cde.state.co.us

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Commissioner of Education

Richard G. Elmer
Deputy Commissioner

TO: Directors of Education-Related Agencies
FROM: The Extended School Year (ESY) Task Force
DATE: March 6, 1998
RE: ESY Materials Package

For the past two years, a group of administrators from various administrative units across the State have been meeting to become more knowledgeable around the issues related to Extended School Year Services. The directors of a majority of administrative units indicated they would like to have materials available to use with staff as they conduct professional development activities relating to ESY. With this in mind, the group worked very hard to pull together this information. Feedback was received from a variety of special education directors and other education agency staff and parents about the content of the materials. This feedback was very helpful to the Task Force in providing the revisions that were made. We now have the finalized version of this product available in a three-ring notebook, so that you may make copies and transparencies as needed. Please feel free to do so.

We hope that you will use this information, and that it will assist you as you work with your staff on the development of an ESY process. The intent of the Task Force was that administrative units across Colorado would become more consistent in implementing guidelines and criteria for an effective ESY process. Please let us know if you should need further assistance regarding ESY, and we will attempt to provide support where feasible.

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Determining ESY Services

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I

What are ESY
(Extended School Year)
Services

WHAT ARE EXTENDED SCHOOL YEAR SERVICES (ESY)?

Extended School Year Services have been available to students with disabilities for the last decade, but it is only recently that court cases have begun to define the specific characteristics (Johnson vs Independent School District No. 4 of Bixby, Tulsa Co, Oklahoma, Tenth Circuit Court, 1991) school districts must use to determine if ESY services are needed. The issue has created confusion for school districts and families as they try to determine the need for services, and exactly what those services should look like. Each district, or administrative unit, in the state has had to develop criteria and provide ESY services, thus creating a very different process from one school district to another. With this in mind, a task force was formed at the February State Directors meeting (1996) to focus on developing a process that each district in the state could use as it attempts to provide ESY services. Many questions were asked as this group began to define what ESY Services are and what they are not.

For some students, the provision of free appropriate public education means extending instruction and related services beyond the typical school year. An extended school year program must be provided for any student with disabilities who is eligible for such services, and the determination of eligibility to provide such services is made annually by the IEP committee. Preparation for the determination must begin early in the school year in order to carefully collect the data that will be needed in order to make an accurate determination. Teachers should collect data relating to specific skills and behaviors that have been identified on the current IEP, just as they would to determine if appropriate progress is being made during the school year. The decision of whether or not a child is eligible is determined by a student's ability to maintain learned skills identified on the IEP during the typical school year. It is important to develop the ESY document so that it clearly defines, and everyone understands the nature and intensity of the services to be provided.

As districts discuss their criteria for providing ESY services, it will be important to consider the services available on a year-round basis. Some school districts now offer services throughout the calendar year, with breaks scheduled on a periodic basis (e.g. nine weeks of school with three weeks off). While it is expected that some students will still need ESY services, it is believed that the very nature in which the school program occurs may serve to diminish the need for extended services. As in a more traditional service delivery model, services should be considered on an individual basis. For any child receiving educational services out of the district, the determination of eligibility for ESY services lies with the school district of jurisdiction. There must be a CDE approved rate to provide ESY services out of the district.

While all students regress or lose some skills during a break, some children with disabilities experience a loss of skills or regression that is so great, it takes a significant length of time during the next school period to regain or recoup those skills. Additionally, the individual needs of some students might require services which are shorter or longer than the typical school day. With the tenth circuit court decision, criteria for determining regression/recoupment was expanded to include a variety of other predictive factors that must be considered in determining ESY. (See section IV for a list of these factors). The task force has examined these factors and developed a list of questions related to the predictive factors which should be of help to educators and families in their determination of the need for ESY services.

THROUGH A SERIES OF DISCUSSIONS AND A REVIEW OF RELATED COURT CASES, THIS TASK FORCE INTERPRETED THAT ESY SERVICES:

ARE

- to maintain learned skills, not develop new skills
- to target goals and objectives derived from the current IEP
- determined on an individualized, case by case basis
- provided at no cost to families, and with no budgetary constraints as a factor
- based on the needs of the individual child, and thus there is no specific amount of time required (typically not the same as what the child may receive during the school year)
- developed through creative use of educational and other personnel
- provided in a variety of environments, including the home setting
- available to any student who is eligible for them
- evaluated annually and based on data collected during the current year to determine eligibility
- discussed at the IEP meeting by the IEP team

ARE NOT

- to develop new skills
- a traditional summer school program
- to meet newly developed goals and objectives
- to make up for absences incurred during vacation, suspension or expulsion
- provided for the convenience of families, e.g. to substitute for childcare or to maintain the families' job security
- to replace or duplicate alternative community resources

ESY PROCESS
FOR
SERVICE PROVIDERS

The following sequence is suggested in order for the ESY requirements to flow within the IEP process over the course of a school year.

- When a student enters the district or school, **review** the student's file for evidence of previous ESY services and/or history of regression.
- Over the course of the school year, each service provider should **collect** data before and after major breaks and record in the student's file. Refer to appendix for examples of data collection forms.
- **Review** any data collected prior to each IEP meeting for evidence of regression/recoupment that may determine the student's eligibility for ESY services.
- **During** each IEP meeting, consideration for ESY services must be discussed using data collected and/or the predictive factors listed in Section IV. If data is not available or insufficient, use the predictive factors to determine eligibility. Even with sufficient data, the predictive factors must be reviewed for any additional areas of service delivery.
- **Document** the results of your discussion on page 9 of the State IEP forms entitled Special Education and Related Services. See examples in the Appendix.
- **Complete** district required forms for students who are eligible for ESY services. Attach copies to the most recent IEP.
- As with any IEP meeting, **include** parents in both the determination of eligibility and the recommendations for delivery of services.

