

## Students

### Extended School Year for Certain Students with Individualized Education Programs

#### I. Purpose

This policy ensures that the school district complies with the overall requirements of law as mandated for certain students subject to individualized education programs (IEPs) when necessary to provide a free appropriate public education (FAPE).

#### II. General Statement of Policy

##### A. Extended school year services (ESY) will be available to provide a FAPE.

The school district will provide ESY services to a student who is the subject of an IEP if the student's IEP team determines the services are necessary during a break in instruction in order to provide a FAPE.

##### B. Extended school year determination

At least annually, the IEP team will determine that a student is in need of ESY services if the student meets any of the following conditions:

1. There will be significant regression of a skill or acquired knowledge from the student's level of performance on an annual goal that requires more than the length of the break in instruction to recoup unless the IEP team determines a shorter time for recoupment is more appropriate; or
2. Services are necessary for the student to attain and maintain self-sufficiency because of the critical nature of the skill addressed by an annual goal, the student's age and level of development, and the timeliness for teaching the skill; or
3. The IEP team otherwise determines, given the student's unique needs, that ESY services are necessary to ensure the student receives a FAPE.

##### C. Required factors schools will consider in making ESY determinations

The IEP team will decide ESY eligibility using information including:

1. Prior observations of the student's regression and recoupment over the summer;

2. Observations of the student's tendency to regress over extended breaks in instruction during the school year; and
  3. Experience with other students with similar instructional needs.
- D. In making its determination of ESY needs, the following additional factors will be considered, where relevant:
1. The student's progress and maintenance of skills during the regular school year,
  2. The student's degree of impairment,
  3. The student's rate of progress,
  4. The student's behavioral or physical problems,
  5. The availability of alternative resources,
  6. The student's ability and need to interact with non-disabled peers,
  7. The areas of the student's curriculum which need continuous attention, and
  8. The student's vocational needs.
- E. No unilateral decisions

In the course of providing ESY services to children with disabilities, the district may not unilaterally limit the type, amount, or duration of those services.

- F. Services to non-resident students temporarily placed in school district

A district may provide ESY services to non-resident children with disabilities temporarily placed in the district in accordance with applicable state law.

Legal References:

20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education Act)  
34 C.F.R. Part 300 (Assistance to States for the Education of Children with Disabilities)  
Minn. Stat. § 125A.14 (Extended School Year)  
Minn. Rules Part 3525.0755 (Extended School Year Services)

Cross Reference:

Policy 608 (Instructional Services - Special Education)

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Edina, Minnesota

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