

## Planning ESY Services

### *When should the IEP team meet to determine ESY services?*

The team must consider the needs for ESY services at the annual IEP meeting. However, under some circumstances the need for ESY services and the characteristics of ESY services may not be known at the time of the annual IEP meeting. In that case, the team can identify the date it will reconvene to determine need and services to be provided. The regulations do not specify how many days in advance of the end of the school year that the team determinations must be finalized. The team meeting to discuss ESY should be held early enough to allow for appropriate planning. Any team member, including the parent(s), can request a new team meeting to reconsider ESY needs or extent of services.

### *Should new goals and objectives be developed for ESY services?*

No. ESY services address the maintenance of previously learned skills, as identified in the current IEP. The intent of ESY services is not to teach new skills.

### *How does the IEP team determine the amount of ESY services for each child?*

The determination of the extent of services must be made on an individual basis after a thorough review of the child's goals and objectives.

### *Where can ESY services be provided?*

As with any IEP, the needs of the child determine the services, rather than available services determining what is provided to the child. Individualized ESY services could be provided in a traditional classroom setting; however, the location and nature of service delivery can vary with the needs of the child.

### *May the child's ESY services be provided in a district's optional summer school program?*

Yes. The summer school setting could offer unique and appropriate opportunities for a child to enhance generalization of skills in a setting

very similar to that of the regular school year, as well as provide frequent practice for maintenance of skills. However, ESY services must be tailored to the unique needs of the child and cannot be based solely on availability of services during the summer. The amount and the duration of ESY services cannot be limited arbitrarily to the district's summer school schedule.

### *Who may provide ESY services?*

It is necessary to use licensed and qualified staff for ESY services. Non-licensed staff may be used if they are trained and supervised by licensed staff. Staffing options might include supervised practicum students, supervised student teachers, supervised paraeducators, or contracted/purchased services from agencies.

### *How does an IEP team document ESY services?*

Documentation of ESY services should specify which goal(s) will be reinforced during ESY services. Documentation should describe the type of services (such as direct instruction, specific related services, consultation, or supervision), the beginning date of services and the ending date of services, the minutes per week of each service, service provider, and where the service will be provided.

### *Must the IEP team consider the provision of related services as ESY services?*

Yes. The IEP meeting participants must consider whether the child requires related services, such as physical therapy, occupational therapy and speech therapy, in order to benefit from special education. If a related service is necessary for the student to benefit from special education either during the ESY or regular academic school schedule, that related service must be provided. While a child may not need extended school year special education, that child may need extended school year related services in order to benefit from special education when school resumes during the school term. If a student needs only a related service during ESY, it must be provided.

### *Is transportation provided as part of ESY?*

Transportation is a related service and must be offered if it is necessary for the student to benefit from special education. If necessary, transportation should be added as a related service for the duration of ESY services.

## Special Circumstances

### *How are ESY services determined for a child turning three over the summer months?*

The IEP or individualized family service plan (IFSP) developed for a child who will reach age three during the summer must specify the child's program upon the third birthday, including ESY services. If ESY services are not needed, the date of initiation of services would be the beginning of the upcoming school year.

### *What is the status of a child's ESY services when there is a dispute over proposed services?*

If parents disagree with a decision of the team not to provide ESY services, and the timing of the decision does not allow sufficient time to obtain resolution of the dispute, then it is recommended that the child be provided with ESY services pending the outcome of the dispute resolution process.

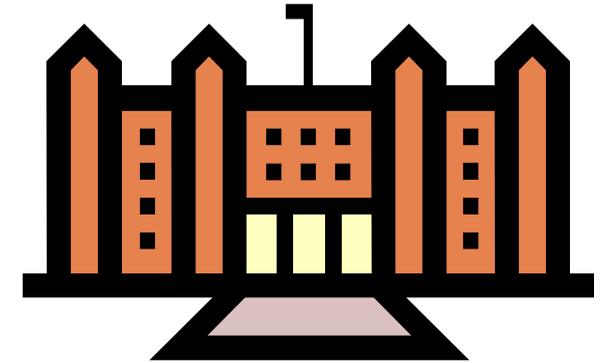
### *What if a parent does not agree to the child receiving ESY services?*

Some parents will decide not to have their child participate in ESY services. A school district cannot compel a student to participate in ESY services.