II

Key

Terminology

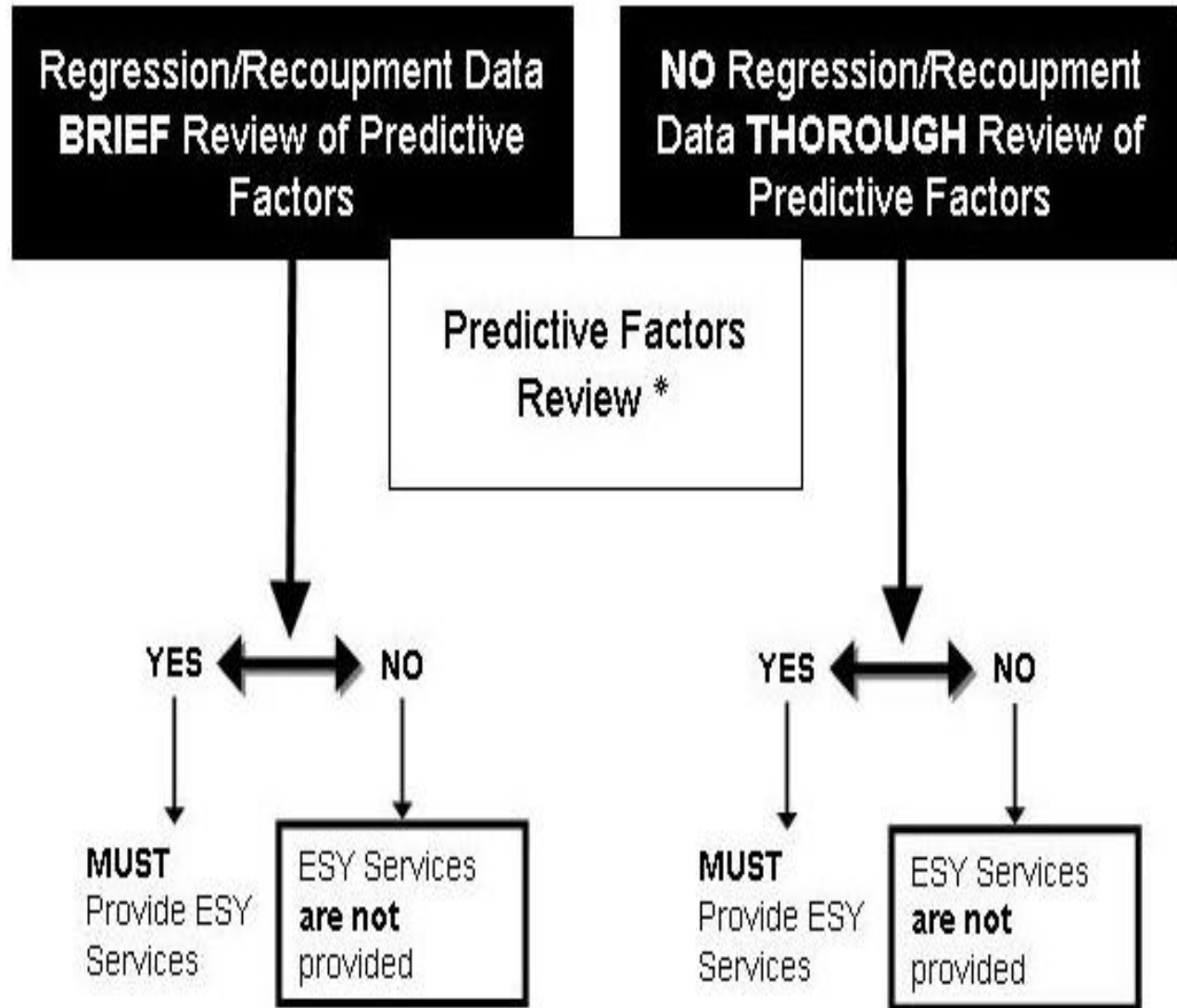
ESY DEFINITIONS

<i>Data Collection</i>	Any systematic method of documenting skill levels, regression, and recoupment
<i>Eligible</i>	Meets requirements and is entitled to receive defined services
<i>Pre-Break Skill Level</i>	Level measured immediately before the interruption of education programming
<i>Post-Break Skill Level</i>	Level measured immediately after the interruption in education programming
<i>Emerging Skills</i>	Beginning levels of mastery
<i>Interruption</i>	Any extended break in educational programming
<i>Learned Skills</i>	Levels of achievement that have been acquired and that can be demonstrated through assessment
<i>Maintain</i>	to cause to remain at a certain level of functioning
<i>Predictive Factors</i>	indicators or criteria which are used in conjunction with regression and recoupment data to determine ESY eligibility
<i>Recoupment Period</i>	a span of time needed to regain the level of the previously learned skill
<i>Related Services</i>	supportive services required to assist a child with a disability in benefiting from special education
<i>Significant Regression</i>	a loss of skill level that jeopardizes the benefits accrued during the regular school year
<i>Skill Level</i>	documented level of achievement based on the student objectives as stated on the current IEP

III

Process

Flow Chart for ESY



* **NOTE:** Predictive Factors MUST be reviewed even when Regression/Recoupment Data has been collected

IV

Predictive Factors

In this section, you will find predictive factors as determined by the Tenth Circuit Court 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 must be reviewed (briefly or thoroughly) anytime a student is being considered for ESY services.

Predictive Factors

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 through collaborative efforts from staff and the family, to make progress on IEP objectives. Therefore, it can be predicted that after an extended break, significant regression could occur.

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.

Curriculum
That Needs
Continuous
Attention

- ◆ **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.
- ◆ **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 that 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 a 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 decreases, 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?**

The title 'Appendix A' is centered on a gray rectangular background. A white, curved, ribbon-like shape starts from the top left, curves around the left side of the text, and ends at the bottom right, partially overlapping the text.

Appendix A

Extended School Year

Documentation Sheet

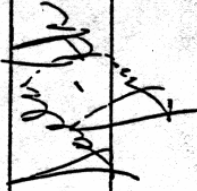
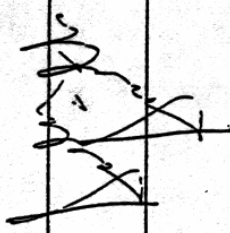
Revised: August, 1996

Harrison School District Two
 Special Education Center
 2948 East Fountain Boulevard
 Colorado Springs, CO 80910-2396
 Voice: 719-630-1526
 Fax: 719-632-2630

Student's Name: John Q. Student Date of Birth: 03-18-88

School: Wildflower Elementary School Program/Grade: SLIC 3rd grade

Documentation of loss and recoupment times following Winter Break (WB) or Spring Break (SpB) or other extended absences (document reason, e.g. surgery, etc.)

Date	Reason for Break	Level of Function Before Break	Level of Function After Break	Recoupment Time and Strategies Used	Teacher Signature
1/10/97	Winter Break	Dolch word recognition 16 out of 20	Dolch word recognition 5 out of 20	23 days *daily flash cards with words and phrases for 15 minutes. *Dolch word game.	
1/10/97	Winter Break	Number recognition 11 through 50 100% (40 out of 40)	Number recognition dropped to 13 out of 40	17 days *using flash cards for 10 min. daily. *Peer tutor 15 min. 2 X wk.	
1/10/97	Winter Break	Addition sums to 10 - 90% (45 out of 50)	Dropped to 56% (17 out of 50)	27 days *daily flash cards, oral practice, manipulatives, 20 minutes daily.	
4/3/97	Spring Break	Dolch word recognition (16 out of 20)	Dolch word recognition (16 out of 20)	N/A Parents took home extra assignments and worked with student one hour each day.	
4/3/97	Spring Break	Number recognition 11 through 50 (40 out of 40)	Number recognition 11 through 50 (40 out of 40)	NO REGRESSION NOTED!	
4/3/97	Spring Break	Addition sums to 10 - 45 out of 50	Addition sums to 10 - 45 out of 50	NO REGRESSION NOTED!	

