Guidance Related to Coronavirus (COVID-19): IDEA, Part B Extended School Year (ESY)

(May 4, 2020)

Background

The Office of the State Superintendent of Education (OSSE) provides this guidance on local education agency (LEA) responsibilities under Part B of the IDEA relating to the provision of extended school year (ESY) services, and OSSE requirements for LEA data certification procedures, during the coronavirus (COVID-19) public health emergency. This document is issued in lieu of the OSSE Annual ESY Certification Memo for Summer 2020.

As a part of the District's response to COVID-19, OSSE issued guidance to support local education agencies (LEAs) on March 12, 2020, available here. OSSE issued additional guidance on LEA obligations related to the provision of a free appropriate public education (FAPE) under Part B of the Individuals with Disabilities Education Act (IDEA) on March 25, 2020, available here; and on April 15, 2020, available here. Also see guidance issued by the US Department of Education (USED), Office of Special Education Programs (OSEP) on ensuring FAPE during the COVID-19 outbreak, which can be accessed here, and a supplemental fact sheet available here.

Scope

This document generally constitutes informal guidance and does not impose any additional requirements beyond those included in applicable federal and local law and regulations.

Effective Date

This guidance was issued on May 4, 2020, and will remain in effect until further notice.

COVID-19 ESY Executive Summary

ESY services

- o As a reminder, ESY may be applied as extended learning over the summer or throughout the year.
- o ESY is provided to students whose individualized education programs (IEP) teams determine that they need services - for educational service continuity or otherwise - during times when school is normally closed.
- o ESY is not the same as Comp Ed, which is compensatory education for students who were unable to be served according to their IEPs.
- o IDEA requirements for the provision of ESY remain unchanged.

Payments

- LEAs will be paid for the 2019-20 school year based on the level of their ESY payments for the previous year (i.e., summer 2019). That will be the minimum payment, regardless of services provided to students in summer 2020.
- Charter schools will continue to receive two payments as in previous years - one on June 30, 2020, and one after the conclusion of summer 2020 ESY services.
    - The first payment made on June 30, 2020 will be equal to the total ESY funding that the LEA received for summer 2019.
    - OSSE will make a second payment to LEAs by Sept. 30, 2020. This payment will be based on a review of ESY services delivered by your LEA and will make up the difference between the amount funded on June 30 and the documented services provided during the summer ESY timeframe.
    - Payments will not be lowered based on this reconciliation.
- OSSE is looking into the funding policies for ESY in future years and that guidance will be forthcoming.

LEA Required Certification Deadlines & Activities
By June 1, 2020, LEAs are required to:
1. Determine student eligibility for ESY in the special education data system (SEDS) for summer 2020 and any anticipated delivery of ESY services during 2020-21 school year breaks in service,
2. Register for and attend mandatory Transportation Online Tool for Education (TOTE) training,
3. Submit ESY calendars in eSchoolPLUS and TOTE for in-person or distance ESY services, and
4. Submit transportation request forms (TRFs) to OSSE Division of Transportation (DOT) as appropriate for services anticipated to be delivered in-person.

Full operational and policy guidance is below.

Policy Guidance
OSSE continues to acknowledge that LEAs and schools are operating in a rapidly changing environment, under unprecedented circumstances lasting for unpredictable timeframes. We remain committed to being flexible and accommodating where possible. OSSE offers the following additional guiding information for LEA ESY planning and student-level ESY eligibility discussions in instances where the LEA anticipates a break in service at any time between the 2019-20 and 2020-21 school years, or at any time during the 2020-21 school year.

This guidance document modifies the annual ESY certification process, including changes to funding timeframes and delivery dates, and LEA data practices as they relate to ESY services and transportation service eligibility determinations. This guidance document does not supersede existing IDEA Part B requirements related to the provision of ESY services or OSSE policy.

The ESY Services Policy: Determining Student Eligibility
The ESY Services Policy, which can be accessed online here, was issued by OSSE on March 10, 2011 and establishes state-level standards and criteria for ESY services consistent with IDEA. Every LEA in the District of Columbia is required to provide ESY services to eligible students with disabilities as a part of

each student's FAPE. IEP teams must analyze individual student data using the state-level eligibility framework to make appropriate individualized ESY determinations and designations for every student with a disability. Per the policy, LEAs must certify to OSSE on an annual basis all ESY student data that results in state-level expenditures (i.e., ESY decisions for students served by nonpublic special education schools and ESY-related transportation service decisions). **Annual certification requirements are modified as described below due to flexibilities required by the COVID-19 health emergency.**

For students transferring to a new LEA between school years, the new LEA's obligation to make FAPE available begins on the first day of the new LEA's school year. (5-E DCMR § 3002.9(b)) As such, for students receiving ESY services during a summer break in service, the prior LEA is responsible for providing ESY services. This approach ensures continuity of service delivery by adults who have knowledge of the student's disability and IEP. Information for students transferring from closing public charter schools is detailed below.