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# Extended School Year (ESY) Services

## A Parent's Guide



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# Extended School Year Services

The purpose of this brochure is to provide basic information for parents regarding extended school year (ESY) services for students who receive special education services during the regular school year. As part of the individualized education program (IEP) process, a team must determine if a child needs special education and related services extending beyond the normal school year.

Federal law first established ESY services through the Individuals with Disabilities Education Act (IDEA 97). School districts have an obligation to ensure that children with disabilities who require ESY services have necessary services available to them. The individualized decision about the need for ESY services is made through the IEP process. ESY services are also authorized under state law in North Dakota.



## Determining the Need for ESY Services

### *Who is eligible for ESY services?*

All children with disabilities who have a current IEP must be considered for ESY services at least annually. A school district may not limit ESY services to particular categories of disability, or unilaterally limit the type, amount or duration of those services. These requirements apply to all children with a disability between the ages of three and 21.

### *Who determines the need for ESY services?*

The IEP team determines the need for ESY services. The team consists of the parent(s) of the student, the child if appropriate, general education teacher(s), special education teacher(s) and related service providers, administrator or school district representative, and others as appropriate.

**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?”**

### *What determines the need for ESY services?*

Reasons why ESY services may be needed vary from child to child. Some children may suffer severe losses of social, behavioral, academic, communication, or self-sufficiency skills during interruptions in instruction. This is particularly true during long breaks such as summer vacations and holidays. Losses suffered may be so extensive that when school resumes, excessive amounts of time are needed to recover (recoup) lost skills, as compared to typical same-age peers. A child may experience losses because he or she reaches a critical learning stage at the end of a school year. He or she may need ESY services to avoid permanent loss of a learning opportunity. For other children, skills that support continued placement in the least

restrictive environment (LRE) can be maintained only by ESY services. The IEP team will use regression/recoupment criteria in determining the need for ESY services, while considering a broad range of other factors.

**Regression** – A decline to a lower level of functioning demonstrated by a decrease of previously learned skills that occurs as a result of an interruption in educational programming.

**Recoupment** – The ability to recover or regain skills at the level demonstrated prior to the interruption of educational programming.

### *How is the need for ESY services measured?*

Information that demonstrates a child’s need for ESY services is gathered through ongoing measurement of the child’s progress toward current IEP goals and objectives. Progress toward meeting goals and objectives is monitored on a regular basis through periodic reports given to parents.

The IEP team must consider the valuable information gathered through observations and input from the family, the child, and educators. This input is critical in developing an accurate and complete picture of the child’s level of functioning. Team members supply information such as regression and recoupment history, performance in the classroom, community-based activities, family circumstances, and recent behavioral and medical problems.

### *Is the IEP team required to demonstrate regression before ESY services are provided?*

No. A child cannot be required to fail, or be required to demonstrate a lack of progress for an entire year, simply to prove need for ESY services. If no information is available on regression, the need may be shown by professionals knowledgeable about the child and the disability.

**How often must a child be considered for ESY?**  
All children with disabilities must be considered for ESY services at least annually.

### *Does receipt of ESY services one summer assure such services the following summer?*

No. A child’s involvement in ESY services one year does not automatically guarantee services in the following years. Similarly, the fact that no ESY services were provided in a prior year does not mean ESY services are not needed in the current year. The decision is made on an annual basis.

### *If a child does not meet all of his or her IEP goals and objectives during the regular school year, does this mean ESY services are required?*

No. ESY services should not be granted solely on the basis of the child with disabilities not achieving one or more IEP goals or objectives. The critical question that each IEP team must ask regarding ESY services is “will the learning that already occurred during the regular school year be significantly jeopardized if ESY services are not provided?”

### *Is the IEP team required to document the justification of the need for ESY services?*

Yes. After the child’s IEP team has completed the discussion regarding ESY, the ESY section on the child’s IEP form must be completed as shown in the IEP form excerpt below.

**Extended school year MUST be considered for each student with a disability. Justification for the decision made MUST BE STATED BELOW.**

[ ] The review of each goal indicates that an extended school year is needed.

[ ] The team has determined that ESY is not necessary.

[ ] The team needs to collect further data before making this determination and will meet again by \_\_\_\_\_.

**Justification for the above decision:**