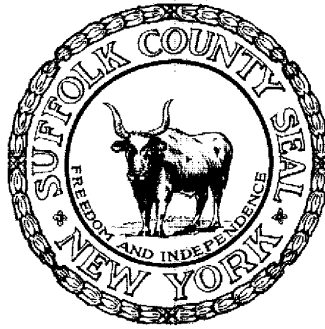


**SUFFOLK COUNTY DIVISION OF SERVICES FOR CHILDREN  
WITH SPECIAL NEEDS**

**REGRESSION AND RECOUPMENT GUIDANCE  
DOCUMENT**



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## **Regression and Recoupment Guidance Document**

### **Purpose of This Guidance Document**

The purpose of this document is to help clarify the need for documentation proving Substantial Regression in order to determine the need for extended school year summer services as well as the type of information that may be required. Documentation must be collected annually during the school year that Extended School Year is being considered in order to determine eligibility.

### **Definitions:**

**Regression:** as defined below by NYSED.

**Recoupment:** the recovery of skills or behaviors to a level demonstrated before the interruption of services specified in the IEP.

**Extended School Year (ESY):** July and August Services

**Regular School Year:** The regular school year runs from September to June (10 months).

**Skills or Goals:** As written on the child's IEP

### **Extended School Year Services**

#### **ESY Services are:**

- 1) Determined by the School District based on documentation that supports highly intensive needs and/or substantial regression
- 2) Provided to maintain learned skills (goals) not develop new skills
- 3) Evaluated annually for eligibility
- 4) Determined on an Individual basis
- 5) Each service provided is considered individually

#### **ESY Services are not:**

- 1) Provided because they were provided in the past
- 2) Provided solely on the basis of the student not achieving one or more IEP goals
- 3) Provided because the student might progress or based on predictions
- 4) Provided because the student is having difficulty learning. (This is why they are getting Special Education in the first place.)
- 5) To learn new goals or progress in goals that were not worked on previously
- 6) To make-up for absences or lack of services during the school year
- 7) To provide continued school or services provided during the school year

### **GENERAL GUIDELINES FOR EXTENDED SCHOOL YEAR SERVICES**

Since ESY is dependent on the regression of learned and mastered goals/skills it is necessary for the CPSE to create an IEP that is appropriate to the needs of the individual child. Consistent monitoring of the goals, services, locations and providers are necessary to ensure that the child is making appropriate progress. Changes in these may sometimes be required and not ESY which is only meant to prevent substantial regression of mastered goals/skills.

The CPSE is not required to maintain the same level of services nor every service that is provided during the regular school year. When considering ESY all services must be considered and documented separately as to provision of proof of regression. Cognition, speech, motor function, behavior, socialization each individually considered for ESY. The district is only required to authorize services that are necessary to implement the student's IEP for ESY.

**Documentation that must be submitted to the CPSE (The CPSE can request further documentation in order to make an informed decision on the need for ESY):**

- 1) Skill level prior to the break in services and date that the data/documentation was taken

- 2) Date of Recoupment of the skill
- 3) List of interventions attempted, date and results
- 4) Number of sessions missed consecutively

#### **Additional Documentation/Data May Include**

- 1) Historical data
- 2) Review of current and previous IEP
- 3) Regression and Recoupment times
- 4) Documented clinical evidence
- 5) Progress notes
- 6) Standardized testing
- 7) Behavior logs/charting
- 8) Curricula based evidence
- 9) Attendance information
- 10) Other Objective evidence
- 11) Log Notes

#### **NYSED Regulations and Guidance**

##### **According to Part 200.16 – h, v :**

“12-month special services and/or programs shall be provided to eligible preschool students with disabilities consistent with their individual needs, as specified in their individual education plan. Preschool students with disabilities may be considered for such special services and/or programs in accordance with their need to prevent substantial regression if they are:

- a) Preschool students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention; or
- b) Preschool students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment; or
- c) Preschool students whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment in the home; or
- d) Preschool students whose needs are so severe that they can be met only in a seven-day residential program; or
- e) Preschool students who are not described in the clauses (a) through (d) of this subparagraph whose disabilities are severe enough to exhibit the need for a structured learning environment of 12 months duration to prevent substantial regressions as determined by the preschool committee on special education.”

##### **Part 200.6-j**

“Twelve month special service and/or program. (1)Eligibility of students for 12-month special service and/or programs. Students shall be considered for 12-monthspecial services and/or programs in accordance with their need to prevent substantial regression, if they are:

- (i) Students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention who are placed in classes in accordance with subparagraph (g)(4)(iii) of this section;
- (ii) Students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment and are placed in special classes in accordance with subparagraph (g)(4)(iii) of this section;
- (iii)Students who are recommended for home and hospital instruction whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment;
- (iv)Students whose needs are so severe that they can be met only in a seven-day residential program; or
- (v) Students who are not in programs described in subparagraphs (i) through (iv) of this paragraph during the period from September through June and who because of their disabilities, exhibit the need for a 12-month special service and/or program provided in a structured learning environment of up to 12-months duration in order to prevent substantial regression as determined by the committee on special education.”

