

Partners in PROMISE Rough Transcript
End of the Year IEP & Extended School Year Advice
April 21, 2021

00:00:04 Hey everybody, welcome back to Partners in Promise. We are talking today with one of our amazing founders, Grace Kim. For those of you who don't know Grace, she is a special education attorney and a parent of a wonderfully exceptional child. She is a parent of multiple children, including an exceptional child named Josiah, and we're just so excited to have her here to share some of her expertise. Thanks for being with us, Grace. Of course, what a pleasure it is to talk with you and to share with our families just about their rights under the law to protect their children and make sure that they receive the services they need.

00:00:35 Well today we have a couple of topics we're going to cover, but the first thing we wanted to touch on is as parents, you're about to transition. The school year has looked crazy. It's not traditional, of course, and every state is different. So we want to kind of give parents an idea of what is typically offered to families. I don't know, I'm kind of new to this process. I know that I've heard something called end of the year IEPs and end of school year programs and ESY. What is that, and what should parents be asking for, and what is afforded to them as they close the school year down?

00:01:03 At the end of every school year, well, typically it's a part of the annual IEP, but typically around the March timeframe to the end of the school year, school districts begin to contact parents to discuss whether or not the student qualifies for Extended School Year services. Those are services that are provided over the summer. They are optional; however, the IEP team is required under law to consider whether or not a student requires those services in order to maintain whatever level of progress they have attained during the current school year.

00:01:34 For instance, let's say that there is a pattern of regression in the student's academic or functional performance. For instance, they may appear to be doing well and making progress during the school year when the school year is in session, and then along comes a vacation or a holiday, and it's as if the student takes a few steps back from the progress they have been making. That shows that for this student, there is an issue with regression and recoupment when it comes to extended breaks in their education.

00:02:06 So for a student with those types of issues, typically students who may be on the autism spectrum or who have processing issues, they need that continuity of services in order to make sure that that regression is mitigated or even done away with if possible. Now, there are other reasons why a student might qualify for Extended School Year. Let's say that all this time since August or September, the team and the IEP team, the educational team, has been working on a particular skill with the student, whether it's in an area such as reading or writing or math or something more functional, and finally at the end of the school year, the child has been showing some really encouraging progress that's taken all this time to build up to.

00:02:41 Well, in that case, in order to keep the momentum going, sometimes IEP teams determine that Extended School Year services are appropriate for that student. Another case in

which Extended School Year services may be appropriate is one which has happened quite a few times in my son's education. It's when the school team has made an error with regard to implementing the child's IEP.

00:03:15 Case in point, my child had IEP accommodations which included use of a word processor. My son is 18, so it was in the stone ages before the iPad was a thing. He had a word processor on which he could type up his assignments because for him, writing was not just difficult, it was taxing and strenuous. So the teacher had just forgotten that he had this accommodation, and so she would complain to me and the team that he wasn't doing his work while she wasn't giving him his assistive technology device.

00:03:52 This, among many other things, ultimately led to the point where my son had failed to make progress. So over the summer, to make up for that as a compensatory educational measure, the school district offered and provided my son with writing, reading, and some math services over the summer during Extended School Year. Now that is not the typical use of ESY, but it's a possibility, and so these are things that an end of the school year IEP team would consider.

00:04:24 Also, it's a good time for parents to do a check-in. Along the way, every nine weeks or so, typically families would receive what's called an IEP progress report. Many times that progress report is extremely subjective. It'll say things like, "Little Johnny is doing great, pleasure to have in class." He'll have threes across the board, which is usually between a one and a five. Five being the child has mastered the skill, one being the skill hasn't even been introduced, three is like a nice little easy medium, almost the path of least resistance, and typically you'll find an IEP has a lot of those types of scores on an IEP progress report.

00:04:57 Well, the end of the school year IEP is really the time for the parent to tell the team they need to see, first, the baseline data and then the progress data, so that there can be an objective measure as to how the student has progressed during the school year. The baseline would be how he had performed in that particular skill at the beginning of the school year, and then the IEP progress data would be what the school used to measure the progress that they are reporting.