Harrison School District Two

Extended School Year

Documentation Sheet

Harrison School District Two
 Special Education Center
 2948 East Fountain Boulevard
 Colorado Springs, CO 80910-2396
 Voice: 719-630-1626
 Fax: 719-632-2630

Revised: August, 1996

Student's Name: _____ Date of Birth: _____

School: _____ Program/Grade: _____

Documentation of loss and recoupment times following Winter Break (WB) or Spring Break (SpB) or other extended absences (document reason, e.g. surgery, etc.)

Date	Reason for Break	Level of Function		Recoupment Time and Strategies Used	Teacher Signature
		Before Break	After Break		

Collection System for Extended School Year Data

(Documentation of Regression and Recoupment)

Revised: September, 1996

Harrison School District Two
Special Education Center
2948 East Fountain Boulevard
Colorado Springs, CO 80910-2395
Voice: 719-630-1525
Fax: 719-632-2630

Student: _____ DOB: _____ Date: _____

Address: _____ Phone: _____

School: _____ Program/Grade: _____

Define targeted skill. In what skill area did significant regression occur?

Date of Interruption: _____

Skill Level Prior to Interruption: _____

Skill Level After Interruption: _____

Length of Recoupment Period: _____

Strategies: _____

Harrison School District Two

Extended School Year

CHECKLIST

Harrison School District Two
 Special Education Center
 2948 East Fountain Boulevard
 Colorado Springs, CO 80910-2395
 Voice: 719-630-1525
 Fax: 719-632-2630

Student's Name _____ Student's Date of Birth _____

Harrison School District Two

DATE	CHECK BOX	ACTION TO BE TAKEN
<i>Immediately</i>	✓	Review HSD2 ESY Guidelines/Criteria
		Note and document regression from Summer Break. (See sample forms attached.)
		Discuss eligibility for services beyond the regular school year at the first IEP meeting during the current school year.
		Note and document regression from Winter Break. (See sample forms attached.)
<i>Late in February</i>		Special Education Center will send memo to teachers accompanied by "Parent Letter" with instructions to distribute to all parents before Spring Break.
		Note and document regression from Spring Break. (See sample forms attached.)
<i>Between March 1st and April 20th</i>		Schedule additional IEP meeting to recommend Extended School Year services, determine goals and recommend placement. (Schedule meetings after March 1 st and <u>no later than April 20th</u> .)
<i>April 22nd</i>		Submit photo copy of Extended School Year IEP, documentation, and checklist to Dorothy Haase, SPED (no later than April 22 nd).
<i>No later than May 31st</i>		Call the Special Education Center to request TRANSPORTATION as a related service for Extended School Year students who qualify.
<i>Immediately upon Acceptance</i>		Acceptance of out-of-district IEPs indicating Extended School Year services will be processed in accordance with district procedures. A copy of the IEP, and all required forms along with this checklist must be submitted immediately upon acceptance.

ESY Checklist
 August, 1996

Administrative Unit Name
Harrison District Two

Date of Meeting
03/15/97

Legal Name of Child/Student
John Q. Student

Child/Student ID
99999

Date of Birth
03/18/88

INDIVIDUALIZED EDUCATION PROGRAM (IEP)

(check one)

Eligibility Meeting

Initial Triennial Review *

Date of Next Meeting (on or before) / /
(month/day/year)

IEP Review

Annual Additional Meeting **ESY**

Date of Next Meeting (on or before) 09/16/97
(month/day/year)

* Required for change in disability, significant change in placement, or exit

Harrison School District Two

	Prior to Meeting	After Meeting
District of Residence (if Coop or BOCES)	<u>Harrison School District Two</u>	<u>Harrison School District Two</u>
Home School	<u>Wildflower Elementary School</u>	<u>Wildflower Elementary School</u>
School of Attendance	<u>Wildflower Elementary School</u>	<u>Wildflower Elementary School</u>
Unit/Facility of Attendance (if out-of-district)	<u>El Paso 2 Harrison</u>	<u>El Paso 2 Harrison</u>
Disability, if Any	<u>Significant Limited Intellectual Cap.</u>	<u>Significant Limited Intellectual Cap.</u>
Placement	<u>Gen. Class. SPED support <60%</u>	<u>ESY Center Out Gen. Class>60%</u>
Grade <u>030</u>	Age <u> 9 </u>	
Gender <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Ethnicity <u>White, not of Hispanic Origin</u>	
Primary Language of Child/Student	<u>English</u>	
Name of Test/Questionnaire	<u>HLIF Review</u>	Date: <u>02/18/97</u>
Primary Language Spoken in the Home	<u>English</u>	
Name of Test/Questionnaire	<u>HLIF Review</u>	Date: <u>02/18/97</u>

Child/Student's Parents	<u>Peter Student</u>	<u>Maria A. Student</u>
Address	<u>1111 E. Julep Drive #4</u>	<u>1111 E. Julep Drive</u>
	<u>Colorado Springs, CO 80916</u>	<u>Colorado Springs, CO 80916</u>
Telephone Numbers:	<u>719-777-7777</u>	<u>719-777-7777</u>
	Home	Work
	<u>719-222-2222</u>	<u>719-999-9999</u>
	Home	Work

REQUIRED FOR ALL MEETINGS
MAY BE COMPLETED PRIOR TO THE MEETING.
Form 6

*** NEW ESY FORM 2002 ***

<i>Legal Name of Child/Student</i>	<i>Child/Student ID</i>	<i>DOB</i>	<i>Date of Meeting</i>
------------------------------------	-------------------------	------------	------------------------

Extended School Year Determination

School _____

Grade Level _____ Teacher _____

Child/Student's Parent(s) _____

Address _____

City/State/Zip _____

Telephone Number _____

Home Work Home Work

Criteria/Inquiry:

Did the child/student experience significant regression on current IEP goals and objectives?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Did the child/student require an unreasonably long period of time to relearn previously learned skills?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Are there other factors relevant in determining eligibility for ESY services?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

✦ Attach documentation for each question.

Decision: Eligible for Extended School Year (ESY)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
--	---------------------------------	--------------------------------

If Yes,

In what goal areas will regression occur if ESY services are not provided?

What types of services will be provided to prevent regression?

What frequency and duration will be provided to prevent regression?

Participants in ESY Determination Meeting:

John Q. Student

99999

Legal Name of Child/Student

Child/Student ID

Present Level of Functioning, Achievement, and Performance

What does this child/student do well within the following areas and what concerns are there for the student?

Communicative:

How does this child/student listen, speak, understand language, and express him or herself?

Strengths:

Concerns:

No concerns noted for extended school year consideration.

Cognitive:

How does the child/student think, problem solve, and learn within the environment?

Strengths:

Concerns:

No concerns noted for extended school year consideration.

Transition/Life Skills/Career: (pages 8A-E may be used instead)

How prepared is the child/student to transition to each level of school, and to adult life?

How does the child/student function in school, home, community, and employment?

Strengths:

Concerns:

No concerns noted for extended school year consideration.

*** NEW PRESENT LEVEL OF FUNCTIONING FORM 2002 ***

Legal Name of Child/Student

Child/Student ID

DOB

Date of Meeting

Present Level of Educational Performance and Needs

◇ **COMMUNICATIVE** ◇

How does this child/student listen, understand language, and express him or herself?

