



Extended School Year Services

A PEATC
Do You Know
Factsheet for Virginia's Parents

- A student cannot be denied ESY services based on lack of funding/resources. As any service that is determined by the IEP team to be necessary for a child to have access to the general education curriculum, the lack of funding and/or resources cannot be a reason for denial of such.
- Eligibility for ESY services is determined each year by the IEP team and is not guaranteed from year to year.
- Eligibility for ESY services are based on the unique needs of the individual student and not on the category of the student's disability.

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Do You Know

What is Extended School Year (ESY) and what does it look like?

Extended School Year (ESY) is the service or services provided to a student with an individualized education program (IEP) beyond the normal school year of a school division for the purpose of providing a Free Appropriate Public Education (FAPE).

Determining the need for ESY services must be presented in the context of the IEP process and completed at an IEP meeting. The IEP team should consider the need for these services initially and at least annually, but the consideration for ESY services should be an integral part of any IEP meeting. In addition, the parent, student, the student's teacher(s), related services providers, or administrators may request an IEP meeting for this purpose.

Federal regulations, OSEP guidance, and case law in Virginia support the fact that procedures used by local school must prohibit the postponement of the decision by the IEP team regarding ESY services until after the summer in order to gather data or determine what would happen if the services were not provided. In addition, the ESY decision should be made early enough to ensure that parents can exercise their due process rights if they wish to challenge the decision.

According to the VDOE Technical Assistance Resource Document, "Extended School Year Services: Implementing the Requirements of the *Individuals with Disabilities Education Improvement Act*, 2004 and Federal Regulations, 2006 (Revised December 2007), there are six factors that are to be considered by the IEP team when determining the need for ESY services for a student:

1. **Regression/recoupment** Is there a likelihood of substantial regression of critical life skills caused by a school break and a failure to recover those lost skills in a reasonable time following the school break?
2. **Degrees of progress** Without ESY services, will the student's degree or rate of progress toward the IEP goals be significantly jeopardized?
3. **Emerging skills/breakthrough opportunities** Are IEP goals that target critical life skills at a breakthrough point?
4. **Interfering behaviors** Without ESY services will any interfering behavior(s), such as ritualistic, aggressive or self-injurious behavior(s) targeted by IEP goals, prevent the student from receiving benefit from his/her educational program during the school year?

5. **The nature and/or severity of the disability** Without ESY services, will the nature and severity of the student’s disability be likely to significantly jeopardize the student’s receipt of benefit from his/her educational program during the regular school year?

6. **Special circumstances or other factors** Without ESY services, are there any special circumstances that will significantly jeopardize the student’s receipt of benefit from his/her education program during the regular school year? (i.e.: ability of the child’s parents to provide the educational structure at home, ability of the child to interact with children without disabilities; and areas of the child’s curriculum, which need continuous attention).

For further information on the examination of the above factors, read through the VDOE Extended School Year Services document which can be found at:

http://www.doe.virginia.gov/special_ed/regulations/federal/extended_schoolyear_services.pdf

FAQs (Frequently Asked Questions)

Q: My child is half-way through the current school year and I have requested an IEP meeting to discuss my child’s eligibility for ESY services. The school has told me that they would like to wait and see how my child progresses throughout the next few months and that we can plan to meet in late April to determine ESY eligibility. Can I ask them to meet sooner?

A: ESY is not a separate planning process since it is part of the IEP development however the IEP team needs enough time to gather the appropriate data to make an informed decision about the student’s need for ESY. Enough information might not be readily available in the late winter or early spring to make the correct determination. Additionally should a parent disagree with the IEP team decision and wishes to appeal the decision, adequate time must be available to ensure procedural steps can be followed.

Q: Is ESY the same as summer school?

A: Extended School Year is not the same as summer school. Contrary to popular belief ESY is not only available to a student during the summer months, and the length of services is to be determined on an individual basis and not on a “packaged program” provided by a Local Educational Agency (LEA=school district). i.e. ESY is not delivered only during the summer and it cannot be offered “ONLY” for a certain amount of days or weeks¹

Q: If my child fails one or more of his subjects during a school year, or does not meet one of his IEP goals, does that make him automatically eligible for ESY services?

A: No. The determination of a student’s eligibility for ESY is based on the individual child’s access to FAPE. (Free Appropriate Public Education) A child’s mastery of a particular subject and/or progress on an IEP goal is not the sole reason for finding a child eligible for ESY. Per the VDOE ESY Instructional Document, the IEP team “may use the following types of information:”

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| historical data | samples of the student’s work |
| review of current and previous IEPs | behavior logs |
| documented regression and recoupment time | parent interviews |
| documented clinical evidence | attendance information |
| classroom observation | other objective evidence; and |
| progress notes | expert opinions |
| standardized tests | |
