



# BEST FOR ALL

We will set all students on a path to success.

## Addressing Learning Loss Through Extended School Year, Compensatory Education, and Summer Learning Programs

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# BEST FOR ALL

We will set all students on a path to success.

## ACADEMICS

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ALL TENNESSEE STUDENTS WILL HAVE ACCESS TO A HIGH-QUALITY EDUCATION, NO MATTER WHERE THEY LIVE

## WHOLE CHILD

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TENNESSEE PUBLIC SCHOOLS WILL BE EQUIPPED TO SERVE THE ACADEMIC AND NON-ACADEMIC NEEDS OF ALL STUDENTS

## EDUCATORS

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TENNESSEE WILL SET A NEW PATH FOR THE EDUCATION PROFESSION AND BE THE TOP STATE TO BECOME AND REMAIN A TEACHER AND LEADER

TN

Department of  
Education

# Norms

- Everyone's presence is valued.
- Prepare for focused, active learning and polite technology use.
- Respect all by listening to learn and speaking to collaborate.
- Encourage and support each other's learning.

# Engagement



▪ Chat



▪ Polls



▪ Activity

# Objectives

Participants in this session will learn about the differences between extended school year (ESY), compensatory education, and summer learning programs in order to:

- individualize planning to address the needs of students,
- leverage data for decision-making,
- plan proactively for missed services or additional needs, and
- avoid barriers or obstacles to service delivery.





# Agenda



- Summary of options
- Extended school year
- Compensatory services
- Summer learning programs
- Activity



# Summary of Options

	Extended School Year (ESY)	Compensatory Education	Summer Learning Program
Addresses student needs related to:	IEP Goals	Denial of FAPE	Grade-level standards
Primary data source:	IEP progress monitoring data	IEP service delivery logs Progress monitoring	TNReady/EOC (other measures may also be considered)
Special education service or support?	Yes, for students whose IEP team determines eligibility	Yes, a remediation measure for a denial or withholding of FAPE	No, however, must be accessible to all students, including those with disabilities.

# Extended School Year



# ESY Defined

The term "**extended school year** services" means special education and related services that -

1. Are provided to a child with a disability-
  - i. Beyond the normal school year of the public agency;
  - ii. In accordance with the child's IEP; and
  - iii. At no cost to the parents of the child; and
2. Meet the standards of the state educational agency.

IDEA  
Sec. 34 CFR 300.106



# What ESY Is and Is Not

ESY is:	ESY is not:
FAPE for students with disabilities who demonstrate the need for services during school breaks	a summer learning opportunity
an IEP team decision	an individual's request or recommendation
an annual determination	an automatic decision based on disability area or previous ESY eligibility
IEP goal(s) and service(s) specific ESY based on data	an automatic inclusion of every IEP goal and services (unless there is evidence of need)
a data-informed plan to prevent loss or regression of acquired critical skill(s), behavior(s), or medical concern(s)	an enrichment program or additional services based on the projection of likely benefit, or intended to teach new skills
a service intended to prevent need for extended recoupment due to regression during school breaks	a summer program to make-up for missed instruction or IEP services
a district program delivered by special education teachers/specialists, but not necessarily the student's current teacher	determined based on staffing or convenience

# ESY Determination

The IEP may determine ESY is necessary for the student to receive FAPE for a variety of reasons including:

progress monitoring indicates regression of skill(s) to such a degree that it will require extended time to recoup;

recent eligibility for special education and no sufficient data to determine if regression is a concern;

a student is new to the school/LEA and no prior progress monitoring data is available;

a break from routine or school supports leads to behavior that is harmful to self or others;

significant regression in behavior or safety could potentially require a more restrictive LRE than required before the school scheduled break;

a student's physical health or needs require continuous intervention; or

emerging skills and breakthrough opportunities.

# Compensatory Services



# Addressing Interruptions to FAPE: Compensatory Services

Compensatory services are intended to elevate a student **to the level expected** had the services not been delayed or postponed. Decisions related to compensatory education and services should be clearly documented in terms of:

- the hours or services that were missed
- reevaluation timelines
- delivery method of compensatory services
- expected date of completion of compensatory services
- the service provider assigned to deliver the services

# Addressing Interruptions to FAPE as a Result of School Closures: Compensatory Services

Compensatory services should be considered if the student with a disability was denied access to opportunities provided to the general population during periods of school closures.