Strengths:

Needs:

◇ **COGNITIVE** ◇

How does this child/student think, problem solve, and learn within the environment?

Strengths:

Needs:

◇ **TRANSITION/LIFE SKILLS** ◇

How prepared is the student to transition to each level of school and to adult life? How does the student function in school, home, community, and employment?

Strengths:

Needs:

Additional concerns of the Parent(s) for enhancing the child's/student's education:

**MUST REVIEW INFORMATION FROM PREVIOUS MEETING.
Nov-2002**

6c Page 4 of 9

Date of Meeting
03/15/97

John Q. Student

99999

Legal Name of Child/Student

Child/Student ID

Statement of Educational Needs

By integrating the assessment and functioning levels, address the needs of the whole child.
Identify priority areas that directly relate to the child's/student's own instructional and environmental needs.

Over winter break, John demonstrated significant regression in academic skills. Over the course of the summer we would see even more significant regression of academic skills. In order to maintain the present level of functioning, John needs academic services beyond the regular school year.

REQUIRED FOR ELIGIBILITY MEETINGS.
MUST BE REVIEWED AT IEP MEETING.
MAY USE PAGES 8A-E INSTEAD FOR TRANSITION.

Form 6

John Q. Student 99999
Legal Name of Child/Student Child/Student ID

Goals and Objectives

Goals and Objectives

With the exception of the initial IEP, the committee must review and document progress toward completion of the student's previous goals and objectives prior to the development of new goals and objectives.

Annual Goal (# 1): John will maintain academic skills in math and Dolch words.

Short-term Instructional Objective	Criteria and Evaluation Procedures to be Used (i.e., formal/informal measures, observations, recorded data, work samples, etc.)	Schedule for Achievement of Objective			Does objective need to be carried over to new IEP, modified, or is it no longer appropriate? (C, M, or N/A)
		Beginning Date	Target Completion Date	Actual Date Completed	
(#1) Maintain the skill of recognition of pre-primer Dolch words.	Criteria: Present level of 80% accuracy. Evaluation: Formal assessment from Dolch word list.	07/08/97	08/15/97	/ /	
(#2) Maintain the skill of number recognition 11-50.	Criteria: Present level of 80% accuracy. Evaluation: Formal flash card assessment.	07/08/97	08/15/97	/ /	
(#3) Maintain the skill of addition sums to 10.	Criteria: Present level of 90% accuracy. Evaluation: Formal assessment, 50 problem 3 minute time test.	07/08/97	08/15/97	/ /	
(#4)					
(#5)					
(#6)					
(#7)					

GOALS AND OBJECTIVES REQUIRED FOR ALL CHILDREN/STUDENTS FOR ALL MEETINGS.
MAY USE PAGES 8A-E INSTEAD FOR TRANSITION.
MUST ALSO COMPLETE PAGE 8F FOR PRESCHOOL.

*** NEW GOALS AND OBJECTIVES FORM 2002 ***

_____	_____	_____	_____
<i>Legal Name of Child/Student</i>	<i>Child/Student ID</i>	<i>DOB</i>	<i>Date of Meeting</i>

Goals and Objectives

With the exception of the Initial IEP, the committee must review and document progress toward completion of the child's/student's previous goals and objectives prior to the development of new goals and objectives.

Annual Goal to be Measured by Achievement of Benchmarks (#): (Goals should reflect standards/key components/access skills)

Short-term Instructional Objectives/Benchmarks	Criteria and Evaluation Procedures to be Used <i>(i.e., formal/informal measures, observations, recorded data, work samples, etc.)</i>	Schedule for Achievement of Objective		Progress (Not Evident, Not Yet Proficient, Proficient or Advanced) *	
		Beginning Date	Target Completion Date	Date	Proficiency
(#) Baseline:					
(#) Baseline:					
(#) Baseline:					

* Not Evident: Skill/behavior rarely or never is demonstrated, even with sufficient prompts or cues.
 No Yet Proficient: Skill/behavior is demonstrated inconsistently, even with frequent prompts or cues.
Proficient: Skill/behavior is demonstrated consistently, over time with only occasional prompts or cues.
 Advanced: Skill/behavior is generalized (demonstrated in different settings or environments) and transferable (adapted to different contexts) with no prompts or cues.

John Q. Student Legal Name of Child/Student	99999 Child/Student ID
--	---------------------------

Special Education and Related Services

Service Delivery:
Statement of specific services to be provided:
Extended School Year (summer) services.

SPECIAL EDUCATION SERVICES

Type of Provider (assignment)
Beginning Date of Service
Ending Date of Service

Service Coordinator #1	Other Service Providers			
	#2	#3	#4	#5
Resource Teacher				
07/08/97				
08/15/97				

Indirect
Direct in General Classroom
Direct Outside General Classroom
Total Hours by Provider

Hours of Special Education Services per Week by Service Provider				
2.25				
2.25				

Does the child/student require special transportation? Yes No
Does the child/student require assistive technology? Yes No
If yes, describe:

Is the child/student eligible for services beyond the regular school year? Yes No To be reconsidered at a later time

Documentation:
See present levels of functioning, achievement, and performance (Educational) for documentation of qualification to receive extended school year services based on issues identified as concerns.

Adaptations/Modifications/Accommodations:
Describe any adaptations/modifications/accommodations necessary for the child/student to participate in the general education program:

Describe any adaptations/modifications/accommodations necessary for the child/student to meet the content standards and assessments:

Statement of Interagency Services for Transition Student:
Include the administrative unit and participating agency(s) responsibilities and linkages before the student leaves the school setting:

Fiscal Responsibility:

Personnel Responsibility:

Placement (Where, When, and Duration):

If transition services are not needed in instruction, community experiences, employment, post-school living objectives, and if needed, acquisition of daily living skills, or functional vocational evaluation, include a statement to that effect, and the basis on which the determination was made:

*** NEW SPECIAL EDUCATION AND RELATED SERVICES FORM 2002 ***

Legal Name of Child/Student

Child/Student ID

DOB

Date of Meeting

Special Education and Related Services

Service Delivery:

Statement of specific services to be provided:

Special Education Services:

Type of Service Provider (assignment)

Projected Beginning Date of Service

Projected Ending Date of Service

Other Service Providers				
Service Coordinator #1	#2	#3	#4	#5

Indirect (consultation)

Direct in General Classroom

Direct Outside General Classroom

Total Hours by Provider

Hours of Special Education Services per Week by Service Provider				

Describe how parent(s) will be informed of the child's progress toward annual goals. How often will this occur?

Is the child eligible for services beyond the regular school year? Yes No To be determined by Date: _____

Documentation:

Does the child require:

Special Transportation?

