**Questions and Answers from the February 24, 2022**

**Zoom Support Meeting: Extended School Year (ESY)**

1. **Do discipline protections under IDEA apply to students with disabilities who are attending summer school?**

Discipline protections are associated with the provision of FAPE through implementing the IEP. When ESY services are being provided while the student is on campus attending a summer school program then the IEP team would have to take steps to ensure the child continues to receive ESY services as described in the IEP. In this case there is no interruption in the provision of FAPE. If a summer school disciplinary action prevents the LEA from providing FAPE as described in the IEP then IDEA disciplinary protections apply because the action disrupts provision of FAPE.

School districts should be mindful that students with disabilities have a right for equal access to their district’s summer school programs, as they are protected under Section 504 for this equal access. Therefore, districts are required to provide the support necessary to enable a student with a disability to have full access to their summer school programming. If a student with a disability has behaviors or needs that may impede their ability to fully access summer school programming, districts should put preventative, proactive measures and supports in place in order to avoid accessibility barriers and potential discrimination claims based on the disability status of the student.

1. **Our software gives us the options of reporting progress quarterly with ESY included or quarterly without ESY. Must a progress report be given for the ESY session?**

IDEA requires that IEPs specify progress toward annual goals be reported, “concurrent with the issuance of report cards”. [34 CFR 300.320 (a)(3)(iii)] Therefore, if students attending a four week summer program receive a report card, students attending a four week summer ESY program would receive an IEP goal progress report. Since ESY may occur at various periods during the calendar year and for various lengths of time, general education programs may not be occurring concurrently; therefore, progress reports may not be necessary for all ESY. In this case, data collected during ESY may be reported in an ESY progress report or may be reported with data when the subsequent progress report is provided. Regardless of when progress is reported, data should be collected during ESY. Additional information can be found using your LRP Special Education Connection subscription in *SmartStart: Report Cards for Students with Disabilities.*

1. **Could you describe how back-out dates due to closure affect a reevaluation?**

A reevaluation must be completed every three years. It is not possible to extend the three year timeline by backing-out dates. For reevaluations with assessment, the IDEA requires that continued eligibility be determined within 60 days of the date a parent provided written consent for assessment in addition to requiring eligibility be determined within three years of the previous evaluation. Delays in resulting in exceeding the 60-day timeline may be documented and backed-out for just cause such as school breaks for summer or extended holidays, student unavailability due to illness, and school closures due to inclement weather.

1. **If there is reason to suspect a disability in speech, is it okay for an SLP to screen the student?**

Answering this question hinges on the statement about suspecting a disability. When a request for a special education evaluation has already been made and the person responsible for reviewing the request decides there is reason to suspect a disability in speech (or any other area), then it is necessary to use the special education process to acquire a parent’s written consent before any screening or assessment is given. However, when a student is having difficulty with speech and there is no request for a special education evaluation then the school should use procedures in place for screening and providing interventions to students in the general education setting. If a student fails to make progress and/or concerns persist after interventions then the next step may be a request for a special education evaluation.

1. **What is required in the synthesis of information versus the basis of determination in an evaluation report?**

To synthesize is to combine parts to make a whole or to combine ideas to form a theory. In the basis for determination, the team uses (or synthesizes) evaluation information to describe how the student meets criteria for eligibility in a specific categorical area and, when appropriate, subcategory. If an evaluation report has a section for the synthesis of information, the section may contain a written description of the student’s needs, strengths, assessment results, and how that information supports a statement of the student’s special education and related service needs. Admittedly, if your IEP program has a section for both the basis of determination and the synthesis of information, they may include some of the same information. The Missouri Model Evaluation Form and the evaluation templates in many IEP programs do not have separate sections for the synthesis of information and basis for determination.

A Myth of the Month about synthesis is posted on the compliance website and can be found at the following link <https://dese.mo.gov/media/pdf/synthesis-information-myth-month>