See the [IEP Team Compensatory Services Decision Guide](#) to learn more.

# Key Reminders Regarding Extended School Closures and Compensatory Education



1. Compensatory education must be individualized for each student.
2. The amount of compensatory education a student needs may not necessarily be an hour-for-hour replacement for the services lost.
3. IEP and Section 504 teams should consider whether and how a student made progress while receiving distance instruction.

*Adapted from Dylan J. Wade, Esq, LRP Publications*

# Compensatory Education: Determination Guidance



If there are concerns that FAPE was denied, withheld, or otherwise did not occur, the IEP team should convene and review all data to inform decisions on the need for compensatory education.

## Guiding Questions:

- Review all alternative instruction or related services which were provided (e.g., online or telephonic instruction or therapy, indirect student services, etc.)
- Determine, based on data, whether those alternative methods of instruction or services were sufficient to allow the student to maintain or make progress toward IEP goals.
- Calculate the number of required IEP services that were not provided by reviewing all documentation of service logs, attendance records, communications regarding plans for alternative instruction methods, unsuccessful scheduling attempts, etc.
- Are there indications that the student regressed? Has the student lost any specific skills?

# Compensatory Education: Determination Guidance



Guiding questions, continued:

- Is there a possibility that the student will require extended school year services due to regression?
- Did the missed services or supports create any new special education needs for the student (e.g., emotional, medical, academic) such that the student should be provided additional services or reevaluated?
- How long was the student denied FAPE? Hours? Days?
- How long will it take the student to recoup and recover skills to a level they would likely have obtained had FAPE been received?



# Determining the Need for Compensatory Education

## Review of Services

- Provisions of all services, including alternative instruction or therapies and indirect services
  - Online instruction
  - Telephonic communication
  - Indirect services (e.g., parent coaching)
  - Asynchronous lessons
  - Accommodations and modifications provided
  - Instructional supports provided which addressed IEP goals
  - Access provided to community resources

# Determining the Need for Compensatory Education

## Review of Documentation

- Individual data on IEP goals
- Progress monitoring data
- IEP progress reports
- Student attendance records
- IEP meeting notes and prior written notices
- IEP service logs
- Scheduling attempts to deliver or make up missed services
- Communications with stakeholders
- Calculation of IEP services missed
- Grades

# Determining the Need for Compensatory Education

## Review of Student Needs

- Did the student maintain or make progress toward IEP goals?
- How long will it take the student to recoup and recover skills to a level they would likely have obtained had services been delivered?
- Are there indications that the student regressed?
- Has the student lost any specific skills?
- Did the missed services or supports create any new special education needs for the student (e.g., emotional, medical, academic) such that the student should be provided additional services or reevaluated?
- Is there a possibility that the student will require ESY services due to regression?
- Consider if missed services resulted in a denial of FAPE

# Compensatory Education: Proactive Documentation of Services

- Goals are written to provide clear direction for instruction and provide specific, clear direction for goal monitoring
- Frequent data collection around student performance
- Regular progress monitoring
- Record services provided and missed (including amount, frequency, duration, type, and delivery model)
- Document, document, document

*Template: Documentation for Service Provision*

Date Provided:	Service Provided:	How Provided:	Notes/Considerations:

# COVID-19 Documentation

Distance Learning Plan	Contingency Plan	IEP addendum
<p>A document developed to outline <u>how the current services on the IEP</u> will be delivered though a virtual environment.</p> <p>This plan does not change the frequency, length, or duration of any of the services.</p> <p>It is a communication tool to ensure that parents are aware of how the educational opportunities and services will be delivered, which may look different in a virtual setting than in-person.</p>	<p>A document developed to outline what services will be provided to a student during cyclical or intermittent movement between physical and virtual education.</p> <p>This plan, <u>which is developed by the IEP team and referenced in the IEP</u>, becomes part of the IEP and is implemented when the specified conditions outlined arise.</p>	<p>An update to the existing annual IEP to reflect any changes to the student's programming based on individual needs.</p> <p>An IEP addendum is developed by the IEP team.</p>

# IEP Team Compensatory Services Decision Guide

## STEP 1

Were the continuous learning opportunities mandatory, graded, or used for attendance verification?