Yes No

A Communication plan? (Required for a child/student with hearing disabilities)

Yes No

A Literacy Modality plan? (Required for a child/student with vision disabilities)

Yes No

A Behavior Support plan? (May be reviewed and modified throughout duration of the IEP)

Yes No

Assistive Technology services and/or devices? If yes, describe:

Yes No

John Q. Student	99999
Legal Name of Child/Student	Child/Student ID

Participants in Meeting

The following participants must be in attendance at all meetings:

Peter Q. Student	Maria A. Student
Child's/Student's Parent (unless parent decided not to attend)	Child's/Student's Parent (unless parent decided not to attend)
Steve McMann, School SW	Sally Smith, Resource Tcr
Special Education Director or Designee	Special Education Teacher or Supervisor
Courtney Jones, Counselor	John Q. Student
Regular Education Teacher or Counselor	Student (unless otherwise indicated - - must be invited for transition meetings) *

If this is a transition meeting and the student is not present, explain how his/her preferences and interests were obtained:

The following additional persons must also attend meetings to determine eligibility and disability:

Building Principal or Designee

Evaluation Personnel and Those Providing Services to the Student:

Speech/Language Specialist	School Nurse
Occupational Therapist	Physical Therapist
Psychologist	Social Worker
Audiologist	Other (specify area represented)

The following participants were also in attendance at the meeting:

Counselor	Agency Representative (must be invited for possible out-of-district placement or for transition plan)
Other Persons with Knowledge of the Student (specify area represented):	
_____	_____
_____	_____

Dissenting opinion, if applicable is attached.

Date: _____

STAFFING COMMITTEE RECORD AND INDIVIDUALIZED EDUCATION PROGRAM

Purpose:			Date of Next triennial review: _____
<input type="checkbox"/> Placement	<input type="checkbox"/> Triennial	<input type="checkbox"/> Exit	
<input type="checkbox"/> Direct	<input type="checkbox"/> Change of Disability	<input type="checkbox"/> Additional Meeting/Identify	
<input type="checkbox"/> Diagnostic	<input type="checkbox"/> Annual Review		
<input type="checkbox"/> Support Service Added/Identify	<input type="checkbox"/> Support Service Delete/Identify		

Name: _____ Student ID#: _____ Birthdate: _____ Grade: _____
Last First

Present Disability(ies): _____ School Attending: _____ SSN: _____

Parent/Educational Guardian: _____ Phone (H): _____ (W): _____

Parent Address: _____ City: _____ State: _____ Zip: _____

Student Address: _____ City: _____ State: _____ Zip: _____ Phone: _____

Primary Language of Student: _____ Other Language(s): _____

Primary Language Spoken in Home: _____

PRESENT LEVEL OF FUNCTIONING, ACHIEVEMENT AND PERFORMANCE

Communicative:

Educational:

Physical/Motor (Vision, Hearing):

Cognitive:

Social/Emotional/Adaptive Behavior:

Transition/Career/Life Skills:

Educational/Affective Needs

**Adaptations
(Accommodations and Modifications)**

Transitional Needs:

Denver Public Schools

DENVER PUBLIC SCHOOLS
Department of Student Services
Office of Special Education
INDIVIDUALIZED EDUCATION PROGRAM

Yes	No	Legal Name of Student	Student ID#	Date
<input type="checkbox"/>	<input type="checkbox"/>	Assessment of sufficient scope and intensity has been completed to determine or confirm an identified disability.		
<input type="checkbox"/>	<input type="checkbox"/>	Student needs can be met in regular education without special education services. (If YES, terminate staffing and complete "Committee Members Present" on IEP page 3.		
<input type="checkbox"/>	<input type="checkbox"/>	Transition/Career/Life Skills needs identified.		
<input type="checkbox"/>	<input type="checkbox"/>	Alternative transportation recommended		
		Specify: _____		

Type of Physical Education (PE) recommended: Regular PE
 Regular PE with Adaptations
 Specially designed PE
 Other...

If the student has an educational disability, the disability is: *(Note: If more than one disability is determined, the primary disability is identified with a "1", all secondary disabilities with a "2")*

___ Infant with a disability	___ Emotional Disability	___ Speech/Language	___ Physical Disability (PD)
___ Preschooler with a disability	___ Hearing Disability	___ Trainable Mental Disability	___ PD Autism
___ Deaf/Blind	___ Learning Disability	___ Visual Disability	___ PD Traumatic Brain Injury
___ Educable Mental Disability	___ Multiple Disability (Identify on lines proved below)		___ PD Other Disability

If student qualifies for Extended School Year, check goals to be maintained during ESY

ANNUAL GOALS

1.	_____	<input type="checkbox"/>
2.	_____	<input type="checkbox"/>
3.	_____	<input type="checkbox"/>
4.	_____	<input type="checkbox"/>
5.	_____	<input type="checkbox"/>
6.	_____	<input type="checkbox"/>

SPECIAL CONSIDERATIONS

EXTENDED SCHOOL YEAR

Is Extended School Year recommended? YES NO TO BE DETERMINED by (date):
 If yes, provide documentation and address specific strategies to promote success.

Denver Public Schools

DENVER PUBLIC SCHOOLS
Department of Student Services
Office of Special Education
INDIVIDUALIZED EDUCATION PROGRAM

Legal Name of Student

Student ID#

Date

All settings in which Special Education and Related Services could be provided were discussed. YES NO
Describe specific services to be provided in the Least Restrictive Environment (LRE).

Table with 7 columns: Disability, LRE selected (Setting Code), Service Provider, Min/Day, Times/Week, Initiation Date, Expected Duration. Includes rows for General Education and Extended School Year.

Type of Diploma Anticipated: (For secondary Only)

Agency/School District Responsible for Service:

COMMITTEE MEMBERS PRESENT

Parent/Educational Guardian:

Student:

Principal or Designee (LEA):

Special Education Director or Designee:

Special Educator(s):

General Educator(s):

Psychologist: Other:

Social Worker: Other:

Speech/Language Specialist: Other:

Nurse: Transition Rep.

PARENT/EDUCATIONAL GUARDIAN INFORMATION

Parent/Educational Guardian Initials

- Consent to placement of my child with a disability... I have been informed of and understand my rights as a parent... I have been informed about and have received the Extended School Year guidelines... I have received a copy of the IEP and all assessment reports.

Parent/Educational Guardian Signature: Date:

Individual explaining placement and Parental Rights signature: Date:

Contact Attempted by: Date:

Contact Made by: Date:

IEP sent in US Mailing by: Date:

Denver Public Schools

Mountain BOCES

MOUNTAIN BOCES SPECIAL EDUCATION EXTENDED SCHOOL YEAR INDIVIDUAL PLAN

Date: _____
 Student Name: _____ DOB: _____ Services to be provided: Transportation Required Yes ___ No ___
 Student I.D.: _____ If Yes, Specify: _____
 Address: _____ Phone #: _____
 Home Contact: _____ Phone #: _____

ESY Goal:
 To prevent serious regression of previously learned skills.

