

508 EXTENDED SCHOOL YEAR FOR CERTAIN STUDENTS WITH INDIVIDUAL EDUCATION PLANS

I. PURPOSE

The purpose of this policy is to ensure that the school district complies with the overall requirements of law as mandated for certain students subject to individual education plans (IEP) when necessary as part of a free appropriate public education. ~~in the least restrictive environment (FAPE/LRE).~~

II. GENERAL STATEMENT OF POLICY

- A. Extended School Year Services Must Be Available to Provide a FAPE. ~~It shall be the policy of~~ The school district shall ~~to~~ provide extended school year (ESY) services to a student who is subject of an IEP if the student's IEP team determines the services are necessary during a break in instruction in order to provide a FAP. ~~for those students subject to IEP's when it is determined:~~
- B. Extended School Year Determination: At least annually the IEP team must determine that a student is in need of ESY services if the student meets any of the following conditions:
1. There will be ~~that the student will experience~~ significant regression of a skill or acquired knowledge from the student's level of performance on an annual goal that requires more than the length of break in instruction to recoup unless the IEP team determines a shorter time for recoupment is more appropriate; ~~OR in the absence of an educational program;~~
 2. Services are necessary for the student to attain and maintain self-sufficiency because of the critical nature of the skill addressed by an annual goal, the student's age and level of development, and the timeliness for teaching the skill; ~~OR the time required to relearn the skills lost is excessive;~~
 3. The IEP team otherwise determines, given the student's unique needs, that ESY services are necessary to ensure the pupil receives a FAPE. ~~the effects of the breaks in programming are such to prevent the student from attaining the state of self-sufficiency that the student would otherwise reasonably be expected to reach.~~

- C. Required Factors Schools Must Consider in Making ESY Determinations. The amount of and type of service for the extended service period will be that required to maintain performance on IEP goals. The IEP team must decide ESY eligibility using information including:
1. Prior observations of the student's regression and recoupment over the summer;
 2. Observations of the student's tendency to regress over extended breaks in instruction during the school year; and
 3. Experience with other students with similar instructional needs.
- D. Additional Factors to Consider, Where Relevant. In making its determination of ESY needs, the following factors must be considered, where relevant:
1. The student's progress and maintenance of skills during the regular school year.
 2. The student's degree of impairment.
 3. The student's rate of progress.
 4. The student's behavioral or physical problems.
 5. The availability of alternative resources.
 6. The student's ability and need to interact with nondisabled peers.
 7. The areas of the student's curriculum which need continuous attention.
 8. The student's vocational needs.
- E. No Unilateral Decisions. In the course of providing ESY services to children with disabilities, the school district may not unilaterally limit the type, amount, or duration of those services.
- F. Services to Nonresident Students Temporarily Placed in School District. A school district may provide ESY services to nonresident children with disabilities temporarily placed in the school district in accordance with applicable state law.

Legal References: ~~Minnesota Rule 3525.2900, Subp. 1-G~~
~~Individuals with Disabilities Education Act, U.S.C., Title 20, § 1401 et seq.~~
Minn. Stat. § 125A.14 (Extended School Year)
Minn. Rules Part 3525.0755
20 U.S.C. § 1400 et seq (Individuals with Disabilities Education Improvement Act of 2004)
34 C.F.R. Part 300 (IDEA Regulations)

Cross References: