



# Extended School Year Services

Extended school year (ESY) services shall be considered annually for all students who have an individualized educational program (IEP). The school district or public charter school, otherwise known as the local education agency (LEA), shall provide extended school year (ESY) services for students with disabilities who qualify for such services. The ESY programs for eligible students shall meet the requirements of FAPE. The student's educational program is based on individual needs and is not determined by what programs are readily available within the LEA. The student cannot be required to fail or to go for an entire school year without ESY services, simply to prove a need.

## DEFINITION OF ESY SERVICES

The term "extended school year services" means special education and/or related services that are provided beyond the regular school year that are provided:

1. To a student with a disability;
2. In accordance with the student's IEP; and
3. At no cost to the parent/adult student.

The goal of ESY services is to assist students with disabilities with the emergence and maintenance of specific IEP goals addressed during the school year preceding the ESY. These may include goals related to independence, behavior, socialization, communication, and academics. The ESY services for special education students provide a different focus from general summer school programs.

## DETERMINING NEED FOR ESY SERVICES

ESY services shall be considered in light of the totality of the circumstances, including the three criteria outlined below. When the answer is yes to all questions within one area, there is a strong indication that ESY services are warranted.

1. **Emerging skill:** Few, if any, gains are made during the regular school year. A skill is in the process of emerging, and the IEP team believes that with ESY services the student would make reasonable gains; or

The IEP team should collect documentation to determining the following:

- a. Does progress toward goals and benchmarks/objectives 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 Regression-Recoupment?
2. **Regression-recoupment:** The student in the absence of an educational program will experience significant regression and the amount of time required to relearn a skill or behavior becomes so significant that the student would be unable to benefit from his or her special education; or

The IEP team should collect documentation to determine the following:

- a. Do progress reports and data show that the student demonstrates periodic regression that is related to breaks in instruction throughout the school year?
  - b. Do progress reports and data show that the student regresses and cannot relearn the skills in a reasonable amount of time following the breaks?
  - c. Does documentation support a finding that without ESY services the student would regress to such an extent and have such limited recoupment ability that he or she would be unable to benefit from his or her special education program?
3. **Self-sufficiency:** An interruption in services would threaten the acquisition of critical life skills that aid in the student's ability to function as independently as possible, thereby continuing the student's reliance on caretakers, including institutionalized care. Critical life skills relate to those skills that lead to independent functioning. Development of these skills can lead to reduced future dependency on caretakers and enhance the student's integration with individuals without disabilities. Skills may include toileting, feeding, mobility, communication, dressing, self-help, and social/emotional functioning. In considering which goals are critical life skills, the IEP team shall consider the following:
- a. How old is the student?
  - b. How many years does the student have left in school?
  - c. Is the skill required across a number of current environments?
  - d. Is the skill required across a number of future environments?
  - e. If the student does not perform the skill, will someone else have to do it for him or her?

The IEP team should collect and document information to determine 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 student fail to maintain these critical life skills?

## **EVIDENCE TO SUPPORT ESY SERVICES**

Decisions concerning ESY services shall be based on student performance data and written documentation. Types of data and information may include, but are not limited to, those listed below.

1. Criterion-referenced test data: Consider daily/weekly probes or pre-test/post-test data.
2. Norm-referenced test data: Consider pre-test/post-test data.
3. Anecdotal records: Consider information collected throughout the school year.
4. Physical, mental, or emotional health factors: Consider the educational, medical, and psychological records of the student as well as the prognosis or judgments of educators, medical personnel, parents, and others who work with the student. Consider degenerative types of difficulties that may become intensified during breaks in educational programming.
5. History: Consider evidence of past regression or past ESY services. The IEP team should not automatically assume that a student who has received ESY services in the past will be eligible for ESY services in the future, but it is a factor to consider.
6. Data on observed performance: Consider data maintained on the student concerning performance observed in the classroom, during community-based activities, and as part of IEP progress monitoring.
7. Teacher interviews and recommendations: Consider progress reports by teachers, therapists, and others who have direct contact with the student before and after breaks in educational programming.
8. Parent/Adult student input: Consider parent observations of the student, as well as parent/adult student requests for ESY services.

## **IEP DEVELOPMENT FOR ESY SERVICES**

The ESY services shall be clearly described in an IEP. The LEA can meet this requirement by amending the current IEP using an amendment form or by developing a complete ESY IEP. See Chapter 5, Section 1C of the [Idaho Special Education Manual](#) for more information.