OBJECTIVES

	Min. Frequency of Skill Practice (Times/Week)	Min. Duration of Each Practice Period	Total Minutes per Week of Practice	Number Weeks	Recommended Type of Service Provider	Evaluation
1. Maintain skill of _____ at present level of _____	1. _____	1. _____	1. _____	1. _____	1. _____	_____
2. Maintain skill of _____ at present level of _____	2. _____	2. _____	2. _____	2. _____	2. _____	_____
3. Maintain skill of _____ at present level of _____	3. _____	3. _____	3. _____	3. _____	3. _____	_____
4. Maintain skill of _____ at present level of _____	4. _____	4. _____	4. _____	4. _____	4. _____	_____
5. Maintain skill of _____ at present level of _____	5. _____	5. _____	5. _____	5. _____	5. _____	_____
6. Maintain skill of _____ at present level of _____	6. _____	6. _____	6. _____	6. _____	6. _____	_____

Total Number of Minutes Per Day: _____
 Total Number of ESY Hours: _____
 List Recommendations for Service Delivery / Location (Star Option Chosen): _____

Special Equipment/Conditions For Instruction: Yes ___ (Please list) _____
 Is There a Behavior Plan In Place For This Student? Yes ___ No ___ If "Yes", Please Attach _____
 Is There a Health Plan In Place For This Student? Yes ___ No ___ If "Yes", Please Attach _____
 Name of Person Who Will Be Responsible For Providing Information & Materials To ESY Service Provider: _____
 Phone Number: _____

 Accept Proposed Plan _____ Decline Proposed Plan _____
 Parent Signature: _____ Date: _____

Mountain BOCES

**MOUNTAIN BOCES
SPECIAL EDUCATION EXTENDED SCHOOL YEAR INDIVIDUAL PLAN**

Date April 15, 1997

Student Name: _____ DOB: _____ Services to be provided: Transportation Required Yes No

Student I.D.: _____ If Yes, Specify: _____

Address: _____ Phone #: _____

Home Contact: _____ Phone #: _____

ESY Goal:
To prevent serious regression of previously learned skills.

OBJECTIVES

1. Maintain skill of 100 out of 213 manual signs
at present level of 188 signs (attached list)
2. Maintain skill of sight word - vocabulary
at present level of 23 of 24 words (attached)
3. Maintain skill of passive range of motion
at present level of _____
4. Maintain skill of maintain cutting skills
at present level of within 3/4" of baseline (80%)
5. Maintain skill of _____
at present level of _____
6. Maintain skill of _____
at present level of _____

Frequency of Skill Practice (Times/Week)	Min. Duration of Each Practice Period	Total Min/Hrs per Week of Practice	Number Weeks	Recommended Type of Service Provider	Evaluation
1. 2	1. 15	1. 30	1. 11	1. teacher assistant	1. tally
2. 2	2. 15	2. 30	2. 11	2. "	2. tally
3. 2	3. 15	3. 30	3. 11	3. "	3. pre/post assessment
4. 2	4. 15	4. 30	4. 11	4. "	4. cutting samples
5. _____	5. _____	5. _____	5. _____	5. _____	5. _____
6. _____	6. _____	6. _____	6. _____	6. _____	6. _____

Total Number of Minutes Per Day: 60 mins x 2
 Total Number of ESY Hours: 2 hrs per week
 List Recommendations for Service Delivery Location (Star Option Chosen):
1. provide service in summer program
* 2. teacher assistant to the home

Special Equipment/Conditions For Instruction: Yes _____ (Please list)
 Is There a Behavior Plan In Place For This Student?
 Yes _____ No _____ If "Yes", Please Attach _____
 Is There a Health Plan In Place For This Student?
 Yes _____ No _____ If "Yes", Please Attach _____
 Name of Person Who Will Be Responsible For Providing Information & Materials To ESY Service Provider: _____

Phone Number: _____

Accept Proposed Plan

Decline Proposed Plan

Parent Signature: _____ Date: _____

Arapahoe County: Cherry Creek School District 5

Student: _____ School: _____
 Consideration for Extended School Year
 IEP Data Collection
 School Year: 19____
 Primary Provider: _____
 Current Placement: _____

Summary of Performance

IEP Targeted Skill Area	May Baseline	September Skill Level	1st Qtr.	December Baseline	January Skill Level	Date Skill Regained	March Baseline	April Skill Level	Date Skill Regained	As Measured by	ESY Referral? No _____ Yes _____

Sample wording Using State Recommended IEP format

IEP
Page 9

Date of Meeting

Legal Name of Child/Student

Child/Student ID

Special Education and Related Services

Service Delivery:

Statement of specific services to be provided:

Special Education Services:

Type of Provider (assignment)

Projected Beginning Date of Service

Projected Ending Date of Service

Service Coordinator #1	Other Service Providers			
	#2	#3	#4	#5

Hours of Special Education Services per Week by Service Provider				
Indirect				
Direct in General Classroom				
Direct Outside General Classroom				
Total Hours by Provider				

Does the child/student require special transportation?

Yes No

Does the child/student require assistive technology?
If yes, describe:

Yes No

Is the child/student eligible for services beyond the regular school year?

Yes No To be reconsidered at a later time

Documentation:

A review of IEP will be held in May to consider eligibility.

Adaptations/Modifications/Accommodations:

Describe any adaptations/modifications/accommodations necessary for the child/student to participate in the general education program:

Describe any adaptations/modifications/accommodations necessary for the child/student to meet the content standards and assessments:

Statement of Interagency Services for Transition Students:

Include the administrative unit and participating agency(s) responsibilities and linkages before the student leaves the school setting.

Fiscal Responsibility:

Personnel Responsibility:

Placement (Where, When, and Duration):

If transition services are not required in instruction, community experiences, employment, post-school living objectives, and if needed, acquisition of daily living skills, or functional vocational evaluation, include a statement to that effect, and the basis on which the determination was made:

REQUIRED FOR ALL MEETINGS FOR K-12.

Form 6

Legal Name of Child/Student _____ Child/Student ID _____

Special Education and Related Services

Service Delivery:
Statement of specific services to be provided: _____

Special Education Services:

Service Coordinator #1	Other Service Providers			
	#2	#3	#4	#5
Type of Provider (assignment)				
Projected Beginning Date of Service				
Projected Ending Date of Service				

	Hours of Special Education Services per Week by Service Provider			
	#1	#2	#3	#4
Indirect				
Direct in General Classroom				
Direct Outside General Classroom				
Total Hours by Provider				

Does the child/student require special transportation? Yes No
Does the child/student require assistive technology? Yes No
If yes, describe:

Is the child/student eligible for services beyond the regular school year? Yes No To be reconsidered at a later time
Documentation:
Completed data form is available in student's file - will complete ES4/IEP in Spring (OR, completed ES4/IEP is attached).
Adaptations/Modifications/Accommodations:
Describe any adaptations/modifications/accommodations necessary for the child/student to participate in the general education program:

Describe any adaptations/modifications/accommodations necessary for the child/student to meet the content standards and assessments:

Statement of Interagency Services for Transition Students:
Include the administrative unit and participating agency(s) responsibilities and linkages before the student leaves the school setting.

