

EXTENDED SCHOOL YEAR PROGRAMS AND SERVICES QUESTIONS AND ANSWERS

1. Who is eligible for extended school year programs and services?

The Committee on Special Education (CSE) must determine whether a student requires extended school year special education services in order to prevent substantial regression. Substantial regression would be indicated by a student's inability to maintain developmental levels due to a loss of skill, set of skill competencies or knowledge during the months of July and August. In accordance with Section 200.6 (j) of the Commissioner's Regulations, students must be considered for twelve-month special services and/or programs to prevent substantial regression if they are:

- Students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention and who are placed in special classes;
- Students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment and are placed in special classes;
- Students who are recommended for home and/or hospital instruction whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment; students whose needs are so severe that they can be met only in a seven-day residential program; or
- Students receiving other special education services who, because of their disabilities, exhibit the need for twelve-month special service and/or program provided in a structured learning environment of up to 12 months duration in order to prevent substantial regression.

Both quantitative and qualitative information should be reviewed by the CSE to substantiate the need for providing such services and programs. A student is eligible for a twelve-month service or program when the period of review or reteaching required to recoup the skill or knowledge level attained by the end of the prior school year is beyond the time ordinarily reserved for that purpose at the beginning of the school year. The typical period of review or reteaching ranges ***between 20 and 40 school days***. As a guideline for determining eligibility for an extended school year program, a review period ***of eight weeks or more*** would indicate that substantial regression has occurred.

2. What is the CSE's obligation to provide integrated extended school year programs and services for students whose Individualized Education Programs (IEPs) must be implemented in integrated settings in order for the student to benefit from the special education services needed to prevent substantial regression?

If a student's IEP specifies that special education services must be provided in a setting with nondisabled peers in order for the student to benefit from the special education services to prevent substantial regression, and the school district does not operate summer programs for nondisabled students, then the school district must provide alternative methods for meeting the Least Restrictive Environment (LRE) requirements. These include:

- providing opportunities for participation (even part-time) in other summer programs operated by the school district or those available in a neighboring district and in programs operated by BOCES;
- providing special education services to students in approved summer school programs for nondisabled children that integrate children with disabilities;
- locating special classes in settings where nondisabled children attend during the summer; and
- providing special education services to students in settings that the parent has arranged and pays for the child to attend. The CSE must determine whether the student's IEP goals can be appropriately met at the setting identified by the parent and the district must ensure that such programs are approved by a governmental agency to operate a summer program, and approved by local authorities for fire, health and safety requirements.

3. Must the IEP for the extended school year program be identical to the IEP developed for the school year program?

An IEP developed for an extended school year program may differ from the IEP developed for the school year program. The Committee determines the type and amount of services that a student needs for an appropriate extended school year program. The IEP developed for the extended school year program should focus on the areas in which the student is expected to experience regression.

Extended school year programs or services may, at the recommendation of the CSE, be provided in a location that differs from one in which the student attends during the school year, provided that the CSE determines that the setting is appropriate for the student to benefit from the special education services and meet their IEP goals.

4. What programs and services can be recommended for July-August?

A Committee should first determine if a student with a disability is eligible for an extended school year program. The IEP for the July-August program should indicate those areas where the student needs services to prevent substantial regression. While some students with disabilities require a continuation of their full-day 10-month programs, others may only require services in specified areas of development to prevent substantial regression.

In order to provide the specific programs and services to meet the student's needs, a variety of program options can be considered. A CSE may recommend any one of the following special education programs and services as determined appropriate to the needs of the individual student:

- related services at a site determined by the CSE including, but not limited to, an approved summer school program* recreational program, or the student's home; or
- specialized instruction in combination with related services as appropriate, provided by a certified special education teacher at a site determined by the CSE including, but not limited to, an approved summer school program, a community recreational or educational program, or the student's home; or
- full or half-day** daily instruction in special class programs which may include related services.

(Home or hospital instruction may be required by some students in accordance with Section 200.6 of the Regulations of the Commissioner.)

5. What is the required length of time that extended school year programs and services must be provided?

The approved program providing half-day or full-day special class instruction must operate for at least 30 days. However, the frequency and duration of the special education programs and services provided to an individual student would be determined by the CSE and could be less than 30 days in duration.

6. If the CSE recommends the provision of specialized instruction and/or related services to be provided at summer recreational or educational program in which the parent has enrolled the students, who is responsible for the fees to enroll the student in the program?

Camping and recreational programs are not to be construed as extended school year special education programs and related services. While special education services

identified on a student's IEP must be made available as part of a free appropriate public education (FAPE), school districts are not required to pay for the enrollment and other fees at summer recreational or nonapproved educational programs in which the parents have enrolled their student. FAPE is defined as special educational related services that are provided at public expense in conformity with a student's IEP.

7. If a local school district recommends an appropriate integrated extended school year program for a student with a disability and the parent unilaterally places the student in another setting such as a summer camp program, must the school district make services available at the other setting?

No. The school district would have the option of providing the recommended extended school year program or making the services available at another setting.

8. Who can provide specialized instruction to students receiving extended school year services in settings other than approved special class programs?

Specialized instruction can be provided by an appropriately certified special education teacher as a special education itinerant teacher service and, in certain circumstances, as a consultant teacher service. For example, if specialized instruction is to be provided at the site of a summer camp or recreational program or nonapproved educational program at which a student's parents/guardians have enrolled the student, the CSE could recommend specialized instruction provided by a special education itinerant teacher.

Some students who are eligible for extended school year services may be receiving consultant teacher services during the school year to aid them in benefiting from regular education classes. Consultant teacher services means direct and/or indirect services provided to a student with a disability who attends general education classes on a full-time basis and/or to such student's general education teachers. In individual cases, it may be appropriate to continue consultant teacher services for those students who attend approved summer school programs (8NYCRR 110).

9. Must transition services be provided as an extended school year service?

For some students with disabilities, ages 15-21, transition services may be required to prevent substantial regression. These activities may include instruction, community experiences, related services, preparation for employment or other post-school living objectives and, when appropriate, the acquisition of adult daily living skills or functional vocational evaluation. A school district may establish formal agreements with other programs to obtain transition services such as vocational training programs approved by the Education Department or another State agency.

10. What is the role of the paraprofessional in providing extended school year services?

A teacher aide or a teaching assistant recommended on a student's IEP can be provided only if a certified teacher provides the special education instruction and the required supervision of the paraprofessional. Teacher aides may assist a certified teacher by performing non-teaching duties otherwise performed by teachers (e.g., assist students with behavioral/management needs, assist in physical care tasks). Persons hired as teacher aides may not perform the teaching duties of a general or special education teacher, even if they hold a teaching license or certificate.

A certified teacher must provide periodic on-site general supervision of the paraprofessional. A paraprofessional may provide services related to a student's IEP at times when the teacher is not at the program site. However, the supervision must be accessible to the paraprofessional by telephone or other means during the time when on-site supervision is not occurring at the program.

A teaching assistant may provide direct instructional services to students under the general supervision of a certified teacher. However, the duties and responsibilities of a teaching assistant do not include acting as a primary instructor. As appropriate, a consultant teacher or special education itinerant teacher providing direct instructional services to a student could provide the required on-site supervision* of a teaching assistant for a student enrolled in a summer school program, a summer camp or a community recreation or education program. General supervision requires that certified teachers provide direction and guidance to teaching assistants concerning the direct instructional services they are providing to students.