

As public school units begin planning activities for the Summer of 2022, there are a few key pieces of legislation and federal guidance that must be considered when providing equitable access to students with disabilities (SWD). It is also important to identify the differences between Read to Achieve Summer Reading Camp (RtASummer), Summer Bridge Academy (SBA), compensatory education (CE) and extended school year (ESY). This document is intended to provide technical assistance regarding any other summer learning opportunities and the participation of students with disabilities.

<b>NC SL 2021-8 Senate Bill 387<sup>1</sup>: RtA Summer Reading Camps</b>		
<b>Purpose</b>	<b>Eligibility Criteria</b>	<b>Key Points</b>
A reading camp is an educational program outside of the instructional calendar provided by an LEA as literacy intervention and <u>must</u> be offered to: <ul style="list-style-type: none"> <li>Any third grade student who does not demonstrate reading proficiency; and</li> <li>Any second grade student who demonstrated difficulty with reading development.</li> </ul>	Reading Camps, Bonuses, and the Excellent Public Schools Act Fund <a href="#">G.S. 115C-83.3(4a)</a> <a href="#">G.S. 115C-83.7<sup>2</sup></a>	If SWD meet the definition of any third grade student who does not demonstrate reading proficiency; and any second grade student who demonstrated difficulty with reading development, an opportunity to participate in this program must be offered. <ul style="list-style-type: none"> <li>RtASummer is NOT CE.</li> <li>RtASummer is NOT ESY.</li> </ul>
<b>NC SL 2021-7 House Bill 82: Summer Bridge Academy Grant Program<sup>3</sup> – PRC 176</b>		
The intention of this grant program is to fund high-quality, evidence-based learning and enrichment programs in the summer to address the academic impact of lost instructional time and responds to the academic, social, emotional, and mental health needs of students.	Summer Bridge Academy Grant Program: <a href="#">2022-2023 Guidance Document</a>  Each local school administrative unit shall identify and prioritize at-risk students, consistent with G.S. 115C-105.41(a) <sup>4</sup> , for participation in the program.	The program is designed for students deemed “at-risk” or those the PSU has demonstrated to have been disproportionately impacted by the COVID-19 pandemic. If a SWD meets this definition, an opportunity to participate in this program must be offered. <ul style="list-style-type: none"> <li>SBA is NOT CE.</li> <li>SBA is NOT ESY.</li> </ul>
<b>Extended School Year Services (ESY)</b>		
<b>Purpose</b>	<b>Eligibility Criteria</b>	<b>Key Points</b>
Extended School Year Services (ESY) are provided to students with disabilities if the IEP Team determines that services are necessary for the provision of FAPE.	The IEP Team determines whether the student <sup>5</sup> : <ul style="list-style-type: none"> <li>regresses or may regress during extended breaks and cannot relearn the lost skills within a reasonable time</li> </ul>	<ul style="list-style-type: none"> <li>ESY is NOT the same as RtASummer or SBA.</li> <li>Participation in ESY does not exclude a SWD from participation in RtASummer or SBA, if eligible.</li> </ul>

<sup>1</sup> [NC SL 2021-8 Senate Bill 387](#): An Act to Modify the Implementation of the North Carolina Read to Achieve Program in Order to Attain Statewide Reading Proficiency by Third Grade

<sup>2</sup> [§ 115C.83.7](#) Elimination of social promotion

<sup>3</sup> [NC SL 2021-7 House Bill 82](#): An Act to Establish School Extension Learning Recovery and Enrichment Programs In Each Local School Administrative Unit to Mitigate the Impacts of COVID-19 on At-Risk Students

<sup>4</sup> [§ 115C-105.41](#). Students who have been placed at risk of academic failure and transition plans.

<sup>5</sup> [NC 1501-2.4](#) Extended School Year Services

	<ul style="list-style-type: none"> <li>gains during the regular school year will be significantly jeopardized; or</li> <li>demonstrates critical skill acquisition that will be lost.</li> </ul>	<ul style="list-style-type: none"> <li>ESY is based upon a student's IEP goals.</li> <li>ESY cannot be delivered concurrently with RtASummer/SBA at the same day/time.</li> <li>ESY is NOT the same as compensatory education.</li> </ul>
<b>Compensatory Education (CE)</b>		
<b>Purpose</b>	<b>Eligibility Criteria</b>	<b>Key Points</b>
Compensatory education is provided when there is a failure to provide a SWD with a FAPE.	There is evidence to confirm that procedural violations occurred in the implementation of the IEP or in the identification of a SWD.	<ul style="list-style-type: none"> <li>CE is NOT the same as RtASummer or SBA.</li> <li>Participation in CE does not exclude a SWD from participation in RtASummer/SBA or ESY, if eligible.</li> <li>CE cannot be delivered concurrently with RtASummer/SBA or ESY, at the same day/time.</li> </ul>

Please note the following excerpts from the [USDOE: COVID-19 Handbook Volume 2: Roadmap to Reopening Safely and Meeting All Students' Needs](#) (p. 34).

It is important to note that strategies like in-school acceleration, tutoring programs, out-of-school time programs, and summer learning and enrichment are supplemental instruction and cannot replace a program of special education and related services based on a student's IEP and the decisions of the IEP Team. Similarly, these types of strategies cannot replace the special education and related services and other supports included in an IDEA eligible student's IEP as determined by the student's IEP Team or the regular or special education and related aids and services documented in a 504 plan, or the decisions made by a group of people who are knowledgeable about the child, the meaning of evaluation data, and placement options as required by Section 504.

In addition, inclusion of students with disabilities in district or schoolwide interventions to address lost instructional time does not relieve a district of its responsibility to make individualized decisions required under the IDEA about needed special education and related services for a student with a disability. These could include providing extended school year services as defined in IDEA when determined necessary to ensure that the student maintains the skills necessary for the student to receive a free appropriate public education (FAPE) if educational services are not continued during periods when school is not in session, such as the summer.