Fiscal Responsibility: _____
Personnel Responsibility: _____
Placement (Where, When, and Duration): _____

If transition services are not required in instruction, community experiences, employment, post-school living objectives, and if needed, acquisition of daily living skills, or functional vocational evaluation, include a statement to that effect, and the basis on which the determination was made:

REQUIRED FOR ALL MEETINGS FOR K-12.

Legal Name of Child/Student _____ Child/Student ID _____

Special Education and Related Services

Service Delivery:
Statement of specific services to be provided: _____

Special Education Services:

Type of Provider (assignment)
Projected Beginning Date of Service
Projected Ending Date of Service

Coordinator #1	Other Service Providers			
	#2	#3	#4	#5

Indirect
Direct in General Classroom
Direct Outside General Classroom
Total Hours by Provider

Hours of Special Education Services per Week by Service Provider				

Does the child/student require special transportation? Yes No

Does the child/student require assistive technology? Yes No

If yes, describe:

Is the child/student eligible for services beyond the regular school year? Yes No To be reconsidered at a later time

Documentation:

Student does not qualify for ESU at this time due to lack of evidence of regression and in consideration of predictive factors.

Adaptations/Modifications/Accommodations:

Describe any adaptations/modifications/accommodations necessary for the child/student to participate in the general education program:

Describe any adaptations/modifications/accommodations necessary for the child/student to meet the content standards and assessments:

Statement of Interagency Services for Transition Students:

Include the administrative unit and participating agency(s) responsibilities and linkages before the student leaves the school setting.

Fiscal Responsibility: _____

Personnel Responsibility: _____

Placement (Where, When, and Duration): _____

If transition services are not required in instruction, community experiences, employment, post-school living objectives, and if needed, acquisition of daily living skills, or functional vocational evaluation, include a statement to that effect, and the basis on which the determination was made:

REQUIRED FOR ALL MEETINGS FOR K-12.

The title 'Appendix B' is centered on a gray rectangular background. A white, curved, ribbon-like shape overlaps the left side of the gray area, creating a dynamic, abstract design.

Appendix B

SUMMARY OF COURT DECISIONS RELATED TO ESY

Legal Ref/Case	Fundamental Concept/Question	Criteria	Decision/Other Comments or Issues Addressed
L94.135	Question:	Standard of Eligibility:	Decision:
<p>Twice in one year the district had determined that the student was not eligible for ESY based on a statement that “regressions and recoupment over summer months and into fall are not significant.”</p> <p>Decision Issued: 02/02/1995</p>	<p>Is the student eligible for ESY?</p> <p>The legal issue in this case was that regression and recoupment are not the only criteria for ESY.</p>	<p>“The issue is whether the benefits accrued to the child during the regular school year will be significantly jeopardized if he is not provided an educational program during the summer months. This is...a general standard, but it must be applied to the individual by (those drafting and approving the IEP) in the same way that juries apply other general legal standards such as negligence and reasonableness.”</p> <p>The Tenth Circuit decision in Johnson vs. Independent School District #4 of Bixby quoting Alamo Heights Independent School District vs. State Board of Education further explains: “The analysis of whether the child’s level of achievement would be jeopardized by a summer break in his or her structured educational programming should proceed by applying not only retrospective data, such as past regression and rate of recoupment, but also should include predictive data, based on the opinion of the professionals in consultation with the child’s parents as well as circumstantial consideration of the child’s individual situation at home and in his or her neighborhood and community.”</p>	<p>The student is entitled to an evaluation to determine if he is eligible for ESY Services.</p>

Legal Ref/Case	Fundamental Concept/Question	Criteria	Decision/Other Comments or Issues Addressed
L95.116	Question:	Components of ESY eligibility:	Decision:
<p>Student with PC disability met all of the IEP goals and objectives and was found to be able to receive reasonable benefit from regular education classes. Therefore, no special education services were being provided. Due process contention was that FAPE was being denied because that district had failed to consider parent's request for Assistive Technology at the review meeting. The request was for a computer at home.</p> <p>Decision Issued: 12/08/1995</p>	<p>Did the district fail to consider the student's eligibility for ESY?</p> <p>Was the student entitled to receive compensatory services?</p> <p>Did the District fail to consider Assistive Technology devices as an appropriate related service for the student?</p>	<p>Quoting from the Tenth Circuit: Johnson vs. Independent School District #4 of Bixby:</p> <p>In addition to degree of regression and time necessary for recoupment, courts have considered many factors important in their discussions of what constitutes an 'appropriate' education program under the Act. These include the:</p> <ul style="list-style-type: none"> ✓ Degree of impairment and the ✓ Ability of the child's parents to provide the educational structure at home, ✓ The child's rate of progress, ✓ His or her behavioral and physical problems, ✓ The availability of alternative resources, ✓ The ability of the child to interact with non-handicapped children, ✓ The areas of the child's curriculum which need continuous attention, and ✓ The child's needs and whether the requested service(s) is (are) 'extraordinary' to the child's condition, as opposed to an integral part of a program for those with the child's condition. 	<p>The student was not awarded a computer at home.</p> <p>However, procedural violations in the process were found which resulted in a determination that FAPE was being denied. An IEP meeting was ordered to develop a new IEP to address all issues and comply with procedural requirements.</p> <p>Legal Definition of Assistive Technology: ...any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities. By definition a computer is an Assistive Technology device.</p>

Legal Ref/Case	Fundamental Concept/Question	Criteria	Decision/Other Comments or Issues Addressed
L95.512	Question:	What is the process when there is conflicting information?	Decision:
<p>Parent alleged that decisions regarding the need for ESY were based on inaccurate information. Parent presented information that indicated the student had regressed one year in written language. The BOCS had other information that was in conflict with the parent's information.</p> <p>Decision Issued: 08/25/1995</p>	<p>Did the District and the BOCS violate the provisions of the Act by failing to provide FAPE by basing decisions regarding the need for ESY on inaccurate information?</p>	<p>Decisions as to the need for ESY services are made by an IEP team. When there is conflicting information presented to an IEP team, it must consider that information and make a determination of ESY eligibility.</p> <p>The appropriateness of these decisions cannot be determined by CDE, only whether or not procedures were correctly followed and that the decision of the IEP team was not clearly wrong. Should the complainant disagree with the decisions of the IEP team, they may utilize appeal procedures and request a due process hearing.</p>	<p>There was not enough evidence to indicate that FAPE had been denied.</p> <p>Other issues:</p> <p><u>The type and amount of services to be provided to a student with disabilities must be stated on the IEP so that the level of the agency's commitment of resources will be clear</u> to all who are involved in both the development and implementation of the IEP.</p> <p>Statements such as "service providers" teacher/parents, audiologist, etc. and "consultative by audiologist as needed" are not clear. If terms such as "as needed" are utilized, it would be important to indicate who will make the decision and on what such decision will be based. If "consultation" is listed, it would be important to indicate who will provide the consultation to whom.</p>