For children who are transitioning from IDEA Part C early intervention services into an LEA and who have been found eligible for services under IDEA Part B, ESY services should be considered as a component of the IEP development process. If the child is determined to be eligible for ESY, the IEP team must determine what services will be delivered during ESY in order for the receiving LEA to meet its obligation to provide FAPE.

ESY Eligibility Determinations During COVID-19 Related School Closures:

ESY services for students with disabilities are prescribed to address a student's possible educational regression and the consequent time that would be required for a student to recoup lost educational skills (OSSE ESY Services Policy). ESY is provided during times when regular school instruction is not taking place (e.g., before or after school hours, winter and spring break, and summer time). The purpose of ESY is to provide FAPE and not to provide additional services or to maximize services beyond FAPE.

As with the delivery of other services prescribed in a student's IEP, ESY services may be provided through a distance learning model (USED acknowledges that FAPE may include, as appropriate, special education and related services provided through distance instruction provided virtually, online, or telephonically in the USED Supplemental Fact Sheet p. 1-2). LEAs should provide any needed modifications or alternatives to make the curriculum and services accessible to students with disabilities (*Id*. at p.2, and OSEP Guidance A-1). A student's LEA, either through convening an IEP team or agreeing to amend the IEP without a meeting, should determine whether such ESY service delivery satisfies the requirements of FAPE, taking into consideration on an individualized basis the specific needs of a student (OSSE Guidance FAQ Q2). Please see the OSSE IEP Amendment Policy for additional information on requirements to revise the types or amounts of specialized instruction or related services using the documented written agreement modality (OSSE IEP Amendment Policy at p. 3).

If a school or LEA is closed due to COVID-19 and is offering any educational opportunity, including distance learning, the LEA must ensure that students with disabilities have equal access to such opportunities (OSEP Guidance A-1). IEP team decisions regarding ESY eligibility should be made based on whether the benefits gained during the regular school year as well as during educational opportunities provided during the COVID-19 closure would be significantly jeopardized if the student does not receive ESY services (OSSE ESY Services Policy).

ESY Funding for Public Charter Schools

For the 2019-20 school year, public charter schools will receive up to two payments for ESY services. The first payment will be made by June 30, 2020 and will be equal to the total ESY funding that the LEA received for the previous year (summer 2019 ESY funding).

After the end of summer 2020 ESY programming, OSSE will review the ESY services provided by each LEA and calculate the total due to each LEA based on the student's special education level. If the first ESY payment (the June 30, 2020 payment) is less than the amount due to the LEA based on the ESY services provided, OSSE will make an additional payment to the LEA to make up the difference. OSSE will determine that ESY services were provided by reviewing student ESY service trackers and ESY progress reports. For funding purposes, a student will be considered to have received ESY services if the LEA completes the required service tracker and progress report for the student in SEDS.[1] OSSE will issue this second ESY payment by Sept. 30, 2020.

As a result of this change in the ESY funding process, LEAs will receive ESY funding for summer 2020 that is *at least* the same amount that the LEA received in the previous year (summer 2019). This payment is made to ensure LEAs receive funding to meet ESY service delivery obligations for the 2019-20 school year.

As noted above, the first payment will be made to LEAs on June 30, 2020, based on summer 2019 ESY funding. However, OSSE will not process payments the June 30, 2020 payment until the following steps are completed:

1. Complete individualized ESY eligibility determinations for all students with disabilities and document these determinations in SEDS by June 1, 2020 for summer 2020 and any anticipated delivery of ESY services during school year 2020-21 breaks in service.
2. Register for and attend mandatory TOTE training.
3. Submit ESY calendars in eSchoolPLUS and TOTE by June 1, 2020, for in-person or distance ESY services.
4. Submit TRFs to OSSE Division of Transportation (DOT) as appropriate for services anticipated to be delivered in-person.

Please see guidance below regarding these activities.

ESY Data Management in the Statewide Longitudinal Education Data (SLED) System and eSchoolPLUS Calendar

OSSE will again provide the 2020 ESY module in SLED, which allows LEAs to manage the ESY attending school, and designate ESY site locations for summer 2020. The ESY SLED module streamlines the process of generating accurate data that will be useful for both LEAs and OSSE.
- If an LEA will offer onsite ESY services, LEAs should ensure all ESY site locations and student-level ESY assignment locations are entered into the ESY SLED Module by the certification deadline of Monday, June 1, 2020.