**Definition of Substantial Regression from NYSED “Guide for Determining Eligibility and Special Education Programs and/or Services for Preschool Students with Disabilities**

**Page 46:**

**“Substantial regression means a student’s inability to maintain developmental levels due to a loss of skill or knowledge during the months of July and August of such severity as to require an inordinate period of review at the beginning of the school year to reestablish and maintain IEP goals and objectives mastered at the end of the previous school year. As a guideline for determining eligibility for an extended school year program, a review period of eight weeks or more would indicate that substantial regression has occurred. The CPSE is responsible for determining a student’s eligibility for an extended school year program and/or related services needed to prevent substantial regression.”**

**Committee Guidance**

So in following NYSED Regulations and Guidelines in order for the CPSE to make a decision on whether the child shows substantial regression and therefore needs an extended school year services or program; the provider must submit any and all documentation necessary to show evidence that substantial regression has occurred due to the child’s missing services/program. This is done by providing specific evidence based documentation that shows the child has had substantial regression in the past. **This may not be accomplished by a simple regression statement that projects what could happen in the future since no one can make those types of predictions.** The evidence should be based on mastered skills only and not newly learned or acquired skills/goals.

It seems that the child would have to be without service for a period of time that is equal to the amount of time that it would take to re-learn what was mastered prior to the child being without the service. **Weekends and holiday weeks would not necessarily qualify as an appropriate period to show substantial regression since all children have some regression over holidays and holiday**

**weeks when school is closed. Also some children's services may only happen once a week which would mean the child only missed one session.**

**The Regulations also indicated that the child have substantial developmental delays which would not be consistent with children who have mild delays in one or even two areas of development. Rather it is relevant for children who have serious concerns in several areas of development where intensive individualized attention is required.**

### **Why Regression and Recoupment?**

A student who exhibits a pattern of regression-recoupment problems may need the ESY to maintain his or her level of learned skills in order to avoid having to reteach a sequence of instruction after a break in service provision.

### **Why Skills and/or Goals?**

Regression-recoupment problems are demonstrated by looking for a pattern. The pattern may be across various skill/goal areas or in only one skill/goal area. By looking at the learned skills and determining if there was a consistent pattern of regression the documentation will be useful in providing evidence of regression and recoupment. This may be considered historical information.

### **Why look at Individual Therapy?**

The same reason that we look at progression of individual skills and goals is the same reason why we look at each therapy area. The pattern may exist across multiple areas of need or just one. In other words, a child can show regression in just Speech or can show regression in Speech, OT, PT etc....

### **Why Collect Data?**

Since ESY is only to be considered for children who exhibit significant regression as well as other criteria established by NYSED then we need to document and collect data to justify the need for ESY. Collection of data over a period of time can help to document and determine whether a pattern or history of regression-recoupment exists.

### **Recommended Time Frame for Data Collection**

Although Teachers and Therapist should be collecting data consistently in order to improve and monitor the child's growth in learning, there is a period of time that should be considered appropriate to recommend ESY.

If the child has gone without summer services for one summer that would be considered an appropriate time sequence to look at where the child was in June and where the child is upon return to school. We should remember that all children regress over the summer so we should be looking at a substantial amount of time to recoup the learned skills/goals. NYSED gives guidance of 8 weeks to recoup the mastered skill upon return to the services/program after the summer. Eight weeks can interpret into 8 sessions for children who only receive services once a week so the district may look for a longer period of data collection then just the eight weeks.

For children receiving services once or twice a week the frequency alone may not warrant the consideration for ESY. We must make sure the NYSED criteria is followed in making the recommendations as teachers and therapists and in the CPSE's decision as to whether the child is eligible for ESY.

### **Purpose of Summer Services**

Where summer services/program are being considered appropriate, they are only provided to prevent regression of currently learned skills and are not provided to work on progress. Therefore the service is provided to maintain the previously learned goals/skills or behaviors.

### **How to Complete the Regression and Recoupment Document**

Given the guidance above this document should be completed in its entirety and may include any additional information necessary or requested by the school district in order for them to make an informed decision on extended school year – summer services/program. This document would have to be completed for every extended school year that is being requested. Requests should not be made unless the CPSE has all the information and documentation they require (This is a Suffolk County Ethics Issue).

#### **Instructions:**

- a) Complete all demographic information including School District, Teacher/Therapist name and credentials, Provider's Name, Service area of data collection and documentation (Speech, OT, PT, etc...)
- b) Chart the target goal then the % of success toward the goal at present (should be at least one month)
- c) After the child returns from an extended period of time without services write the % of success toward the targeted goal at the end of week one then week 2 then week 3.
- d) Tally up how many sessions it took to reach the same % (of at least one month) as it was prior to the extended period without services.
- e) Document any additional information that you need to explain the results or to include to prove substantial aggression has occurred. (**This should not include any Predictions since we cannot predict the future.**)

### **References and Resources**

NYSED “Guide for Determining Eligibility and Special Education Programs and/or Services for Preschool Students with Disabilities” – VESID 2003

“EXTENDED SCHOOL YEAR SERVICES – Technical Assistance Resource Guide – Definition, Guidelines and Process”

Olympia School District #111

Olympia, Washington

Student Intervention and Support Services – “Extended School Year (ESY) Data Collection Form”

Ann Arbor Public Schools, Ann Arbor Michigan

“Regression-Recoupment Tracking Form” – Mississippi Department of Education – September 2003