Yes

No

Provide services according to the IEP to the greatest extent possible and utilize progress monitoring to ensure **recoupment** of skills.

## STEP 2

The student had adequate technology, internet, and/or instructional materials to participate in the continuous, distance learning opportunities.

No

**Significant regression** can occur as a result of barriers to participation and **recoupment** intervention and/or services may be needed.

## STEP 3

The continuous, distance learning activities provided were appropriately individualized, differentiated and/or modified according to the student's IEP.

Yes

Yes

No

**Compensatory services** should be considered. The inability to meaningfully access the continuous learning means the school failed provide FAPE.

# If Compensatory Services are Determined Necessary

Clearly document the services, including hours/services to be delivered and maintain the documentation in the student's file; **compensatory service hours should not be added to the IEP.**

Make determinations based on individual student needs; determinations cannot be based on staffing.

If a parent declines compensatory services, document the decision and explanation in PWN.

Compensatory services cannot interfere with services received under the current IEP.

# If Compensatory Services are Determined Necessary (continued)

Compensatory services must be provided in addition to the services outlined in the current IEP.

Compensatory services may include direct services, extended day, financial reimbursement, contracted services, or a combination of options.

LRE cannot be altered if compensatory services are offered during the school day.

Compensatory services should be provided in a timely manner with consideration of what is reasonable for the student.



# Compensatory Education Documentation Example

SCHOOL REOPENING TOOLKIT



June 11, 2020

## Appendix E: Compensatory Service Plan

### Template: Compensatory Service Plan

**Student Name:** [Insert]

**Case Manager:** [Insert]

#### Plan for Compensatory Services

The following is a list of identified and delivered compensatory services and service hours deemed necessary following school closure:

Compensatory services identified through IEP	Total comp. service hours	Services delivered following closure	Service hours per week	Projected date of completion	Comp. services completed Y/N

Special Populations Reopening Schools Toolkit

<https://www.tn.gov/content/dam/tn/education/health-&-safety/Special%20Populations.pdf>

# Potential Obstacles or Pitfalls Affecting Appropriate Determinations for Compensatory or ESY

- IEP annual goals are not clearly measurable
- progress monitoring data is incomplete or sporadic
- present level of performance is limited or unclear
- record of delivery services is incomplete or insufficient
- discrepancy between progress report and actual data
- IEP services, accommodations, and/or modifications were not shared with the student's teachers



# Potential Obstacles or Pitfalls Affecting Appropriate Determinations for Compensatory or ESY

- lack of communication with parents
- blanket decision-making without examining each service or goal
- no services provided during quarantine or school suspensions
- difficulty holding IEP meeting, ESY meeting, or completing assessments due to social distancing or remote instruction
- student's behavior impeded intervention, services, or instruction, but behavior was not addressed by the IEP team





# Potential Obstacles or Pitfalls Affecting Appropriate Determinations for Compensatory or ESY

- IEP annual goals are not clearly measurable
- progress monitoring data is incomplete or sporadic
- present level of performance was limited
- record of delivery services is incomplete
- discrepancy between progress monitoring and IEP services, according to teachers
- lack of communication between IEP team and teachers

**None of these are an appropriate reason for denying or refusing to provide ESY and/or compensatory services**

...ing each service or goal  
...antine or school suspensions  
...ing, ESY meeting, or completing assessments due to social  
...struction  
...behavior impeded intervention, services, or instruction, but behavior was not  
...essed by the IEP team

# Summer Learning Programs



# Summer Learning Programs

- Summer opportunities that provide academic reteach, reinforcement, and enrichment opportunities for students.
- Consider your purpose and goals for summer learning for elementary, middle, and high school students.

