



What are Extended School Year (ESY) services?

Extended school year services are special education and related services that are provided to a child with a disability beyond the normal school year, in accordance with the child's IEP and at no cost to the parents of the child.

Each public agency must ensure that ESY services are available as necessary to provide FAPE.

Who determines if Extended School Year services are necessary?

Extended School Year services must be provided only if the child's IEP Team determines, on an individual basis, that the services are necessary for the child to receive a Free Appropriate Public Education to the child. When considering ESY services for students the public agency may not limit services to a particular disability category or unilaterally limit the type, amount, or length of those services.

§300.106

What should be considered when determining if a child qualifies for ESY Services?

- *No single criterion should be used to determine if a child qualifies for ESY services*
IEP Teams typically start by looking at a student's regression/ recoupment which, while appropriate, cannot be the only factor to determine a child's need for extended school year services.
- *Regression/ Recoupment*
Regression is the decline in knowledge or skills due to an interruption in services; recoupment refers to the amount of time it takes for a child to recover skills they once had.
- *Emerging Skills*
If the child is at a critical stage of developing a skill which has great potential for increasing their self-sufficiency; if the skill is not completely acquired or mastered, it is likely the current skill level will be lost due to the interruption of summer vacation.
- *Nature and Severity of Child's Disability*
Children with severe disabilities are more likely to need ESY services since their regression may be more significant, and their ability to recoup skills may take longer to achieve.
- *Notice and Timing*
The decision about ESY services must be made early enough in the school year to allow parents adequate time to exercise their procedural due process rights.
- *Content and Duration of ESY Services*
OSEP issued a policy letter in 1987 stating that limiting the duration of summer programs for students with disabilities "...would violate the basic requirement that programs be designed to meet the individual needs of each child" (Letter to Baugh, 211 IDELR 481, 1987). In *Reusch v. Fountain* the court stated "...individualized determinations of the number of weeks, days per week, and hours per day that each student receiving ESY should be provided.



Extended School Year

Extended School Year (ESY) **IS**:

- Based only on the individual student's specific critical skills that are critical to his/ her overall educational progress as determined by the IEP Team.
- Designed to maintain student mastery of critical skills and objectives represented on the IEP and achieved during the regular school year.
- Designed to maintain a reasonable readiness to begin the next year.
- Based on multi-criteria and not solely on regression.
- Considered as a strategy for minimizing the regression of skill, thus shortening the time needed to gain back the same level of skill proficiency that existed at the end of the school year. Deliverable in a variety of environments and structures.

Extended School Year (ESY) **IS NOT**:

- It is not a mandated 12-months service for all students with disabilities.
- It is not required for the convenience of school or parents and, therefore, cannot serve as a day care or respite care service.
- It is not required or intended to maximize educational opportunities for any student with disabilities.
- It is not necessary to continue instruction on all of the previous year's IEP goals during the ESY period; rather, the focus should be on those specific, critical skills where regression, due to an extended vacation period, may occur.
- It is not to be considered to help students with disabilities advance in relation to their peers.
- It is not for those students with disabilities who exhibit regression, which is solely related to medical problems resulting in degeneration, or transitional life situations such as divorce or death of a family member. This type of regression is not due to the interruption of summer vacation.
- It is not required solely when a child fails to achieve IEP goals and objectives during the school year.
- It is not to provide a child with education beyond that is prescribed in his/her IEP goals and objectives.

Based on memo from Nissan Bar-Lev, Director of Special Education, Wisconsin CESA # 7
<http://www.specialed.us/issues-esy/esymemo.html>