35th Annual SPIN Conference

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**Extended School Networking Room Q&A**

**Speakers:**

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Background:

* Families have shared with the DOE that their child was not eligible for ESY (Extended School Year), because their child did not have regression or recoupment data and no other factors were considered by the IEP team.
* The law states that the IEP team must consider each factor individually, and regression & recoupment are not the only factors to consider.
  + 5 Factors to consider
    - Nature of the disability
    - Severity of the disability
    - Self-sufficiency & independence from caregivers
    - Extent of regression caused by interruption of educational programming
    - Rate of recoupment following interruption of educational programming
* Oct. 8, 2021, new ESY Guidelines were drafted and distributed to the state, from the Exceptional Support Branch (ESB).
  + Major shifts in practice: The IEP team must consider all factors
  + IEP team should consider critical skills and IEP goals that will be addressed during the ESY session, and determine what services are needed to address those goals.
  + The IEP team must discuss the LRE (Least Restrictive Environment) for ESY separately from the LRE during the regular school year.
  + Shifting in practice: How ESY is delivered to each individual student, and that it does not have to be the same for everyone.

Questions:

* Are there any changes to ESY due to COVID-19?
  + The laws surrounding ESY and the factors we need to consider have remained the same.
* How does the student get eligible for ESY?
  + The IEP team will discuss the need for ESY at the IEP meeting. They look at data, at the child’s progress and IEP goals to determine if there is a need for ESY services.
  + If the student is determined to be ESY eligible, the team will consider what services and supports the child needs for ESY.
* Does a child, who is in regular DOE school, who needs a 1:1 support person in an afterschool class or program, have to be ESY eligible? Or can they ask for 1:1 accommodation per ADA (Americans with Disabilities Act), and who would fund that 1:1? And how does does a charter school student apply for those things?
  + If we are looking at Extended School Day (ESD) services, those are services delivered beyond the regular school day, we are still looking at ESY factors, as they are the same. The IEP team would still make a determination on ESD, the same as they would for ESY. If the team decides the child needs an ESD, the DOE would provide and pay for all services, including a 1:1, if the aide is part of the IEP’s documented services. This holds true for charter school students as well.
* Could you give examples of the kind of data used to determine ESY, based on nature and severity of disability and students who are deaf/hard of hearing in preschool?
  + The DOE is looking for many sources of data to help determine how the child is doing in progressing towards their IEP goals and objectives. It could be observation, anecdotal, or data that is collected. It is also extremely beneficial for the parent to share what they observe at home or in the community.
* Comment: I’ve had to work with my child’s A+ provider to submit paperwork to the DOE, have a meeting with the school principal and A+ program and then wait for funding to come in. (Child needs extra supervision, but not a dedicated 1:1 support).
  + That is the process you use when services are not IEP indicated, when you are requesting an accommodation for your child to attend an A+ or an afterschool program. Funding will be provided to provide that accommodation if needed.
* Do you look at progress towards IEP goals rather than developmental gaps?
  + When you develop the IEP goals and objectives, it should be addressing the critical skills the child would need to progress in all areas, academic and developmental. When we look at the data, we are looking at those IEP goals and objectives.
* Can you explain how the DOE defines regression and recoupment?
  + Before a break in educational programming, the school will take data on how that child is performing. After the break, the school will take data again to see where the child is at. If there is a significant decline or change in what the child retains, that would be considered regression. It is also important to know how long it takes for a child to recoup, or relearn the information that they lost or forgot during the break in programming. If there is a significant amount of time needed to relearn something, say more time needed than their non-disabled peers do, then regression and recoupment would be considered.
* I have heard charter school students who need ADA accommodations for in school or after school must be funded by the charter school. Is the DOE district or state office responsible for funding non-IEP accommodations or ADA 504-related services?
  + The state and district offices are responsible to ensure that IEP indicated services are provided and the funding is available. This question is asking about non-IEP accommodations as a related service in a charter school. The charter school would be responsible for funding the ADA, non-IEP accommodation needed by the student.
* What are some different kinds of data that the school can take, as well as parents?
  + It could be formative data that is on-going, like daily teacher observations, formal and informal assessments or school-wide assessments. The team should also look at and include data from related service providers like speech therapist, occupational therapist, physical therapist. There are probably IEP goals and objectives around those services and area of need, and we can look at that data too.
* How can parents be more involved in decision making when it comes to ESY, when it comes to regression and recoupment?
  + Parents can be involved by taking some anecdotal notes, presenting their observations, or what they notice when there is a break in educational services. Where was the child at prior to (break in services), where was the child at after (break in services)? Was it significant? Does the child take a lot of time to relearn skills? Sharing your observations, what you see in the home and community, is very helpful to the IEP team. We are not asking parents to take hard copy data, minute by minute, but your anecdotal observations are very important to the team.
* When should a parent report when they notice what they have been seeing? Should they wait for the IEP meeting?
  + Don’t wait for the IEP meeting. As soon as you notice those differences (about regression and recoupment), you want to share that information with at least the teacher or IEP care coordinator, so the DOE can address those concerns in a timely manner.
* Is a child, who is testing 2-4 grade levels below their current grade, considered to be in “regression” and qualifies for ESY? Is there a formula for regression?
  + For regression, the DOE is looking at where the child was performing before a break in educational programming, like fall or winter break, and where is the child performing when they return. And collecting information, not just one time, but trying to collect 3 points of data. Sometimes it’s not a loss of knowledge. The child just needs time to settle back into their routines after a break. If a child is already 2-4 grade levels below, we are looking for where they were before the break, and where they are when they return to school; that would be considered a regression.
* When a parent homeschools a student during breaks like fall break or summer break, a student may not show regression. Any thoughts on how a parent might discuss the student’s need for ESY?
