

EXTENDED SCHOOL YEAR

Defining Extended School Year Services

Extended School Year (ESY) services are special education and related services that are provided to a child with a disability during extended school breaks. These services are different from summer school. Summer school is an extension of the regular school year available to any student attending the school. ESY services are special education and related services that a student must qualify for and are in accordance with the student's IEP.

ESY services are not provided to enhance a student's education or to provide a student with the best possible educational program. Nor are ESY services to be provided as compensatory time or to help a student who has missed school. ESY services are required when determined to be necessary for a child to progress over time and to benefit from the IEP.

Legal Guidelines

34 CFR §300.106 states the following about ESY services:

- Each public agency must ensure that extended school year services are available as necessary to provide FAPE.
- Extended school year 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.
- In implementing the requirements of this section, a public agency may not limit extended school year services to particular categories of disability or unilaterally limit the type, amount, or duration of those services.

The ESY program shall be provided for a minimum of 20 instructional days per the California Code of Regulations (CCR §3043).

General Guidelines

The following general guidelines may apply when an IEP team is determining a student's need for ESY services. The case manager may use the "ESY Eligibility Worksheets" located in the student's future IEP on SEIS to document the IEP team's decision making process.

- The key question before the IEP team is whether the child needs ESY services in order to secure the minimum benefits of a free and appropriate public education during the regular school year.
- ESY services do not need to duplicate the services provided during the school year because the purpose is different (prevent regression rather than continued progression). A student may require ESY services in only one area (e.g. speech and language) but not in other areas (e.g. specialized academic instruction).
- When an IEP team discusses ESY services, they should consider the student's current placement in order to avoid placing the student in a more or less restrictive environment for ESY services.
- The determination of ESY eligibility must be based on empirical and qualitative data collected by the IEP team members for the student's individual skills.
- The IEP should clearly indicate a start date, end date, frequency and duration of the ESY services.

Regression and Recoupment

The two main criteria that need to be addressed to determine if a child qualifies for ESY services are the high probability that the child will regress without additional services during the summer and



also, their inability to recoup that loss within approximately 4-6 weeks after the start of the school year.

All students will experience regression during the summer. The problem exists when a child will experience serious regression without the ability to recoup the loss. Regression refers to a decline in knowledge and skill that can result from an interruption in education; recoupment is the amount of time it takes to regain the prior level of functioning. The issue is whether the benefits derived by the child during the regular school year will be significantly jeopardized if he is not provided an educational program during the summer months.

Other Factors When Determining the Need for ESY Services

In *Reusch v. Fountain*, the court listed other factors in addition to regression and recoupment that the IEP team should consider in deciding if the child is eligible for ESY as a related service.

- The degree of progress toward IEP goals and objectives
- Emerging skills/breakthrough opportunities (e.g. Will a lengthy summer break cause significant problems for a child who is learning a key skill, like reading or speaking?)
- Interfering Behavior (e.g. Does the child's behavior interfere with his or her ability to benefit from special education?)
- Nature and/or severity of disability
Special circumstances that interfere with child's ability to benefit from special education

