



# 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

Special Education Programs and Office of General Council / March 2022



# 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

# Summary of Options

	Extended School Year (ESY)	Compensatory Education	Summer Learning Program
<b>Addresses student needs related to:</b>	IEP Goals		
<b>Primary data source:</b>	IEP progress monitoring data		
<b>Special education service or support?</b>	Yes, for students whose IEP team determines eligibility		

# 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

# 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*

# 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: 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:

# Summer Learning Programs



# Summer Learning Camps: TN Learning Loss and Acceleration Act



**Summer Programming Technical Guidance  
Planning Toolkit – Summer 2022**

[2022\\_mastersummer\\_programming\\_guidance-FINAL.pdf \(tn.gov\)](#)

# 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.



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**1-800-232-5454**

Notifications can also be submitted electronically at:

**<http://www.comptroller.tn.gov/hotline>**

# Thank you!

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