

SECTION 13 ❖ EXTENDED SCHOOL YEAR (ESY) SERVICES

The goal of an ESY program is to assist children with disabilities with the emergence, maintenance, or critical generalization of specific IEP objectives learned the year preceding the ESY. These may include goals related to self-sufficiency, behavior, socialization, communication, and academics. ESY services for children receiving special education provide a different focus from general summer school programs.

DEFINITION

Extended school year services means special education and related services that meet state standards and are provided to a child with a disability:

1.	Beyond the normal school year.
2.	In accordance with the child's IEP.
3.	At no cost to the parents of the child.

DETERMINATION OF THE NEED FOR ESY

Children qualify for ESY services in three general areas: emerging skill, regression/recoupment, or self-sufficiency. ESY services must be provided only if a child's IEP Team determines, on an individual basis, that the services are necessary for the provision of FAPE to the child. Provision of ESY services for one year does not mean that the child needs such services each year. A district may not limit ESY services to particular disability categories or unilaterally limit the type, amount, or duration of those services.

ESY services can be based on one or more of three general areas using the following guidelines. A "yes" response to all questions within one area provides a strong indication that ESY services are warranted.

1.	<i>Emerging Skill</i>
When few, if any, gains are made during the regular school year and a critical skill is in the process of emerging, and it is believed that with ESY services the child could make reasonable gains, then ESY services must be considered. Collect documentation to assist the IEP Team in determining the following:	
A.	Does progress toward the goals and objectives or benchmarks over an extended period show few, if any, gains?
B.	Is a skill emerging?

C.	Does documentation support that ESY services are needed to avoid irreparable loss of the learning opportunity?
2.	<i>Regression/Recoupment</i>
When the child would regress to such an extent and the amount of time required to re-learn skills or behaviors becomes so significant that he or she would be unable to benefit from his or her special education program, then ESY services must be considered. Collect documentation to assist the IEP Team in determining the following:	
A.	Do progress reports and data show that the child demonstrates periodic regression, which is related to breaks in instruction throughout the school year?
B.	Do progress reports and data show that the child regresses and cannot re-learn the skills in a reasonable amount of time following the breaks?
C.	Does documentation support that without ESY services the child would regress to such an extent and have such limited recoupment ability that he or she would be unable to benefit from his/her special education program?
3.	<i>Self-sufficiency</i>
When the acquisition of critical life skills that aid in the child's ability to function as independently as possible, thereby reducing the child's reliance on caretakers or other institutionalized care, would be threatened by an interruption in services, ESY services must be considered. The IEP Team should collect documentation to assist in determining the following:	
A.	Does documentation identify critical life skills that are needed for independence?
B.	Will failure to maintain acquired critical life skills cause major or permanent loss of the skills and create a dependence on caregivers?
C.	Without ESY services, would the child fail to maintain these critical life skills?

ESY IEP DEVELOPMENT

ESY services must be clearly delineated in an IEP. The District can meet this requirement by amending the current IEP on an amendment form or developing a complete ESY IEP. Both require an IEP Team meeting and prior written notice to parent(s). The District must ensure that personnel responsible for implementing the ESY IEP have access to the IEP.

BASIC CONCEPTS

1.	To be considered for ESY services, the child must be identified as having a disability and must currently be receiving special education services and/or related services as defined by an IEP.
2.	Determination of the need for ESY must be made only for the immediate period of interruption of the instructional program. The provision of ESY for the immediate period does not imply that ESY will be required for subsequent periods.
3.	The critical skills that are the focus of the ESY services are best determined at the time of the development of the annual IEP. However, an IEP meeting may be convened during the year to review the need for ESY. The ESY program developed should reflect the current goals and objectives or benchmarks from the IEP. It must also consider the child's ability to acquire the skill, and be a priority for the child's developmental age.
4.	The child's educational program is based on individual needs and not determined by what programs are readily available within the District.
5.	The child cannot be required to fail, or to go for an entire year without ESY services, simply to prove that a need exists.
6.	The IEP Team shall determine the duration, frequency, and type of services that each child shall receive during the ESY. The goals and objectives or benchmarks should be continuations of all or part of the previous year's IEP, although ESY instruction may be modified in order to enhance emergence, maintenance, and/or generalization.
7.	School districts shall not automatically or categorically exclude or include any child or group from consideration for ESY services.
8.	ESY services may include special education and/or related services.
9.	While ESY services must be provided in the least restrictive environment, districts are not required to create new programs as a means of providing ESY services to children with disabilities in integrated settings if the District does not provide services at that time for its children without disabilities.
10.	Districts may provide ESY services in a non-educational setting if the IEP Team determines it is appropriate.
11.	ESY services must be provided when ordered by a due process hearing officer. If the District chooses to appeal, the child must be provided with ESY services pending the result of the appeals process.

IN CASE OF A DISPUTE

It is important for the District to make decisions regarding the provision of ESY for a child early enough in the school year to allow parents time to exhaust administrative remedies if they disagree with the decision of the IEP Team. In the event that the parent disagrees with the decision of the team not to provide ESY services, and the District has not allowed sufficient time for the parents to dispute the decision through due process, the child must be provided with ESY services pending the outcome of the administrative proceedings.

Parents should be given a reasonable amount of time after being notified to respond to a district's decision to not provide ESY services to their child. If a timely response is not received from the parents, then the District is not required to provide the child with ESY services pending the outcome of administrative proceedings. Any time restrictions should be reasonable and be clearly explained or otherwise made known to the parents.