

The text below is proposed for addition to the document "Guidance for Extended School Year Services in Michigan, August 12, 2008." The pages below are intended to provide guidance on determining Extended School Year (ESY) Services in sufficient time. This guidance is the result of an ESY work group that was convened in January 2010 to address the timeliness issue.

ESY Guidance on Timeliness of Decision Making

To make individualized, student-centered, and data driven decisions regarding determination for and provision of ESY services, the decisions must be made in sufficient time. The timeliness of decisions about ESY services is affected by knowledge, planning time, data, and dispute resolution.

Knowledge

All special education providers need to be informed about the ESY services rule in Michigan's Administrative Rules for Special Education and the guidance about how to make decisions about and implement ESY services. For example, staff needs to know:

- ESY is an individual decision based on many different sources of information that must be reviewed every year from a fresh perspective.
- ESY needs to be discussed at every student's individualized education program (IEP) and other team meetings, as appropriate.
- The purpose of ESY services is to work on one or more IEP goals that can not be maintained without ESY services.
- It is NOT the purpose of ESY services to work on new goals or objectives.
- A student with one or more goal areas of concern may need ESY services for a variety of reasons, not just regression or recoupment).
- ESY services can be provided in many different ways, including using community resources as part of an individual ESY plan.
- ESY services are not limited to the summer months, especially in programs that spread school days across the calendar year.

School districts should conduct professional development about ESY services so special education staff can effectively share information about ESY decision-making with parents and general education staff. It is important to have procedures in place to provide new staff with this information if they are employed after training has been provided.

It is important for parents to know the same information as staff about ESY services so they can be true partners in decision-making. Although ESY services would benefit nearly every student, parents need to know that ESY services are only for students to maintain essential skills. It is recommended that schools work with parent advisory groups to become informed on ESY

services and to develop parent-friendly methods to explain how decisions about ESY services should be made.

Planning Time

In planning for ESY services, districts should allow at least 30 school days (prior to implementation) to plan for and determine an individual student's ESY services, which is consistent with other standard timelines for the IEP.

Planning for ESY services for individual students needs to happen throughout the year, not at the end of the year, taking into account the need for data, the need for outside information, including independent evaluations if necessary.

- Outside events and other changing circumstances that effect the student's performance can happen at any time during the school year.
- Vocational cycles are not defined by the school calendar or IEP cycle.
- Developmental milestones or windows of opportunity are also not related to the school calendar or IEP cycle.
- Data should be reviewed as it is collected, i.e.: For a student that regresses over the summer, you would have recoupment data in the fall. The IEP team should consider the data at that time, not waiting until the scheduled IEP date.
- Individual student planning has to include information of what goals will be addressed by ESY.

Planning needs to occur to determine not only eligibility for ESY services, but to determine the nature and timing of the ESY services. Skill regression is more likely to be avoided when services are spread through vacation periods and long breaks are avoided. Planning also needs to take into account the relationship to the student's annual goals and objectives and the ability of the provider to support the student in meeting those goals.

Waiting until spring to plan for summer ESY services is not in sufficient time.

Since ESY services are unique to each student, districts need to take time to plan how each student's needs will be met and by whom. This needs to happen both on an individual basis and systemically. Systemic planning for meeting the needs of students in regards to ESY services needs to be done in sufficient time.

Timelines for addressing the needs of students who are new to the district should be part of the evaluation process and record review of an incoming student and should be subject to the same timeline.

Planning time needs to allow for IEP facilitation, if necessary, to help the IEP team develop a program.

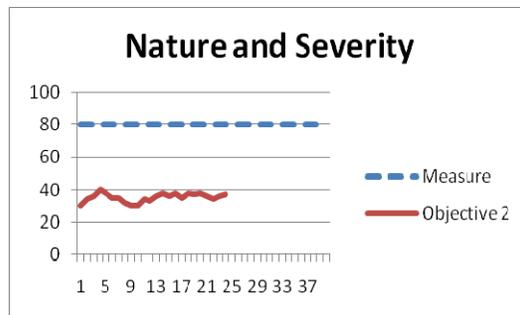
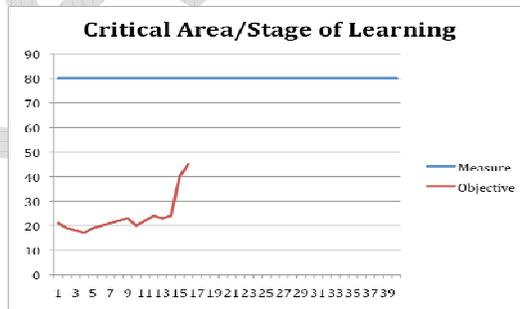
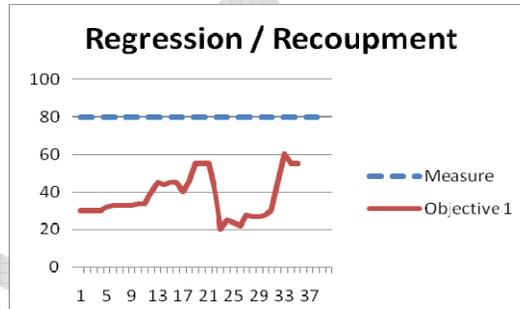
Schools that provide services to children with disabilities under the age of three must provide services throughout the calendar year. However, the number of days of service that are spread throughout the year may not be sufficient for all children under three to maintain essential child goals and outcomes. If a child under three has a goal, an outcome, that requires ESY, services may need to be provided during one or more breaks that may occur at times other than the summer.

