Extended School Year (ESY)

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Extended school year services means special education and related services that—

(1) Are provided to a child with a disability—
   (i) Beyond the normal school year of the public agency;
   (ii) In accordance with the child’s IEP; and
   (iii) At no cost to the parents of the child; and

(2) Meet the standards of the SEA. 34 CFR 300.106(b)
General

- Each public agency must ensure that extended school year services are available as necessary to provide FAPE.
- Extended school year services must be provided only if a child’s IEP Team determines, on an individual basis, that the services are necessary for the provision of FAPE to the child. 34 CFR 300.106(a)
In implementing the requirements of this section, a public agency may not—

1. Limit extended school year services to particular categories of disability; or
2. Unilaterally limit the type, amount, or duration of those services.  

34 CFR 300.106(a)
The length of a program for a child with a disability may not be limited to the regular school term/year if an interruption in educational services is likely to deny a child FAPE. One criteria that may be considered by the child’s IEP Team is if significant regression, caused by an interruption in educational services, renders it unlikely that the child will regain critical skills even after an appropriate recoupment period. 

AAC 290-8-9.05(9)
ESY is not....

- child care
- respite
- intended to maximize educational opportunity or potential growth
- “one size fits all”
- based on specific area of disability, level of service, or type of placement
- a longer school day
For whom?

• Must be considered for ALL students with disabilities
• May not be limited by disability category or severity
• May not be based on administrative convenience
When?

- The need for ESY must be considered every year.
- Families and LEAs need time to plan, so the determination must be made in a timely manner.
- The decision should be made early enough for a family to exercise due process should they disagree with the team’s decision.
Some courts and due process hearing officers have considered other additional factors in making the ESY determination. The U.S. District Court, District of Maryland identified six criteria which must be considered before a school board can provide ESY services, including:

- Regression/recoupment.
- Degree of progress.
- Emerging skills and breakthrough opportunities.
- Interfering behaviors.
- Nature and/or severity of the disability.
- Special circumstances.
Questions IEP Teams may ask...

- Does the student demonstrate a severe disability in one or more areas?
- Does the student experience significant regression, more pronounced than that of nondisabled peers, in social or adaptive behaviors or learned skills over regularly scheduled school breaks?
• Is the student failing to achieve instructional goals and benchmarks or short-term objectives on the IEP due to the interruption of instruction between school years?

• Is the student at a critical stage in development where the window of opportunity will be lost if the student does not receive ESY services?
"The Department does not interpret the LRE provision to mean that school districts must establish public programs for [nondisabled] children for the sole purpose of being able to implement the LRE provision for children with [disabilities] who require an extended school year program. However, a school district must meet the LRE requirement by alternative means, such as private placements, when it is determined that a child with a [disabling] condition must have interaction with [nondisabled] children. Each child's placement must be based on an IEP. If one placement option, such as a center-based program, is available within a school district, modifications must be made or alternative means of serving a child must be made available when such adjustments are needed to implement a child's IEP."
Jefferson County: ESY Information and Procedures

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Factors to consider for ESY services

- Regression without appropriate recoupment
- Degrees of progress
- Emerging skills/breakthrough opportunities
- Interfering behaviors
- The nature and/or severity of the disability
- Special circumstances or other factors
Definition of Factors

- **Regression/Recoupment** - without these services is there a likelihood of substantial regression or critical life skills caused by a school break and a failure to recover those lost skills in a reasonable time following a break.

- **Degree of Progress** - without these services the student’s degree of progress toward IEP goals will significantly jeopardize the student’s receipt of benefit for his/her educational placement during the regular school year.

- **Emerging Skills/Breakthrough Opportunities** - when a critical life skill is at a breakthrough point, the IEP team determines whether the interruption in services and instruction on those goals by the school break is likely to significantly jeopardize the student’s receipt of benefit from the program.