00:05:27 I stress that the parent can never be satisfied with platitudes or general statements that so-and-so may progress. It's not really a subjective sort of thing. You can't just feel like the kid has done well. They need to show you that the kid has done well. They have to actually show you the data. Data is very important in special education.

00:05:56 And I know that in the past and other interviews that we've done, you've talked about having essentially the idea of SMART goals so you can measure them. In the beginning of the year, if that is part of the IEP, you know it's not just "makes progress on this," it's "can perform XYZ task" as the measure of success. And so having those SMART goals is important from that start of the year. Is there anything that parents can do? Let's say if that wasn't necessarily written into the original IEP, that they can do to advocate to have those ESY services? Is there

something, an indicator for parents, where they know, "Well, I really have the justification here to ask for this service"? What would those indicators be in your experience?

00:06:26 If you've unfortunately started out with an IEP goal that is not measurable, that does not have a related service attached to it, that's just kind of a general sort of "will read good" type of goal, if that's unfortunately the type of IEP that you have, I encourage parents to immediately request an IEP team meeting. And at that meeting, not necessarily saying, "Hi, this goal is garbage" - don't do that - but instead state, "It's unclear to me how this goal is tailored to my child's needs and also how it's being measured and whether it's measurable at all."

00:06:58 For instance, there are IEP goals for students that it's impossible to measure because it deals with what the student is experiencing internally, for instance, coping skills goals, etc. So for an IEP to say the child will use a coping skill whenever they're stressed, it's not really measurable because how can a teacher read the mind of a child to determine whether or not they're experiencing stress and anxiety? So that type of goal, while it sounds good on its face and many parents will sign off on it, it's actually not measurable, it's not necessarily tailored to the child, and it needs to be addressed.

00:07:35 It's not an impossible thing to write a goal, by the way, with regard to coping skills. It is very possible. You do, however, need to have the team explain to the parent exactly what skill it is that they are measuring, how it's going to be measured, and who will be overseeing that measurement. And that is kind of IEP basics 101 in terms of, you call them SMART goals. That's a good phrase, I like that.

00:08:10 In our world, you know, in the special education law world, we just talk about measurable goals that are ambitious and written to the student's need and looks where they should be a year from now if free and appropriate public education is given. SMART goal is a really easy way to say all of that. Those goals are really important, and that is applicable for many things. You know, how are you going to measure success? We love data at Partners in Promise. If you don't have data to measure and track that's specific, then you're not going to be able to measure your child's success.

00:08:42 Any other last-minute thoughts about what parents should be doing for end of the year IEPs or just helping as they transition towards the end of the school year? Anything that they should be on the lookout for or doing?

00:09:10 Yes, there needs to be discussion of what's going to be done to bridge the end of the school year and then the beginning of the next. There needs to be discussion of any type of transition if the student is moving from elementary to middle or from middle to high school. That type of discussion is very important because it'll be a transition, usually unless your student is in a secondary school or something of that sort. It's usually transitioned not only from grade to grade but from building to building, from IEP team to a whole new IEP team. And so a discussion of exactly how these goals will be implemented in the new setting needs to be discussed.

00:09:39 Again, IEPs are written for one year, and typically that one year does bridge school years. So if you have an IEP that's written March 2020, it'll be reviewed March 2021, and obviously then it's written in the previous school year. Typically it'll have skills that are related to whatever the general education curriculum is for that grade if the student is a student who is on a diploma track. And so that transition discussion has to be a part of the end of the year IEP meeting as well as the Extended School Year discussion and whether or not compensatory educational services are required.

00:10:08 A lot of times, school districts may not want to admit that compensatory educational services are necessary in order to make up for a lack of special educational progress during the previous school year or the current school year, I should say. And so instead, they may offer remediation over the summer. Whatever they call it, fine by me, as long as they address whatever deficit there is in the child's education.

00:10:40 All right, well thank you, Grace. We'll have more from you soon, but I really appreciate that little summary of what parents should be doing at the end of the school year to prepare their child for success. So thank you.