Data

IEP Data – All members of the IEP team should have access to the data being used to discuss ESY services. See Section 4 of the “ESY Guidance for Extended School Year Services in Michigan, August 12, 2008” for examples of possible data sources.

High frequency, systematic data collection assessing progress of measurable and observable goals is required to detect subtle trends in student performance. Data should be evaluated regularly to identify issues of regression/recoupment, critical stages or areas of learning, or nature and severity of disability. The data collected may, and probably will, look different under each of these issues.

- Regression recoupment. There is a consistent pattern of learning (it may be a steady baseline, or an increase in skill acquisition, with a drop in student performance following a break in instruction, It then take the student an extended time to regain the previous level of (acquired skill/ levels of performance???)
- Critical stages or areas of learning – The data may look like a very slow rate, of learning, with a sudden and/or steep incline/increase prior to a break in instruction.
- Nature and severity – The data pattern may show a signification drop in performance of goal maintenance after a break in the consistency of programming.



Data needs to be collected on a regular, ongoing basis, with a minimum of those times mandated by the IEP. However, some IEP goals may require more frequent data collection (i.e. weekly, every other week, monthly) and the goal schedule should be written with this in mind. Data should be evaluated regarding ESY services minimally at these data collection points.

Data collection during ESY should be consistent with data collection during the year in order to verify the effectiveness of ESY programming.

District Data – Districts should consider developing guidelines, a monitoring system for data collection and an effective method for IEP team members to regularly analyze and discuss data.

Dispute Resolution

Planning and making decisions for ESY services must leave sufficient time for dispute resolution. Sufficient time includes time for available dispute resolution processes to reach solutions permitting the delivery of services.

Gauging the time needed for dispute resolution is affected by the following:

- School districts having determined a process and standard for determination of ESY services.
- School staff and parents need to bring and share the necessary information that supports an ESY determination and selection of appropriate ESY services. That information may include but not be limited to: parent reports, outside agency service logs, outside evaluation, outside report, progress reports, reading records, observation logs, communication logs, written observations, benchmarks acquired, ancillary service logs, etc.
- Sharing the same information at IEP team meetings can be as helpful in avoiding disputes as in resolving them at a later date.
- Scheduling participants in IEP team meetings may involve many key players. When arranging meetings, consideration may be given to other technological means of participation (e.g. telephone conference, e-mail, sound/video recording, Skype, etc.).
- It is important to have the person who can commit resources available or at the table at the time of ESY determination and selection of services.
- Before a dispute arises, school staff and parents should have made ESY decisions based in part on the time it takes to reach a solution through the variety of dispute resolution options available:
 - Request for formal evaluation or additional information from the school
 - Outside evaluation and/or independent education evaluation (up to 45 days),
 - Local resolution (may take as long as necessary to meet),
 - Facilitated IEP team meeting (disputes resolved at the meeting),
 - Mediation (30 day average),
 - State complaint (60 days),
 - Due process (45 days),

- Resolution session (30 days),
- Due process with resolution meeting (75 days)
- School staff and parent awareness should include access to the above dispute resolution processes.

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APPENDIX – EXAMPLE OF PLANNING STEPS FOR ESY SERVICES

Many steps have to be completed by special education providers and administrators to successfully implement ESY programs and/or services. As was stated elsewhere, ESY services may be provided at any time when there is a break in instruction. Important steps and suggested timelines for ESY services are provided in the example below. The following steps were written for ESY services that will be provided in the summer months:

1. **Beginning of year**– Special education administrator should remind providers to collect and record data regularly, but the make sure data is collected at beginning of year, four to six weeks later, and before/immediately after holiday breaks.
2. **During first semester** – Providers should identify students on caseload with suspected ESY needs and ensure data has been collected.
3. **Beginning of second semester** – Submit names and documentation to support ESY needs to special education administrator.
4. **At least three months prior to end of school year** – Special education administrator consults with staff to form ideas about ESY service needs and delivery models. S/he also confirms staffing requirements and availability of community resources.
5. **No less than two months prior to end of school year** – Conduct IEP Team meetings for students with suspected need for ESY. If ESY decisions were delayed from an IEP completed earlier in the school year due to data, use an IEP or IEP Addendum to address ESY needs. IEP Teams identify areas of ESY needs (based on current goals), determine ESY service(s), and identify the frequency and duration of ESY service(s) based on student needs.
6. **No less than two months prior to end of school year** – Special education administrator should:
 - Identify staff positions needed to provide ESY;
 - Confirm staff availability;
 - Allocate or hire staff needed for ESY services;
 - Determine schedule, meal needs, and location(s) for ESY services; and
 - Identify materials needed for ESY and whether materials need to be transferred to ESY location.
7. **No less than one month prior to ESY delivery** – Special education administrator should:
 - Set up special transportation; and

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- Provide training and/or orientation related to specific student needs to staff providing ESY services who are new to students being served.
8. **One or two weeks prior to ESY delivery** - Provide staff with sufficient time to plan quality ESY services for students.
 9. **Ongoing** – Although many students with ESY needs can be identified early in the school year, some needs may not be identified until much later in the spring. Special education administrators should keep these “late-breaking” cases in mind when planning how to deliver ESY services in his/her district.
 10. **During ESY Service:**
 - Assess student progress pre- and post-ESY services;
 - Provide services consistent with current IEP goals identified for ESY services;
 - Communicate with parents during ESY service; and
 - Provide data/documentation of outcomes of ESY services to special education administrator and parents at the conclusion of ESY services.

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