

3525.0755 EXTENDED SCHOOL YEAR SERVICES.

Subpart 1. **Scope.** School districts are required to provide extended school year (ESY) services to a pupil if the IEP team determines the services are necessary during a break in instruction in order to provide a free appropriate public education.

Subp. 2. **Definitions.** For the purposes of ESY, the terms in this subpart have the meanings given them.

A. "Level of performance" means a pupil's progress toward annual IEP goals immediately prior to a break in instruction as seen in the progress measurements required by part 3525.2810, subpart 1, item A, subitem (9).

B. "Recoupment" means a pupil's ability to regain the performance of a skill or acquired knowledge to approximately the same level of performance just prior to the break in instruction.

C. "Regression" means a significant decline in the performance of a skill or acquired knowledge, specified in the annual goals as stated in the pupil's IEP, that occurs during a break in instruction.

D. "Self-sufficiency" means the functional skills necessary for a pupil to achieve a reasonable degree of personal independence as typically identified in the annual IEP goals for a pupil requiring a functional curriculum. To attain self-sufficiency, a pupil must maintain skills consistent with the pupil's IEP goals in any of these skill areas:

- (1) basic self-help, including toileting, eating, feeding, and dressing;
- (2) muscular control;
- (3) physical mobility;
- (4) impulse control;
- (5) personal hygiene;
- (6) development of stable relationships with peers and adults;
- (7) basic communication; or
- (8) functional academic competency, including basic reading and writing skills, concepts of time and money, and numerical or temporal relationships.

Subp. 3. **Determination of ESY entitlement.** At least annually, the IEP team must determine a pupil is in need of ESY services if the pupil meets the conditions of item A, B, or C.

A. there will be significant regression of a skill or acquired knowledge from the pupil's level of performance on an annual goal that requires more than the length of the

break in instruction to recoup unless the IEP team determines a shorter time for recoupment is more appropriate;

B. services are necessary for the pupil to attain and maintain self-sufficiency because of the critical nature of the skill addressed by an annual goal, the pupil's age and level of development, and the timeliness for teaching the skill; or

C. the IEP team otherwise determines, given the pupil's unique needs, that ESY services are necessary to ensure the pupil receives a free appropriate public education.

Subp. 4. **Sources of information for IEP team determination.** The IEP team must decide the basis for determining whether a pupil is eligible for ESY services using information including:

A. prior observation of the pupil's regression and recoupment over the summer;

B. observation of the pupil's tendency to regress over extended breaks in instruction during the school year; and

C. experience with other pupils with similar instructional needs.

Subp. 5. **Other factors to be considered.** In making its determination of ESY needs under subpart 3, item A, B, or C, the IEP team must consider the following factors, where relevant:

A. the pupil's progress and maintenance of skills during the regular school year;

B. the pupil's degree of impairment;

C. the pupil's rate of progress;

D. the pupil's behavioral or physical problems;

E. the availability of alternative resources;

F. the pupil's ability and need to interact with nondisabled peers;

G. the areas of the pupil's curriculum which need continuous attention; or

H. the pupil's vocational needs.

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