



# LUNCHBOX LEARNING

Presented by the  
PEAL Center



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Our topic this month  
**Extended School Year**  
(ESY)

## + AUDIO problems?

Does your computer have internal speakers and/or a microphone?

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# Participants.....

- All participants will be muted. Enter questions/comments in the “Question” or “Chat” panel.
- If we unmute all of the participants there is too much feedback.
- Click the “raise hand” button if you want to be called on. We will unmute participants one at a time.



# Disclaimer

- **Welcome!** We are glad you were able to join us today.
- Be aware that our parent advisors are not lawyers and any advice given during the webinar should not be considered legal advice.
- Information shared should not be considered legal advice to be used in a court hearing.

# + Information shared today.....

Much of the information discussed today is based on the following source:

- *Extended School Year (ESY) Services in PA*, PA Department of Education publication available for download at the PaTTAN website, [www.pattan.net](http://www.pattan.net)
- [When is Your Child with a Disability Entitled to Extended School Year \(ESY\) Services?](#), Education Law Center Publication

# + What is ESY?

- **WHAT?** Specialized instruction and related services such as therapies provided to a child with a disability
- **WHEN?** It occurs when the school or preschool program is not normally in session - for instance, in the summer or during school vacations
- Also applies to public charter schools and Approved Private Schools or other such facilities

# + How about for kids under 3?

- Early intervention programs for children with developmental delays under age three already operate on a 12 month basis

# + What is not ESY

- ESY is not day care
- ESY is not respite services
- ESY is not a summer recreation program even if it provides some educational benefit
- ESY is not programs or services which are not required to ensure FAPE  
(free appropriate public education)



# Who is Eligible?

- Preschoolers and school-aged children with disabilities are eligible for ESY services
- They are eligible if the IEP Team determines that the services are **necessary to provide the child with a free appropriate public education. (FAPE)**

# + Who is Eligible?

- Appropriate services must be individualized to meet the needs of the child
- must take account of the child's potential as well as her problems and learning needs
- and must be reasonably calculated to yield meaningful education benefit or early intervention benefit

# + Who is Eligible?

- Preschool early intervention programs operate on a “stretch calendar” throughout the summer, which means that there are more but shorter program breaks
- Many preschoolers who are sensitive to program interruption can tolerate these shorter breaks and can still make reasonable progress in their IEP goals.
- But if a preschooler cannot receive an appropriate education without ESY, she is entitled to the necessary additional services.

# + Criteria Used to Determine ESY Services

- No single criteria
- IEP team decision
- Not limited by a formula or single measure
- Not limited to a specific disability
- Do not need to meet all 7 criteria

(refer to page 1 and page 18, *ESY Services in PA*)

# + ESY Criteria

1. **REGRESSION:** is when children lose skills or behaviors relevant to the their IEP goals or objectives during program breaks
2. **RECOUPMENT:** Is when children lose a skill and then have difficulty catching up

See page 19 of *ESY Services in PA*  
for Chapter 14 definition

# + ESY Criteria

3. Whether the student's **REGRESSION and RECOUPMENT** make it **unlikely** that the student will **MAINTAIN** skills and behaviors relevant to IEP goals and objectives

# + ESY Criteria

4. **SKILL needs GENERALIZED**: children who have not yet learned and fully generalized an important skill or behavior at the point when the break will happen and who therefore need help learning and practicing that skill in school

**“MASTERED and CONSOLIDATED”**

# + ESY Criteria

- ❑ Skills or behaviors crucial for student to meet IEP goals of **SELF-SUFFICIENCY and INDEPENDENCE** from caretakers

# + ESY Criteria

6. The extent to which successive interruptions in educational programming result in a student's **WITHDRAWAL FROM THE LEARNING PROCESS**

# + ESY Criteria

7. The disability is **SEVERE**, such as autism/pervasive developmental disorder, emotional disturbance, severe mental retardation, degenerative impairments with mental involvement and severe disabilities

# + How is the need determined?

- All students must be considered annually by the IEP team
- ESY is to ensure the provision of FAPE
- Parents do not need to request that the team consider ESY-every team must discuss ESY
- If the team does not consider ESY necessary for FAPE, the refusal is documented on the NOREP

# + What information is used to determine eligibility?

- Progress on goals in consecutive IEPs
- Progress reports maintained by educators, therapists, and others having direct contact with the student before and after interruptions in the education program
- Reports by parents of negative changes adaptive behaviors or in other skill areas