Reteach/Reinforce	Credit Recovery	Enrichment	Social Connection	Learning Resources
<ul style="list-style-type: none"><li>• Programs focused on closing academic gaps for students and/or reinforcing skills for all students to close gaps that may have occurred this spring</li></ul>	<ul style="list-style-type: none"><li>• Programs that allow students to recover credits from courses they have failed during the regular school year</li></ul>	<ul style="list-style-type: none"><li>• Programs focused on extended learning opportunities for students who have mastered the basic curriculum or focused on areas of interest and strengths</li></ul>	<ul style="list-style-type: none"><li>• Programs focused on providing social and emotional supports for students</li></ul>	<ul style="list-style-type: none"><li>• Academic resources provided to students and families to continue learning at-home at their own pace</li></ul>

Which of these summer learning options has your district offered in the past?

# Summer Learning Camps: TN Learning Loss and Acceleration Act

- Starting this summer, all school districts in TN are required to offer in-person **learning loss remediation**, which includes **summer learning camps**.
- Purpose: Closing academic gaps for students
  - ✓ Summer of 2021 and 2022 camps will serve students entering grade 1-5.
  - ✓ Five days a week/six weeks during the summer.
  - ✓ Six hours of daily programming
  - ✓ A state-adopted benchmark assessment administered as a pre- and post-test as part of the innovative benchmark assessment pilot program.
- Beginning in 2022-23, participation will be tied to student promotion to 4th grade.
  - ✓ A student may not be retained based on their disability or suspected disability. See the [Learning Loss: Special Education FAQs](#) to learn more.

# Frequently Asked Questions: Summer Learning Camps

How will ESY and compensatory services be impacted by summer learning programs?

- Summer learning opportunities do not replace ESY services and/or compensatory services;
- However, these services can be scheduled during summer learning programs.

Are LEAs required to implement IEPs for students in the summer learning programs?

- No, IEPs are only required to be implemented during the school year.
- However, any opportunities provided outside of the school year must be accessible to all students, including those with disabilities.

Must LEAs provide special transportation to and from summer learning programs for students with disabilities?

- LEAs are required to take the steps necessary to afford student with disabilities an equal opportunity for participation in summer learning programs.
- Therefore, if a student requires special transportation in order to access the program, the LEA must provide it.



# Resources for the TN Learning Loss and Acceleration Act

[2021 Special Session Website](#)  
(updated regularly)

[Summary of Legislation](#)

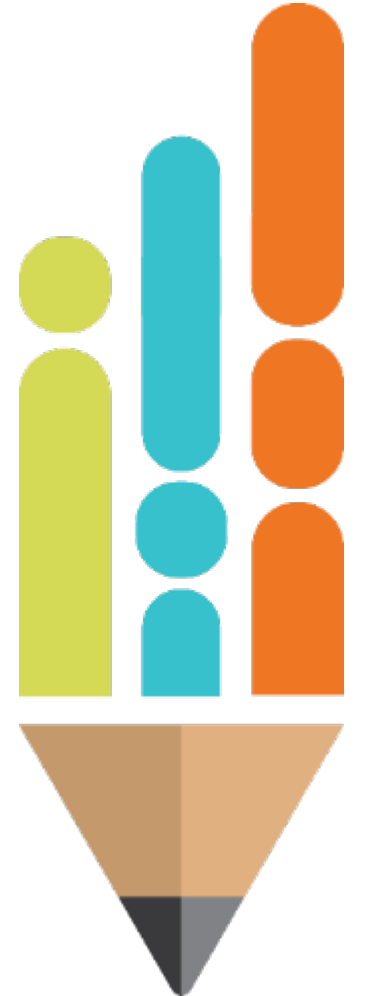
[District & School Board Summary](#)

[Summer Learning Camps Programming Requirements](#)

[Bridge Camps Programming Requirements](#)

[Learning Loss Program Eligibility and Priority Students](#)

[Learning Loss Special Education FAQs](#)



# Activity



# Review: Summary of Options

Overview

## Extended School Year

A service that extends beyond the regular school year and is determined on an individual basis for each student and each of their IEP goals.

## Compensatory Services

A school or district delivering missed service hours.

## Summer Learning Program

A school or district sponsored summer learning opportunity that provides lessons and activities during summer vacation.

Example

- An IEP team may determine a student requires ESY if the student is suddenly demonstrating marked gains on a skill for which they had previously underperformed for most of the year. Similarly, the student may also show a loss of previously learned skills upon returning from holidays and school breaks and require ESY to maintain those skills.

