

# It's Time to Think about Extended School Year

*Information taken from <http://wrightslaw.com>*

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Now is the time! Every year, Extended School Year (ESY) should be considered in your child's annual plan. If your meeting was earlier in the school year and the team said, "We can revisit ESY services later," today is the day to do that!

Extended School Year (ESY), governed by federal law and regulation, consists of special education and/or related services provided beyond the usual school year, typically during the summer. More specifically, the [Individuals with Disabilities Education Act \(IDEA\)](#) established that providing special education services beyond the typical school year is a part of the guarantee for a free, appropriate public education (FAPE). Students considered to be disabled under Section 504 also must be considered for ESY services. The basic requirements for ESY program eligibility include a defined length and type of program, funding, and transportation.

Extended school year services are at no cost to the parents and are determined by the child's IEP team. The IEP team must determine whether a child needs extended school year services. The school district must evaluate the need for ESY services correctly and with no bias, which is very hard because there are no comprehensive eligibility criteria in the law. However, there are general standards that have been noted by the courts for including ESY in the student's program.

I have listed and summarized the most common ESY standards below:

## **STANDARD #1: NO SINGLE CRITERION**

No single criterion can be used as a sole qualifying factor. That means that no one factor alone determines whether or not a child may receive ESY. The decision is made based on multiple factors, which are outlined below.

## **STANDARD #2: REGRESSION / RECOUPMENT**

Regression is a decline in knowledge and skills that can result from an interruption in education; recoupment is how long it takes to regain the prior level of functioning. The issue is whether the benefits derived by the child during the regular school year will be significantly jeopardized if s/he is not provided an educational program during the summer months.

The determination of eligibility must be based on empirical and qualitative data collected by the IEP committee for individual skills. The IEP committee must take into account not only retrospective data, but also predictive data on recoupment abilities (that is, will the recoupment take 9 weeks or more?). The key question before the IEP committee is whether the child needs services in the summer in order to secure the minimum benefits of a free and appropriate public education in the fall.

## **STANDARD #3: EMERGING SKILLS**

Emerging skills exist when a child is in a critical stage of developing a skill that has great potential for increasing his/her self-sufficiency. If such a skill is not completely acquired and mastered, it is likely that the current level of acquisition will be lost due to the interruption of summer vacation. Consideration should be given to whether ESY may be required to ensure skill mastery.

## **STANDARD #4: NATURE AND SEVERITY OF THE CHILD'S DISABILITY**

Another concept included in the eligibility determination is the nature and severity of the child's disability. Although no disability category can be excluded from consideration for ESY, the nature and severity is a key factor in the ESY eligibility determination. Children with severe disabilities are more likely to be involved in ESY programs, since their regression may be more significant and their recoupment abilities may extend over longer time.

## **STANDARD #5: NOTICE AND TIMING**

There needs to be a decision about ESY early enough in the school year to allow the parents adequate time to exercise their right to administrative

review or appeal in a timely fashion. A student's eligibility for ESY must also be considered at each annual review meeting.

#### **STANDARD #6: CONTENT AND DURATION OF ESY SERVICES**

Some ESY services may extend over the summer, while others simply provide periodic contact with professionals or assistance to parents in providing instruction or reinforcement to their children. Determination of the number of weeks, days per week, and hours per day that each student receives ESY must be considered.

The content of the child's ESY program must be determined on an individual basis. The school district may not refuse to provide related services, which include transportation and therapy services, to students who are in need of and receiving such services during the regular school year.

#### **STANDARD #7: ABILITY OF PARENTS TO PROVIDE AN EDUCATIONAL STRUCTURE AT HOME**

The IEP committee may recommend ESY services after concluding that the parents are not able or willing to provide home structured opportunities, or that the involvement of exceptional educational needs staff during the summer is necessary to offset the impact of regression and recoupment. For more information about ESY, [click here](#) to read the Colorado Department of Education's Extended School Year Service Guidance Manual.

Once again, if you feel as if Extended School Year needs to be considered for your child, contact your school case manager or The Arc of Aurora advocate ASAP...The clock is ticking!