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[1] LEAs are required to update information in statewide databases, including the Special Education Data System (SEDS), within a maximum of five business days from the time of a change. This includes program information for students with disabilities (OSSE LEA Data Management Policy (December 2017) at p. 2).

- If LEAs will provide ESY through distance learning, no action is required in the SLED ESY module.

Additionally, LEAs should ensure that an ESY program calendar has been set up in eSchoolPLUS and that all ESY administrators have credentials to access SLED by Monday, June 1, 2020. Information regarding training for the ESY module in SLED and eSchoolPLUS calendar management is found in the attached ESY resource guide.

ESY Transportation Services: Submitting Calendars and TRFs in TOTE
If an LEA anticipates providing in-person ESY to students whose IEPs include transportation services, you must submit a calendar and TRF to OSSE DOT.

To improve the user experience, OSSE DOT made enhancements to TOTE. Mandatory trainings for new users and refresher sessions for existing users will be available for LEAs, nonpublic schools, and school-based special education coordinators and points of contact. New users will be granted access to the system based upon completion of a mandatory training session. To enroll in user trainings for the TOTE platform, please register here.

Please refer to the chart below for guidance based upon the ESY service delivery model.

ESY Service Delivery Model	LEA Required Actions	Due Date
In-person service delivery as an extension of the 2019-20 school year and prior to the beginning of the 2020-21 school year.	• Complete mandatory TOTE Training (new users only) • Submit ESY Calendar in TOTE • Submit ESY TRF in TOTE for each eligible student	June 1, 2020
In-person services delivered during 2020-21 school year as an extension of the school day.	• Complete mandatory TOTE Training (new users only) • Submit the SY2020-21 calendar in TOTE • Submit TRF for SY2020-21 for each eligible student	June 15, 2020

Please note: All TRFs must be received at least 10 business days before the start of the school program to ensure school bus transportation will be provided on the first day. If the TRF is not submitted in accordance with the required timeline, LEAs must provide transportation service for students until the OSSE DOT transportation service begins. For complete instructions on the process for ESY-related transportation, please refer to the TOTE Quickstart Guide on OSSE DOT's website. TOTE users may also reach out to the TOTE support team via email at DOT.data@dc.gov or TOTE support line at (202) 576-5520.

Additional Considerations
Accessing Student Records During the Summer

The LEA where the student is enrolled at the end of the 2019-20 school year will have access to the student's special education records in SEDS for the purposes of providing ESY services during a summer break in service. If the student will attend a different LEA for ESY, the student must be stage 4-enrolled in that LEA after the last day of that LEA's regular school year and before July 10, 2020 for that LEA to access the special education records in SEDS.

At the start of the new school year when a student transfers between LEAs, the new LEA will have access to records for enrolled students based on the LEA's student information system (SIS) data feed for the 2020-21 school year. If the student has a duplicative enrollment between two LEAs with the same stage of enrollment, the LEA with the most recent entry date will have access to the records in SEDS.

The My School DC Enrollment Form can also be used to authorize the enrolling LEA to request records directly from the student's current school and any previous schools. Additionally, in order to ensure appropriate planning for incoming students, LEAs can use the Early Access to Students with Disabilities Data Application in Qlik or the SEDS planning roster.

ESY Services, Records, and Transportation for Students Transitioning from Closing[2] Public Charter Schools

Consistent with OSSE's Charter School Closure Policy, if a student is transferring from a fully closing or closed public charter school, the new LEA is responsible for providing ESY services as a comparable service. While the determination of comparable services is made on an individual basis, the student's new LEA may not arbitrarily decrease the level of services to be provided to the student as comparable services, regardless of the time of year of the transfer. In the interest of continuity of educational services, OSSE encourages agreements between the closing charter school and the LEA(s) which receive such students, to allow the closing charter school, where appropriate, to provide the ESY services anticipated to be delivered during any summer break in service. In such cases, however, the new LEA remains accountable for ensuring the delivery of ESY services to students enrolled in the new LEA. In addition, the new LEA is also responsible for coordinating transportation services with OSSE's Division of Student Transportation, if applicable.

In the event that a public charter school LEA with multiple campuses is undergoing a partial closure – that is, if one or more campuses within the LEA are closing, but others will remain in operation under the same charter – and the partially closing public charter LEA could still serve the age group of the student with a disability, then the partially closing public charter LEA is responsible for providing any ESY services to the student anticipated to be delivered during a summer break in service. For example, if LEA A is closing one of two middle school campuses, then it is responsible for the provision of ESY to eligible students with disabilities. If LEA B is closing its only middle school campus and only a high school campus will remain, LEA B is not responsible for the provision of ESY to eligible students with disabilities who are outside of the age group served by the high school campus.