- A student may require compensatory education if after a review of service delivery records and student performance data, it is determined that the student was not provided IEP services that he/she was entitled to and consequently was denied FAPE.

- A special education student may not require ESY services, but due to school closures would benefit from a summer learning program that is intended to close academic gaps or reinforce skills.



# Activity



Pick a facilitator to guide the conversation and be prepared to share what your group discussed.

*Optional tip: You may want to choose the facilitator by identifying the group member with the most colorful shirt.*



There are three student scenarios for your team to read and determine whether the IEP team might consider ESY, compensatory service, or summer learning.



You will have eight minutes.

# What might the IEP team consider for Liam? Be prepared to share your groups rationale for the selection.

## Summer Learning Program

A school or district sponsored summer learning opportunity that provides lessons and activities during summer vacation.

## Compensatory Services

A school or district delivering missed service hours over the summer.

## Extended School Year

A service that extends beyond the regular school year and is determined on an individual basis for each student and each of their IEP goals.



Liam is a student whose family elected remote instruction during the majority of the 2020-21 SY due to health concerns. Liam missed a total of 12 30-minute SLP sessions due to conflicts in scheduling and multiple provider absences from quarantines. Liam has not made progress toward language goals and he is not currently passing his ELA class.

# What might the IEP team consider for Jaxson? Be prepared to share your groups rationale for the selection.

## Summer Learning Program

A school or district sponsored summer learning opportunity that provides lessons and activities during summer vacation.

## Compensatory Services

A school or district delivering missed service hours over the summer.

## Extended School Year

A service that extends beyond the regular school year and is determined on an individual basis for each student and each of their IEP goals.



Jaxson is a student who receives direct sped services supporting academics, social-emotional, OT and S-L related services. He has attended in-person learning with a period of 10 consecutive days of absences due to illness. The school team communicated with the family and offered to send home some asynchronous learning activities during that time. When Jaxson returned, he was progress monitored and found to be performing significantly lower on his reading goals and speech-language goals than he had prior to his illness. He had a similar slide following winter break.

# What might the IEP team consider for Amanda? Be prepared to share your groups rationale for the selection.

## Summer Learning Program

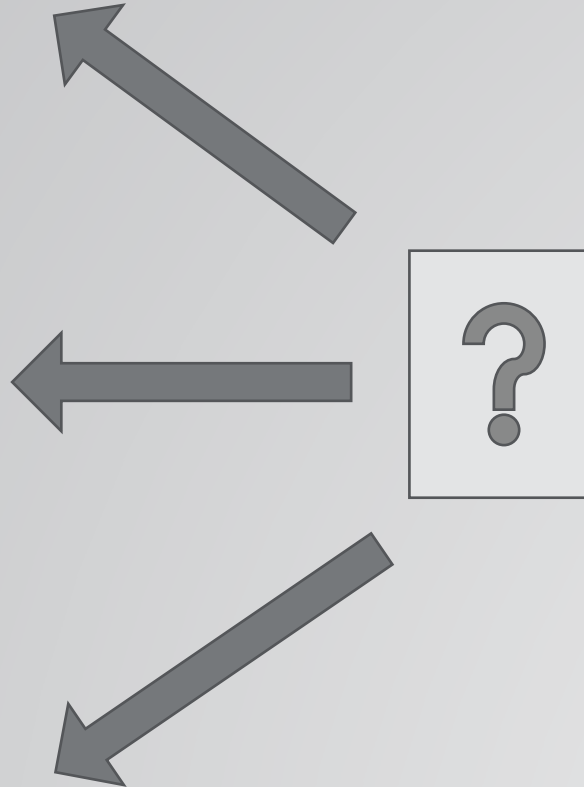
A school or district sponsored summer learning opportunity that provides lessons and activities during summer vacation.

## Compensatory Services

A school or district delivering missed service hours over the summer.

## Extended School Year

A service that extends beyond the regular school year and is determined on an individual basis for each student and each of their IEP goals.



Amanda is a student who receives special education and EL services. She receives sped services in reading and math and has several classroom accommodations to support her learning needs and language acquisition. While she is working below grade level, she has demonstrated a slow but steady rate of progress.



