

Extended school year requirements

IDEA regulations require that districts ensure that extended school year (ESY) services are available "as necessary to provide a Free and Appropriate Public Education (FAPE)." This chart looks at when ESY must be provided, what districts can't do in providing ESY, what comprises ESY, and how ESY decisions can be made.

What is ESY?
<p>ESY is special education and related services that:</p> <ul style="list-style-type: none"> • Are beyond the normal school year, in accordance with the IEP, and at no cost to the parents. • Meet the standards of the state educational agency.
When ESY must be provided?
<p>ESY must be provided only if the IEP team determines that services are necessary for the provision of FAPE.</p>
What must districts not do in providing ESY?
<p>Districts providing ESY must not:</p> <ul style="list-style-type: none"> • Limit ESY services to particular categories of disability. • Unilaterally limit the type, amount, or duration of services.
How do IEP teams make ESY determinations?
<p>Courts have identified several standards that districts should use to determine whether a student needs ESY services:</p> <ul style="list-style-type: none"> • Regression-recoupment analysis. ESY services are necessary when a child will experience significant regression in the absence of an educational program and the time it will take to relearn (or recoup) the skills is excessive. • Significantly jeopardized analysis. ESY services are necessary when the progress the student made during the school year will be significantly jeopardized during extended school breaks. • Substantial regression analysis. The standard requires a showing of the inability to maintain development levels due to loss of skill or knowledge during school breaks and the loss is so severe that it would require an inordinate period of review to reestablish the skills or knowledge. • Additional factors analysis. Regression and recoupment are only part of the criteria for determining a child's need for ESY services. Districts should also consider whether a student's level of achievement would be jeopardized and factor in retrospective data such as past regression and rate of recoupment, predictive data based on professionals' opinions, parent information, and the student's home and community situation.
How do ESY days count toward due process timelines?
<p>Any day that children with disabilities aren't in school is not counted as a school day and is not considered in calculating the expedited due process hearing timelines.</p> <p>Additionally, a day on which a district only provides ESY to children with disabilities and does not operate summer school programs for all children cannot be counted as a school day.</p>
What happens if a student transfers into a district with ESY services?
<p>The new school district generally must provide ESY services as comparable services to a transfer student whose IEP from the previous district contains those services and may not refuse to provide ESY services to the child just because the services would be provided during the summer.</p>