## LIMITATIONS ON ESY SERVICES

**The LEA may not limit ESY services to particular categories of disability or unilaterally limit the amount or duration of these services.** However, ESY services were never intended to serve as the only resource available to parents and students. The LEA is encouraged to assist families in using community resources to meet their particular needs during periods of extended breaks. The LEA should not offer ESY services when it is inappropriate to do so. The following list is intended to help clarify decisions on ESY services.

1. The IDEA does not mandate that year-round services be provided for all students with disabilities.
2. ESY services are not required for the convenience of the school or parent and/or adult student and, therefore, cannot serve as a day-care or respite-care service.
3. The IDEA does not require that ESY services be provided to maximize educational opportunities for a student with a disability.
4. It is not necessary to continue instruction in all of the previous year's IEP goals and benchmarks/objectives during the ESY period. The focus should be on those specific goals and objectives that would be severely impacted by an extended break in instruction.
5. ESY programs are not summer recreation programs.
6. ESY services are not to be considered in order to help students with disabilities advance in relation to their peers.
7. ESY services are not designed for students who exhibit random regression or regression that is solely related to medical problems resulting in degeneration, or who are experiencing transitional life situations such as divorce or death of a family member.

## BASIC CONCEPTS OF ESY SERVICES

1. To be considered for ESY services, the student shall be identified as having a disability and shall currently be receiving special education services as defined by an IEP or individual family service plan (IFSP).
2. Determination of the need for ESY services shall be made only for the immediate period of interruption of the instructional program. The provision of ESY services for the immediate period does not imply that ESY services will be required for subsequent periods.
3. The skills that are the focus of the ESY services are determined at the time of the development of the IEP. They shall be appropriate for the student, shall consider the

student's ability to acquire the skill, and shall be a priority for the student's developmental age.

4. The student's educational program is based on individual needs and not determined by what programs are readily available within the LEA.
5. The student cannot be required to fail, or to go for an entire year without ESY services, simply to prove a need.
6. The IEP team will determine the duration, frequency, and type of services that each student will receive during the ESY. The amount and duration of ESY shall not be predetermined by a LEA's schedule. The goals and benchmarks/objectives should be continuations of all or part of the previous year's IEP, although ESY instruction may be modified to enhance the emergence, maintenance, and/or generalization of skills.
7. The LEA will not automatically or categorically exclude or include any student or group from consideration for ESY services. However, only those who will be severely impacted by an extended break in instruction should be enrolled.
8. ESY services may include special education and related services. ESY services may be only related services.
9. ESY is not subject to the same LRE considerations that apply during the regular school year. First, the same LRE options may not be available, and second, for some students, the appropriate LRE may be at home with the other family members and with only very limited ESY services.
10. ESY will be provided when ordered by a due process hearing officer. If the LEA chooses to appeal, the student will be placed in ESY pending the result of the appeal.
11. ESY shall be determined on a case-by-case basis based on the needs of the student as considered by the IEP team.

## **ESY PROGRAM MODELS**

The IEP team will determine the duration, frequency, and type of services that each student will receive during the ESY program. The goals and benchmarks/objectives should be continuations of all or part of the previous year's IEP, although ESY instruction may be modified to facilitate the emergence, maintenance, and/or generalization of skills.

ESY services may not necessarily be provided in a classroom setting. For example, some students may need services provided in the home or at an alternative location.

Types of ESY programs may include, but are not limited to:

1. Training for the parent before breaks in programming;
2. Home-based programs that may include parent training;

3. School-based programs;
4. Cooperative programs with other agencies;
5. Contracting with another agency; and/or
6. Related services.

## **ESY IN YEAR-ROUND SCHOOLS**

The need for ESY services is less critical when schools operate on a year-round basis because the breaks from instruction are shorter than the normal three-month break. When the student's needs require instruction during breaks, ESY shall be provided. The analysis for determining eligibility and the type of ESY program to be provided is the same as that for ESY programs in schools that operate on a traditional calendar.

## **STAFF CONSIDERATIONS**

Staffing options might include local certificated staff, supervised university practicum students, supervised student teachers, supervised trained paraprofessionals, cooperative multidistrict programs, or contracted/purchased services with agencies.

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### **For Questions Contact**

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