

— Discussion Points for Considering

## **EXTENDED SCHOOL YEAR (ESY)**

Services for Students with Disabilities

Tri-County Special Education Association

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**EXTENDED SCHOOL YEAR (ESY)** is defined in the Illinois Administrative Code as “special education and related services that are provided to a child with a disability beyond the normal school year of the public agency in accordance with the child’s IEP and at no cost to the parents of the child and meet the requirements of section 226.750(c)” (226.75). 226.750 says, “*A school district shall not limit its provision of services during an extended school year to particular categories of disability, nor shall a district unilaterally limit the type, amount, or duration of such services.*” Regulations further require that ESY be provided when an IEP team determines it to be necessary for an individual student to receive a free and appropriate public education (FAPE) (226.230(9)).

Main ideas surrounding ESY are:

- \* Decisions about the need for ESY services are determined by IEP teams, not individuals,
- \* Decisions about ESY must be made INDIVIDUALLY on an annual basis for all students with disabilities,
- \* ESY occurs beyond the regular school term at no cost to parents.
- \* “Necessary for FAPE” is the only criterion found in regulations to guide decision-making. “Appropriate” can be thought of as doing “OKAY” in school. “Necessary” means essential or required, not supplementary.
- \* The amount of service is generally less for ESY than during the regular school year since the purpose is to maintain skills or otherwise prepare a student for return to school. Time is provided in greater amounts during the regular school term because students are expected to make gains in new skills.

ESY services are special education and related services, NOT tutoring, summer school, or enrichment and are subject to all rules and regulations surrounding the provision of special services.

## **CONSIDERATIONS**

IEP teams have much discretion, but little guidance, to determine when ESY services are needed for a student. With that in mind, the following nonexhaustive list of questions might help:

1. Is ESY necessary to provide educational benefit, to enable a child to receive passing grades, or to permit promotion to the next grade level?
2. Do regression/recoupment data suggest that this student’s skill losses over breaks are excessive and that it takes an unacceptably long period of time for lost skills to be regained upon return? In other words, would the time needed to reteach lost skills limit the student’s ability to learn the NEW skills? To what extent does this student lose skills if those skills are not practiced during the school year? What is the relative impact of short breaks on student performance?
3. Would the lack of ESY services prevent this student from becoming self-sufficient in basic skills that the student could otherwise be reasonably expected achieve?
4. At what rate did the student make progress on existing IEP goals? To what extent were IEP goals met? Is there any pattern to the timing of the progress (or lack of progress) that would indicate the need for ESY services? For example, do you need to maintain learning momentum begun before break, do you need to prevent extreme disruption to the learning environment upon return from break, or do you need to prevent

failure upon return from break? Does the student make progress at expected levels, given the nature/severity of his/her disability?

5. What else is significant about the nature and severity of the child's disability? For example, could ESY services markedly slow the rate of degeneration anticipated due to a student's medical condition? Does the student require consistent, or continuous, and intensive reteaching and reinforcement in order to maintain minimal competency in essential skills (e.g., following a routine, following safety rules)?

6. Does the student require ESY services to meet vocational or transition goals?

7. Would the provision of ESY services allow the child to participate in a less restrictive environment upon return from the break?

8. Are there any other individual circumstances that make the provision of ESY services critical so that this child can learn or participate in school activities upon return to school?