  + Remember that regression and recoupment are 2 factors, but not all of the factors to determine ESY. Even though there may not be a demonstrated need because there is no regression or recoupment is not the issue, there is also the other factors the parent can discuss with the IEP team. Is the child just at the cusp of learning a new, emerging or critical skill? Those things can be discussed with the team too.
* If the student is not considered in regression, how do you bring the child up to grade level?
  + When the IEP team develops the IEP, the goals and objectives should be standards-based at their current grade level, and addressing what the school needs to do to bring the child up or close the gap between current performance and the current grade level. They determine where the child is, where they need to be, and how to get them there. The goals and objectives build on skills the child needs to gain that standard at grade level. This is why it is important to have the general education teacher as part of the IEP team, so they can share grade level content, what their peers are learning, and how to work together with the special education teacher to help the child.
* Will the school allow a student to get work experience after school hours as part of the IEP?
  + If it is part of the IEP, yes. It could be part of community-based instruction, working with DVR, work experience, or part of the secondary or transition planning to help prepare students for life after high school. It is an IEP team discussion and that’s where we look at things like what is the child’s goals? What does the child want to do after they leave high school, is there a particular type of work they are interested in, or are they looking at attending a university or college? Then we want to work with the student to help them achieve their post-secondary goals. We look at the course of study, and if there is work experience that can be provided during school or after school, as part of their program to help them achieve their goal. The IEP team may decide on an extended school day program to work on those goals.
* When can ESY be applied during the school year?
  + It is really an individualized, IEP team decision. The team may decide that ESY starts after only 3 days after a break in instruction, if there is a need. ESY could be during fall, winter or spring break. It’s not necessarily a set time, like Monday through Friday, 8:00 am to 12:00 pm, or just in the summer. Some students may just need an hour, 3 times a week or a certain type of service, so it’s really looking at the whole child and their individual needs.
* Are there any updates, in regards to ESY?
  + The major shifts are that the IEP team must consider all factors, not just regression and recoupment and to keep in mind that if there is no data available, the IEP team can make a predictive decision. The IEP team should consider IEP goals that address critical skills to see what kinds of services will be needed. When discussing skills, the team should consider frequency, duration and specific dates of service delivery. The team must also discuss the LRE (Least Restrictive Environment) for ESY separately from the LRE for the regular school year. Keep in mind we want the least restrictive environment for the child and we want them to have interactions with their non-disabled peers.
* Do you offer help or an information line that an IEP meeting can call, or a reference document online?
  + If any school member or parents have questions or needs assistance, anything pertaining to special education, IEPs or ESY, please feel free to contact the state office, 808-305-9806. Other resources you can use is an infographic on ESY that SPIN put together, the parent training video that is posted on the SPIN Conference website, and the recently updated ESY Guidelines, also on the SPIN Conference website.
* Comment: I find that ESY is the one area in the IEP process that seems to be a little “greyer.” The guidelines that just came out are helpful, but it is hard to put a finger on whether ESY will matter to that student. Sometimes, depending on when the annual IEP comes up, and ESY gets discussed at the annual IEP, the school does not know where ESY is going to be. I don’t think many parents realize that ESY will not be housed in their home school’s location, and complexes don’t always know where ESY will take place until closer to the end of the school year. Has there been any discussion to get this information out sooner? When do complex area decisions on when or where ESY will be held take place?
  + It depends on the complex area. It should happen no later than late spring. The staffing that is involved, the selection of the schools, there is a lot of planning in the process. Some complex areas have it on a rotational basis and in some complexes, the individual schools offer ESY themselves.
* What are some of the other options, if ESY is not a good fit for a child?
  + It could be summer school, learning hubs, distance learning classes, recreational inclusive settings. Pay attention to what your child needs during summer. It may be ESY, but it could be something different.
* Can you encourage schools to recognize and discuss regular after school summer programs that can be a placement for IEP students and ESY? I see students being denied a summer class because they have been offered ESY in an FSC (fully self-contained classroom).
  + We do need to talk about LRE, and where we can serve the student in the least restrictive environment. We need to be creative and look at opportunities of where students could receive some of their ESY services at a non-DOE location like Boys and Girls Club.
* How many students have ESY services in Hawaii?
  + We don’t have that data on hand, but we can get it to you if you need it.
* Comment: I’m grateful when my child is able to thrive in ESY in an inclusive setting or program.
* What is the best way to resolve (an issue) when the team is not seeing eye-to-eye (parent and IEP team do not agree) on a team decision for ESY? Sometimes the conflict is with the data, and the parent feels like their child has shown a lot of regression, and the team says “well, that happens at home.”
  + We’ve always encouraged continued communication and collaboration is critical. It’s important to have those really hard, candid conversations. Parents should share what they see at home, and schools should share what they see at school. Sometimes we have to agree to disagree. If we really can’t agree, and there is a conflict and we can’t come to an agreement, we could have an outside person come in and help us with our communication and resolve our conflict. We may need a facilitator or someone to mediate the meeting, and if that’s not going to work, we have the procedural safeguards that define what a parent can do when there is a disagreement, including written complaints or a due process hearing. At the state office, we are “open door” and parents can call us, so can schools, to ask for guidance and to help answer questions.
* What if the school only has ESY for one day of the week? What could my child do to find other options?
  + Remember that ESY services are individualized for that particular student. It’s not based on any type of DOE schedule, days, dates or hours. If your child needs ESY services and your team has agreed to that, the services need to be provided. It may not be at your child’s home school, it may be at a different location. Regarding options, if your child, per the IEP team’s decision, does not qualify for ESY, you can look at other programs in the community (summer school, summer fun, YWCA, Boys and Girls Club, Parks and Recreation).