Legal Ref/Case	Fundamental Concept/Question	Criteria	Decision/Other Comments or Issues Addressed
<p>Johnson vs. Independent School District No.4 of Bixby</p> <p>The request of parents of a severely and multiply handicapped, eight year old child for a structured summer educational program was rejected. Parents initiated the Due Process provisions of the Act and the schools' decision was administratively and judicially affirmed.</p>	<p>There were two issues:</p> <p>1.) What information should be considered as a basis for entitlement under the Act to a free extended year school program in addition to the traditional September through May, nine-month school program, and</p> <p>2.) in Oklahoma, is the cooperative special education service provider a necessary party to the due process procedure mandated by the Act?</p>	<p>The amount of regression suffered by a child during the summer months, considered together with the amount of time required to recoup those lost skills when school resumes in the fall, is an important consideration in assessing an individual child's need for continuation of his or her structured education program in the summer months.</p> <p>In Alamo Heights, the Fifth Circuit explained the "regression-recoupment" analysis, which plays an integral part in the case before us today:</p> <p>"...stated in Crawford vs. Pittman the basic substantive standard under the Act then, is that each IEP must be formulated to provide some educational benefit to the child, in accordance with 'the unique needs' of that child." The some educational benefit standard does not mean that the requirements of the Act are satisfied so long as a handicapped child's progress, absent summer services, is not brought "to a virtual standstill." Rather, if a child will experience severe or substantial regression during the summer months in the absence of a summer program, the handicapped child may be entitled to year round services. The issue is whether the benefit accrued to the child during the regular school year will be significantly jeopardized if he is not provided an educational program during the summer months.</p> <p>In Rowley, the Supreme Court held that administrative and court review may not limit analysis of the appropriateness of the IEP to any single criterion. Fifth Circuit premise was reinforced in the Alamo Heights decision: "The issue is whether the benefits accrued to the child during the regular school year will be significantly jeopardized if he is not provided an educational program during the summer months." To assess this, not only should regression and rate of recoupment be considered, but also predictive date, "based on the opinion of professionals in consultation with the child's parents as well as circumstantial considerations for the child's individual situation at home and in his or her neighborhood and community."</p>	<p>The 10th District court of Appeals reversed the lower court's decision in favor of the District [to the parents/plaintiffs] because it found the District had used insufficient information in both the administrative proceedings...hence the Act's procedural requirement for individualized review of the student's plan was not satisfied.</p> <p>The court also concluded that the special education cooperative unit was not necessary party to the action.</p>

**Johnson vs.
Independent
School
District No.4
of Bixby**
(continued)

Because, in this case, there was conflict in evidence concerning the student's past regression, other factors should have been considered as part of the evaluation of whether or not Natalie's IEP was "appropriate" for her individual circumstances.

The list of possible factors includes:

- ✓ The degree of impairment,
- ✓ The degree of regression suffered by the child,
- ✓ The recovery time from this regression,
- ✓ The ability of the child's parents to provide the educational structure at home,
- ✓ The child's behavioral and physical problems,
- ✓ The availability of alternative resources,
- ✓ The ability of the child to interact with non-handicapped children,
- ✓ The areas of the child's curriculum,
- ✓ Which need continuous attention,
- ✓ The child's vocational needs, and
- ✓ Whether the requested service is extraordinary for the child's condition, as apposed to an integral part of a program for those with the child's condition. "This list is not intended to be exhaustive, nor is it intended that each element would impact planning for each child's IEP."

Legal Ref/Case	Fundamental Concept/Question	Criteria	Decision/Other Comments or Issues Addressed
<p>Handbook of Rights to Special Education in Colorado: A Guide for Parents published by the Legal Center, 1996</p>		<p>Court decisions related to ESY suggest that eligibility for extended school year services relate to several criteria:</p> <ul style="list-style-type: none"> • Type and severity of the child’s disabling condition • Evidence of a significant regression-recoupment problem • Effect of the regression-recoupment problem on the child’s ability to obtain his or her education goals • The ability of the parents to provide educational structure at home • The child’s rate of progress • The child’s behavioral or physical problems • The availability of alternative resources for the child • The ability of the child to interact with non-disabled children • The areas of the child’s curriculum which need continuous attention • The child’s vocational needs • Whether the requested service is ‘extraordinary’ to the child’s condition, as opposed to an integral part of a program for those with the child’s disability. <p>These are the suggested questions (<i>listed in the Parents’ Handbook</i>) for use in determining the amount and kind of ESY services:</p> <ul style="list-style-type: none"> • Will the educational benefits desired during the regular school year be jeopardized significantly if there is no education programming during the summer? <p>(WARNING!! Again, this question is not focused on the issue of whether or not learned skills will be seriously jeopardized, etc. Without this focus, this question would be use for any student.)</p>	<p>“In the early 1980’s, several Federal courts addressed State policies limiting special education instruction to the same 172-day instructional period provided to students in regular education. In each case, the policy was struck down by the court as violate of the FAPE provision in the IDEA because such a broad policy did not allow for consideration of the needs of an individual child. For some special needs students, the provision of a FAPE means extending instruction and related services beyond the typical 172-day school year. An ESY must be provided to a special needs student who is eligible for such programming.”</p> <p>“If ESY was not discussed at the annual review, parents may request a review staffing specifically for the purpose of addressing the student’s need for ESY.”</p> <p>“Documenting the need for ESY often requires considerable thought and preparation.”</p> <p>“Extended year programming, like regular school year programming, must be designed to meet the child’s individual needs.”</p>

Legal Ref/Case	Fundamental Concept/Question	Criteria	Decision/Other Comments or Issues Addressed
<p>Special Education Law and Litigation Treatise</p>		<p>Rowley (Supreme Court) held that the review of a child’s program may not limit the analysis to any single criterion.</p> <p>Johnson vs. Independent School District No. 4 (10th Circuit) supplemented the Alamo Heights analysis saying that “regression-recoupment is not the only measure used to determine the necessity of a structured summer program.”</p> <p>The court said:</p> <p>“In addition to the degree of regression and the time necessary for recoupment, courts have considered many factors important in their discussion of what constitutes an ‘appropriate’ education program under the Act. These include the degree of impairment and the ability of the child’s parents to provide the educational structure at home, the child’s rate of progress, his or her behavioral and physical problems, the availability of alternative resources, the ability of the child to interact with non-handicapped children, the areas of the child’s curriculum which need continuous attention, and the child’s vocational needs and whether the requested service is ‘extraordinary’ to the child’s condition, as opposed to an integral part of a program for those with the child’s condition.”</p>	<p>“Two waves of litigation have developed the issue of extended school year services. In the first wave, numerous courts overturned blanket policies forbidding any child from receiving summer services.”</p> <p><u>Cases have also established that schools may not restrict summer services to particular categories of children such as those with profound or severe impairments. Each child must be considered individually.</u></p> <p>The second wave of litigation has attempted to establish standards to determine which children should receive extended year services. Alamo Heights vs. State Board of Education (BOE) has emerged as a leading case. The judge ruled that the child’s eligibility for summer services hinged on whether she would experience “severe or substantial regression”, i.e., “whether the benefits of education over the school year would be ‘significantly jeopardized without a summer education program.”</p>