Closing public charter school LEAs must appropriately exit students as soon as possible and no later than five days after the last day of school. This is consistent with OSSE's LEA Data Management Policy, which requires LEAs to ensure that students' records are entered or updated in the appropriate database within five business days from the time of a change or action. New LEAs that need access to student

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[2] "Closing" in this context refers to Public Charter Schools who will not continue to operate in future school years.

records for the purposes of providing ESY services must enroll students transitioning from closing charters in the LEA student information system (SIS) as soon as possible and before July 10, 2020 for that LEA to access the special education records in SEDS. OSSE encourages closing public charter school LEAs and receiving LEAs to communicate and collaborate with regards to appropriate exit and registration of transitioning students with disabilities.

After a student is appropriately exited from a closing public charter LEA and enrolled in the receiving LEA's SIS, the student will move to the receiving LEA's SEDS roster and all downstream systems will update, including TOTE. As soon as a receiving LEA has access to a student in TOTE, it should submit a TRF according to the procedures outlined above. For more information, please refer to the [TOTE Quickstart Guide](#) on [OSSE DOT's website](#). TOTE users may also reach out to the TOTE support team via email at DOT.data@dc.gov or TOTE support line at (202) 576-5520.

Training and Resources
OSSE's Division of K-12 Systems and Supports (K12SS), OSSE DOT, and the Office of the Chief Information Officer (CIO) have updated the comprehensive ESY checklist resources to assist LEAs in the certification process. The checklist resources are listed in the order of described required tasks, associated data systems, 2020 timelines for completion, and supporting training and resources. The checklist resource list is attached, along with a directory of relevant ESY points of contact.

Questions?

For more information regarding ESY, please access and review OSSE's [Extended School Year (ESY) Policy](#) and [ESY Frequently Asked Questions](#) guidance. Any additional questions may be directed to the appropriate OSSE contacts listed in the attached directory.

For more information on the District of Columbia Governments coronavirus (COVID-19) response and recovery efforts, please visit coronavirus.dc.gov.

ESY CONTACTS DIRECTORY

Assistance Topic	Point of Contact or Resource	Contact Information
Extended School Year (ESY) Services Policy – Programmatic	Victoria Glick, Manager, K12SS	Victoria.Glick@dc.gov (202) 724-7860
ESY Module in SLED	OSSE Support Tool	OSSE Support Tool
SLED access	SLED Team	SLED.Info@dc.gov
eSchoolPLUS calendar, IEP-related ESY data requirements, SEDS, or TOTE	OSSE Support Tool	OSSE Support Tool
Assistance with TOTE, online certification tool and status of submitted ESY materials	Data and Technology Team Division of Student Transportation	DOT.Data@dc.gov TOTE Support Line (202) 576-5520
A bus is more than 20 minutes late, a student is unable to attend school, or a student has experienced a pick up or scheduling issue	Parent Resource Center Division of Student Transportation	(202) 576-5000

Data System	ESY Required Tasks	Training & Resources
SEDS ESY and transportation service eligibility	Finalize ESY eligibility & ESY transportation eligibility status in each student's IEP	[Feb. 27, 2019 LEA Special Education POC Webinar](#) [SEDS Basic User Guide](#), Section 6.9 (pages 87-92)
	Enter ESY calendar & ESY progress report dates	[Feb. 27, 2019 LEA Special Education POC Webinar](#) [LEA Special Education Point of Contact Manual](#) (pages 30-40)
	Generate Service Tracker for each student for ESY period *Note: Service logs should be completed within 5 business days of each service delivery session throughout the entire ESY period.*	[SEDS Basic User Guide](#), Chapter 10 (pages 132-149) [March 9, 2018 Related Service Provider SEDS 101 Webinar](#)
	Complete ESY Progress Reports	
TOTE ESY Calendar & TRFs	Attend training on TOTE platform if needed	[Register](#) for training
	Complete TRF for each student eligible for ESY transportation and anticipated to receive in-person ESY services	[TOTE Quickstart Guide](#) TOTE Help Desk (202) 576-5520 or DOT.data@dc.gov [Feb. 21, 2018 LEA Special Education POC Webinar](#)
	Submit ESY calendar dates and bell schedules for each school campus that will host ESY services in-person (including nonpublic programs)	
eSchool PLUS Calendar	Create ESY calendar *(LEA Data Managers)*	[OSSE Calendar Creation in eSchoolPlus: LEA User Guide](#)

SLED ESY Module	Input ESY site location(s) for LEA	March 28/ April 4 SLED ESY Training Webinar
	Assign each ESY-eligible SWD to ESY site location	