

Extended School Year

The need for ESY is to be determined individually by the IEP team when developing the initial IEP or when the IEP is reviewed annually. Students identified as gifted are not eligible for ESY services. Some students may attend their home school general education summer school (if provided) with reasonable accommodations and modification necessary for the child to have an equal opportunity to participate in the general education environment and curriculum. To determine if a student with a disability needs ESY, the following should be considered:

Determining Need for ESY:

- 1. Is a significant regression anticipated if ESY services are not provided?**
The LEA is not required to provide ESY services only because the student will benefit from such a program. Instead, the IEP team will determine for each individual child if the regression experienced by the student will significantly affect her/ his maintenance of skills/behaviors. This decision is **data-based**. Before the LEA is required to provide ESY services, the IEP team shall determine that more than 45 school days will be required to return the student to the former level of achievement because summer instruction was not provided. The IEP team shall make this determination by a review of pre and post data, as well as data collected 45 school days into the school year.
- 2. What is the nature and severity of the disability(ies)?** When a student's disability(ies) requires a highly structured program, cessation of services may result in regression. Particular consideration for ESY services will be given to students who need instruction in self-help skills such as dressing, eating or toileting, or who need continued structure to develop behavior control. Preschool students with moderate to severe disabilities may miss a window of developmental opportunity if critical skills such as talking or walking are beginning to emerge.
- 3. Has there been an interruption in services included in the IEP?** For example, the school may have been unable to find a physical therapist until November.

Important Points to consider:

- Provision of ESY services is an IEP team decision. One person should not be deciding if a child needs services. Access to ESY services in previous years is not a reason to continue ESY services the next.

- The purpose of ESY is to provide services to provide FAPE to the child so that the child can maintain progress made toward the goals specified on the child's IEP and to prevent regression. Regression is the number one factor to consider when determining the need for ESY services. If the team feels the child will regress to the point of taking 45 or more school days to return to the levels the child exhibited in May, then "significant regression" is possible and ESY services are warranted.
- The IEP team should only use Reason #2 above if there is data that supports that regression MAY occur without services.
- When deciding the length of services a child needs, please keep in mind the child and the staff need a break. It is recommended that services be no more than 6 weeks. This is a guideline and all decisions should be individually made.
- If the IEP team feels that there will be significant concerns or differences of opinions when making this decision regarding the student, it is required that the team contact the appropriate special education administrator prior to the meeting and/or invite them to the meeting.
- All decisions regarding ESY must be made by **April 1st** to allow administrative staff to formulate a budget, contact staff interested in working during the summer, make transportation & location arrangements, and contact parents.

Please include the following in staffing notes:

- An explanation as to how the student qualifies or does not qualify for ESY. Data may be attached if it is too extensive to summarize.
- IEP goals and objectives to be addressed in ESY.
- Amount of time needed for services (including length of ESY) and type of service provider needed. Time would not exceed what is presently on IEP.
- Location of services. Keep in mind that the services should be the same or similar to those provided during the regular school year. If the school is having a summer program, try to provide services at the school during that time frame.

Upon checking out through the MAR-NEM COOP at the end of the school year, the service provider must do the following if the student will be receiving ESY services:

- Provide a list of names and contact information for students receiving ESY services.
- Provide a copy of the staffing notes where ESY information was documented.
- Provide a copy of the last progress report.
- Provide any materials necessary to work on the ESY goals that may not be available to the summer provider.