

# Special Education Advocates League, SEALK12

## Extended School Year (ESY)

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The definition for Extended School Year (ESY) means Special Education and Related Services that are provided to a student with a disability:

- Beyond the normal school year
- Follows the student's Individualized Education Program (IEP)
- At no cost to the parent

Code of Federal Regulations 34 CRF 300.106

Washington Administrative Code WAC 392-172A-02020

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**Ask the question**, "Does the student need Extended School Year (ESY) services to receive a Free Appropriate Public Education (FAPE).

**Eligibility** for Extended School Year (ESY) is made by the student's IEP team and parents/guardian are equal members of the IEP team.

The **decision** for Extended School year (ESY) is based on the unique needs of the student and must be decided annually. Data is to be collected and examined by the IEP team to decide if the student qualifies.

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| <b>Extended School Year (ESY)</b> | Provided under the Individuals with Disabilities Education Act (IDEA) for students who qualify for Special Education and Related Services at no cost to the parent.<br><br>Any student with a disability age 3 through 21 who has an IEP must be considered for eligibility of ESY services. |
| <b>Summer School</b>              | Summer School is not a requirement and is not limited to students who qualify for Special Education and Related Services. A cost to the parent could be involved.  |
| <b>Compensatory Education</b>     | Not listed in IDEA Regulations. It is a 'remedy' in case law. There is no 'calculation' for minutes.   |

### A few facts

"Extended school year services must be provided only if the student's IEP team determines **on an individual basis** that the services are necessary for the provision of FAPE to the student." WAC 392-172A-02020 (3)

"A school district **may not limit** extended school year services to particular categories of disability or unilaterally limit the type, amount or duration of those services." WAC 392-172A-02020 (4).

"The purpose of ESY services is the **maintenance** of the student's learning skills or behavior, not the teaching of new skills or behaviors." WAC 392-172A-02020 (5).

### District Criteria

"School districts must develop **criteria** for determining the need for extended school year services that include regression and recoupment time based on documented evidence, **or on** the determinations of the IEP team, based upon the professional judgment of the team and consideration of factors including the nature and severity of the student's disability, rate of progress, and emerging skills, with evidence to support the need." WAC 392-172A-02020 (6).

**Regression** means significant loss of skills or behaviors if educational services are interrupted in any area specified on the IEP. WAC 392-172A-02020 (7)(a).

**Recoupment** means the recovery of skills or behaviors to a level demonstrated before interruption of services specified on the IEP. WAC 392-172A-02020 (7)(b).

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### Did You Know?!

Extended School Year (ESY) services can be provided in many ways, including using community resources. It is not limited to a school districts Summer School Program.

### Did You Know?!

The IEP team's decision for ESY should be based upon **regression** and **recoupment** time based on **documented evidence**, or on the **determinations of the IEP team**, based upon:

- Professional judgment of the team
- Consideration of factors including the nature and severity of the student's disability

- Rate of progress
- Emerging skills

### **Did You Know?!**

Extended school year services must be provided only if a child's IEP Team determines, **on an individual basis**, in accordance with 300.320 through 300.324, 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

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### **Washington Office of Superintendent of Public Instruction (OSPI) Tip Sheet**

In order to make informed and defensible decisions regarding whether a student with disabilities requires extended school year (ESY) services, IEP teams should collect data throughout the school year, and particularly over breaks (e.g., winter break, spring break, weekends, etc.). WAC 392-172A-02020 requires that school districts develop ESY eligibility criteria that includes, but is not limited to, regression and recoupment time based on documented evidence. Data collection should focus on determining:

- whether the student regresses when there is a break from school
- which target IEP skills or behaviors have a significant loss if educational services are interrupted
- length of time for the student to recoup skills; and/or
- whether the student received private services over the break, and if so, what type of services and for what frequency/duration.

## IEP Teams

Gather data during the upcoming breaks of instructions (e.g., winter break, spring break, weekends, etc.). Data should be collected both before and after the break in order to monitor regression/recoupment.

In order for special education staff to share information effectively about ESY decision-making with parents and general education staff, areas -- in addition to data collection -- to consider for professional development include:

- ESY is an individual decision based on many different sources of information that must be reviewed every year from a fresh perspective
- The purpose of ESY services is to work on one or more IEP goals that cannot be maintained without ESY services; it is not the purpose of ESY services to work on new goals or objectives
- A student with one or more goal areas of concern may need ESY services for a variety of reasons, not just regression or recoupment. Other factors for IEP teams to consider and collect data include the nature and severity of the student's disability, rate of progress, and emerging skills
- ESY services can be provided in many different ways, including using community resources as part of an individual ESY plan.

ESY services are not limited to the summer breaks. While this is generally the longest break from the normal school year, ESY services may be needed during shorter breaks (such as winter and spring holiday breaks) of one or two weeks in length. ESY services can even be an extension of the student's normal school day.