# + What information is used to determine eligibility?

- Medical or other agency reports indicating degenerative-type difficulties, which become worse during breaks in educational services
- Observations and opinions by educators, parents and others

**See page 3 of *ELC* document under  
“What Must I Prove to Get ESY”**

# + What information is used to determine eligibility?

- Results of tests including
  - Criterion referenced tests
  - Curriculum based assessments
  - Ecological life skills assessments
  - Other equivalent measures

- Observations and reports by parents

See page 19 of *ESY Services in PA*  
for eligibility information

## + Guiding questions to ask to determine eligibility

- Did the student receive ESY in the past?
- Do the present education levels between the student's current IEP and previous IEPs indicate progress toward the goals?

## + Guiding questions to ask to determine eligibility

- Are there any reports by the parents regarding positive or negative changes in adaptive behaviors or in other skill areas?

**See page 19 of the  
ESY Services in PA**

# + What does it look like on an IEP?

- A description of the factors used to determine eligibility
- Describe the goals, and if appropriate benchmarks, for the ESY program
- Goals are typically extensions of the current-year IEP
- New goals may be necessary to ensure that appropriate services are provided during the ESY period

# + What does it look like on an IEP?

The IEP must describe:

- all ESY services and their frequency
- where the services will be provided and at what times and the dates they will start and stop
- If the child's ESY program includes related services (such as physical therapy or transportation), these must also be listed

See pages 10-12 of *ESY Services in PA*

# + How is FAPE defined

- The question is whether ESY services are necessary in order for the child to receive FAPE
- IDEA 1997 includes provision that FAPE “be made available to any child with a disability who needs special education and related services, even though child is advancing grade to grade”

# + How is FAPE defined

## IMPORTANT!

The fact that a student has made progress toward annual goals or has met annual goals during the school year also does not exclude a student from receiving ESY services.

The question is not whether FAPE is provided in ESY program but rather whether ESY services are necessary in order for the child to receive FAPE

**See page 17-18, How is FAPE defined in reference to ESY Services? of *ESY Services in PA***

# + Where can a student receive ESY?

- IEP team decision
- Always in the LRE that is appropriate for the student
- The IU, district or charter is not required to assemble non-disabled students just to make the ESY environment less restrictive

# + Where can a student receive ESY?

- Can be in a non-educational setting if the IEP team determines that the student could receive necessary ESY services in that setting
- Must reflect an appropriate setting in which to address those goals targeted by the IEP team

# + Where can a student receive ESY?

- Setting may differ from the traditional school year
- Examples include: tutoring, keyboarding, camp socialization programs, and summer school or summer job

# + Can the district set limits on type or amount of ESY services?

Cannot unilaterally limit

- the kind of ESY services (cannot say we provide special education, but no therapies)
- the amount of services (for example, cannot say that we only offer two periods/week of physical therapy)
- the duration of services (cannot say we only offer three weeks of ESY in the summer)

# + Can ESY be for related services only?

- Short answer: YES
- Examples include PT to prevent substantial regression of motor skills
- The team must consider all the needs of the student when determining need for ESY services
- If a student requires transportation to benefit from ESY services, then transportation must be provided

## + What if I disagree with the determination of ESY eligibility?

- Pendancy applies if the parents request mediation or a due process hearing
- Any proposed changes to program from last year must be in writing
- Parents must ask in writing for mediation or due process hearing

# + Timelines

For students with severe emotional disturbances, autism, moderate and severe levels of retardation or multiple disabilities

- IEP review meeting must occur before **FEBRUARY 28**
- NOREP must be issued no later than **MARCH 31** *Armstrong vs. Kline*

Other students: in a “timely fashion”

# + ESY Checklist

- There is a helpful ESY checklist on Pages 13-14 *ESY Services in PA*



## Questions submitted

- I need a skills-based ESY program. How do I find one when most ESY programs are like summer camps?
- Need Info. on resources for speech



## Questions submitted

- Suggestions on getting school district to be proactive in Sp Ed parent meeting topics/speakers and scheduling....
- Who pays for the paraprofessionals in the classroom?

# + QUESTIONS after the session

Please **call** the PEAL Center

1-866-950-1040 and ask to talk to a Parent  
Advisor

**Email** a Parent Advisor

[cduch@pealcenter.org](mailto:cduch@pealcenter.org)

[stecza@pealcenter.org](mailto:stecza@pealcenter.org)

**THANK YOU**