- **Interfering Behaviors** - The IEP team determines whether without ESY services any interfering behaviors have prevented the student from receiving the benefit from his/her educational program.

- **Nature and Severity of the Disability** - The IEP team determines whether, without ESY services, the nature and severity of the disability are likely to significantly jeopardize the student’s receipt of benefit from the program.

- **Special Circumstances and Other Factors** - Ability of child’s parents to provide educational structure at home; ability of child’s to interact with children without disabilities; areas of child’s curriculum, which need continuous attention.
Decisions regarding ESY should be based on the following:

- Review of the current IEP goals (or objectives or benchmarks, if required);
- Observation and data from teachers, therapists, parents, and others having direct contact with the student before and during breaks in educational programming;
- Data and observations regarding the student’s performance after long weekends, vacations, and past summer breaks;
- Assessment or information maintained on the student, including pretest and post-test data; and
- Curriculum-based assessment, including pretest and post-test data; and other relevant factors.
Additional sources of information that IEP teams may review when the IEP team is determining whether a student needs ESY:

- Historical data;
- Review of current and previous IEPs;
- Documented regression and recoupment time;
- Documented clinical evidence;
- Classroom observation;
- Progress notes;
- Standardized tests;
- Samples of the student’s work;
- Behavior logs;
- Parent interviews;
- Attendance information;
- Other objective evidence; and
- Expert opinions
Types of services we have utilized:

- School based / traditional classroom setting during the summer (most common)
- Community setting for work hardening skills
- “Appointments” - local school, area library, family home and family owned business
- Parent training
- Summer packets (with or without staff monitoring)
- Home-based programs
  - Additional types of available service (based on location)
  - Cooperative programs with other agencies (i.e.: ADRS);
  - Multi-system shared programs;
  - Contractual arrangements with service providers or agencies;
  - Community-based programs; and
  - Vocational settings.
Suggested Planning Steps for ESY Services

- Beginning of year: Collect data regularly, especially at the beginning of the year, four to six weeks later, and before/immediately after holiday breaks
- During first semester: Identify students on caseload with suspected ESY needs
- Beginning of second semester: Submit names and documentation to support ESY needs to special education administrator
- At least three months prior to end of school year: Spec ed administrator consults with staff to form ideas about ESY service needs and delivery models; confirms staffing requirements and availability of community resources
- No less than one month prior to end of school year: Conduct IEP meetings for students with suspected need for ESY
- No less than one month prior to end of school year: Spec Ed administrator should:
  - Identify staff positions needed to provide ESY;
  - Confirm staff availability;
  - Allocate or hire staff needed for ESY services;
  - Determine schedule, meal needs, and location(s) for ESY services; and
  - Identify materials needed for ESY and whether materials need to be transferred to ESY location
Suggested Planning Steps (continued)

- No less than one month prior to ESY delivery - Spec ed administrator should set up special transportation and provide training to staff regarding specific student needs.

- One or two weeks prior to ESY delivery - Provide staff with sufficient time to plan quality ESY services for students.

- Ongoing - Although many students with ESY needs can be identified early in the school year, some needs may not be identified until much later in the spring. Special education administrators should keep these “late-breaking” cases in mind when planning how to deliver ESY services in his or her district.

- During ESY Service:
  - Assess student progress pre- and post-ESY services;
  - Provide services consistent with current IEP goals identified for ESY services;
  - Communicate with parents during ESY service; and
  - Provide data-documentation of outcomes of ESY services to special education administrator and parents at the conclusion of ESY services.
Documentation of ESY decisions in the IEP

- ESY Technical Assistance
- Assessment Practices in Measuring Critical Skills
- Reminders
- IEP Addendum Sheet
- Additional Information Sheet
- ESY Procedures 2016-2017
Challenges

- Staffing
- Location of classrooms for students who need to attend class
- Transportation to a general location (district covers large geographical area)
- Parent arrangements/contracts for transportation
- Budget