# With the additional information, what might the IEP team consider for Amanda?

## Summer Learning Program

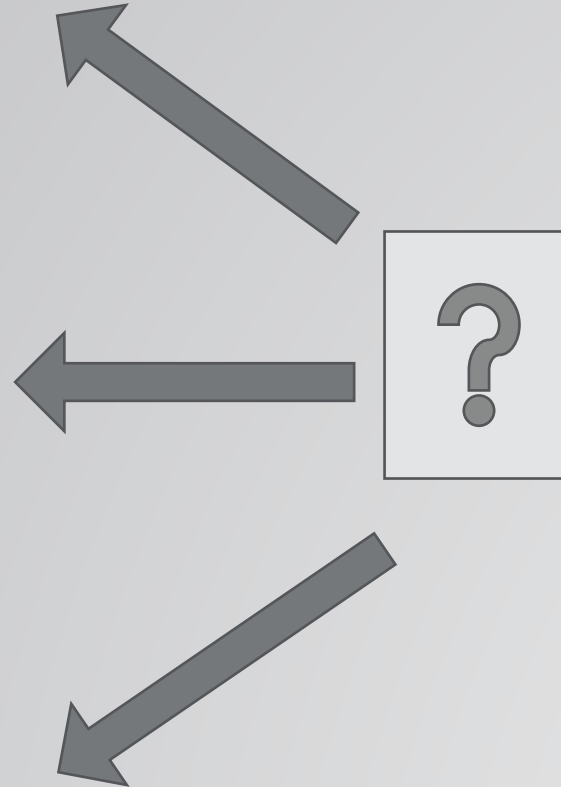
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## Compensatory Services

A school or district delivering missed service hours over the summer.

## Extended School Year

A service that extends beyond the regular school year and is determined on an individual basis for each student and each of their IEP goals.



Amanda is a student who receives special education and EL services. She receives sped services in reading and math and has several classroom accommodations to support her learning needs and language acquisition. While she is working below grade level, she has demonstrated a slow but steady rate of progress.

Amanda's IEP also includes OT services which were not provided for five months while Amanda was receiving virtual instruction. Her fine motor goals are not met.



# Can you see a scenario where the IEP team might consider all three options for Amanda?

## Summer Learning Program

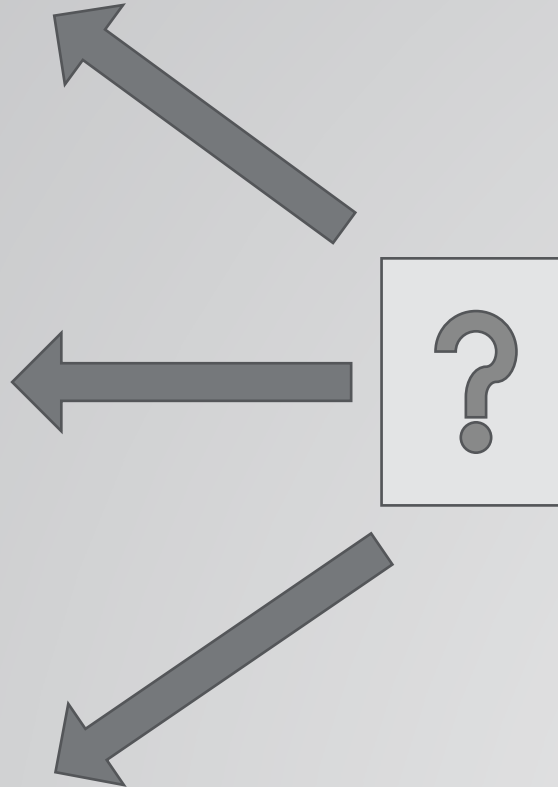
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## Extended School Year

A service that extends beyond the regular school year and is determined on an individual basis for each student and each of their IEP goals.



Amanda is a student who receives special education and EL services. She receives sped services in reading and math and has several classroom accommodations to support her learning needs and language acquisition. While she is working below grade level, she has demonstrated a slow but steady rate of progress.

Amanda's IEP also includes OT services which were not provided for five months while Amanda was receiving virtual instruction. Her fine motor goals are not met.

# Thank you!

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