



# Extended School Year May 2021

**MYTH:** Extended School Year (ESY) is the same as summer school.

**FACT:** ESY is NOT summer school. Summer school is designed to benefit all students usually through regular curriculum enrichment activities, while ESY is special education and related services that are provided to a student during breaks in the school year to mitigate regression in skills and reduce the amount of recoupment needed for the student when school resumes. Typically, summer school is optional for all students, however, ESY is required if the student’s IEP team determines ESY services are necessary to provide free appropriate public education (FAPE).

### What is Extended School Year (ESY)?

| What ESY IS:   | What ESY IS NOT:  |
|--|---|
| <ul style="list-style-type: none"> <li>• Based only on the individual child’s specific critical skills that are key to his/her overall educational progress as determined by the IEP team.</li> <li>• Designed to maintain mastery of critical skills and objectives represented on the IEP and achieved during the regular school year.</li> <li>• Designed to maintain a reasonable readiness to begin the next year.</li> <li>• Based on multi-criteria and not solely on regression/recoupment.</li> <li>• ESY services focuses on specific critical skills where regression may occur.</li> <li>• Considered as a strategy for minimizing the regression of skill, thus shortening the time needed to gain back the same level of skill proficiency.</li> <li>• Deliverable in a variety of environments such as: a) Home with the parent teaching, and staff consulting, b) School based, c) School based with community activities, and d) Related services along or in tandem with the above.</li> </ul> | <ul style="list-style-type: none"> <li>• A mandated 12-month service for all children with disabilities.</li> <li>• Required for the convenience of the school or parents and, therefore, cannot serve as a day care or respite care service.</li> <li>• Required or intended to maximize educational opportunities for any child with a disability.</li> <li>• Necessary to continue instruction for all of the previous year’s IEP goals.</li> <li>• Intended to help children with disabilities advance in relation to their peers.</li> <li>• Required solely when a child fails to achieve IEP goals and objectives during the school year.</li> <li>• To provide a child with education beyond is prescribed IEP goals and objectives.</li> </ul> |

Adapted from chart developed by [Nebraska Department of Education](http://www.education.nebraska.gov)

**MYTH:** The purpose of ESY is so that the student can work on new skills that were not covered or mastered during the school year.

**FACT:** The purpose of ESY is to mitigate the loss of previously learned skills, rather than advancing new skills. When making individualized ESY determinations, the critical question that each IEP team must ask is, “**Will the learning that occurred during the regular school year be significantly jeopardized if ESY services are not provided?**” If the answer is “yes” then ESY services are necessary for the provision of FAPE for the student. ESY is not a day care or respite care for the parents, nor is it tutoring for the purpose of advancing skills or an opportunity to provide enrichment. The intent of ESY is to maintain previously learned skills.

**MYTH:** ESY eligibility is based solely on regression and recoupment data.

**FACT:** No one single criterion can be used as the sole qualifying factor for ESY eligibility. IEP teams should examine multiple factors in addition to regression (amount of skills lost over a set period of time they are out of school) and recoupment (how quickly a student regains skills once the student returns to school) data. Additional factors for teams to consider are:

- Nature and severity of the child’s disability
- The child’s rate of progress towards learning critical skills and IEP goals
- The child’s past rates of regression
- Critical skills that may be emerging or any window of opportunities for learning critical skills that may be jeopardized
- The areas of learning crucial to the child’s attainment of self-sufficiency and independence
- Behavioral needs of the child that may interfere with learning
- Physical needs of the child that require continuous support
- Ability of parents to provide educational structure at home
- Areas of the child’s curriculum that need continuous attention
- The child’s vocational needs
- Opportunity for the child to interact with non-disabled children

The IEP team makes the decision about eligibility for ESY services by examining a variety of sources of data that have been collected throughout the school year, including before and after scheduled breaks in the school year, such as Thanksgiving, winter break, and spring break. Data sources could include: progress monitoring data towards goals in current and past IEPs, progress reports maintained by teachers, therapists and other having direct contact with the student before and after breaks in education, parent reports of changes in behavior or skills loss during breaks, medical records indicating degenerative type of conditions that become exacerbated during breaks in educational services, observational data, and any curriculum based measures or progress monitoring data taken over the course of the year and before/after breaks.

**MYTH:** The LEA determines eligibility for ESY.

**FACT:** The determination about ESY eligibility is an IEP team decision, of which all members of the team, including the parents, should participate. ESY determinations regarding eligibility, specific ESY services required for FAPE, frequency and amount of ESY services are not to be made unilaterally by the LEA. IEP teams should make these types of determinations based on the unique needs of the individual student. ESY determinations are made by the IEP team on an annual basis. Written notice must be provided prior to adding or changing ESY services in the IEP.

**MYTH:** Schools are not required to provide ESY services.

**FACT:** Under Individuals with Disabilities Education Act (IDEA), every LEA is required to provide ESY services to any student who needs ESY services for FAPE. ESY services include special education services and related services. ESY services are not limited to addressing academic concerns. ESY services can also address physical, social, emotional and behavioral needs of students. LEAs may not limit ESY services to a certain time period (ie 3 weeks in June, or only over summer break) when the student would not benefit from services during the planned period but would benefit from services during a different time period or for an additional amount of time beyond the planned period. Nor may they limit ESY services to only certain groups of students. ESY services can be provided during any break from the regular school year and to any student who needs the services to meet their individualized need for FAPE. The determination as to the specific amount, frequency and type of ESY services should be made by the IEP team based on the individualized needs of the student, not driven by district imposed ESY program guidelines.