

The Individuals with Disabilities Education Act (IDEA) defines Extended School Year (ESY) as special education and related services that:

1. *Are available as necessary to provide free appropriate public education (FAPE);*
2. *Are provided to a child with a disability –*
 - *Beyond the normal school year;*
 - *In accordance with the child's IEP;*
 - *At no cost to the parents of the child; and*
3. *Meet the standards of the State Education Agency*

Extended school year services must be provided if a child's IEP team determines, on an individual basis, that the services are necessary to provide Free Appropriate Public Education to the child. When considering the need for ESY, the team will determine if the child needs the services to continue to move toward accomplishment of the goals and objectives listed on the IEP. The need for ESY should be considered at the annual IEP meeting for each child on an IEP.

ESY services are provided on a case-by-case basis specific to the needs of a child. The Third Circuit Court ruled that a child's unique needs "are necessarily determined in reference to goals," and that for some children limiting services to 180 days might prevent them from accomplishing "reasonable educational goals" developed for the child and "be wholly inappropriate to the child's educational objectives." This overrides the ruling of a lower court which required that it be shown that a student would regress or fail to recoup (regain) skills if not provided ESY.

The Extended School Year is for more than academic subjects. The IEP team should include any area that is crucial to the child's progress toward "self-sufficiency". These "critical life skills" may include, but are not limited to: self-help, social skills, emotional support, mobility, communication, assistive technology, academics, and vocational skills. ESY should help the child work toward the goal of becoming a successful, productive citizen.

The difference between Extended School Year & Summer School

ESY are services required by the Individuals with Disabilities Education Act '97 to be provided beyond the traditional school year. They are available only to students with disabilities who meet the eligibility criteria. It is not a "one size fits all" program. Instead, an ESY program is individually designed by the IEP team for each individual student.

The purpose of ESY is to assure that the child receives a free, appropriate public education according to the goals and objectives on that child's Individualized Education Program (IEP). It is not the purpose of ESY services to help children with disabilities advance in relation to their peers.

Summer school is an optional program of the school district that is open to all students for the purpose of teaching new content or enrichment, offering recreational or academic opportunities not available during the regular school year or providing an opportunity for students who have failed classes to re-take those classes. A fee may be charged for summer school.

ESY scheduling, as to duration, amount and extent of services, must be determined by the **individual needs** of the child and cannot be determined by the district's summer school schedule. Summer school is typically operated on a set schedule for a number of weeks (e.g. two, six or ten weeks) for all who participate.

Some IEP teams may choose to have ESY services provided in the summer school setting to take advantage of the opportunities for inclusion with children who do not have disabilities, however, school districts may **not** restrict ESY services only to the summer school setting.

Determining if a child needs ESY services?

All students who received services on an IEP should be considered for ESY services at least annually. If the child's IEP is held early in the school year, then a meeting to discuss ESY should be scheduled later in the year. The issue that determines if the child needs ESY is whether the progress made by the child during the regular school year will be significantly

jeopardized if he or she does not receive continued educational programming during the summer months. The following questions can help make this determination:

- What is the child's progress toward his/her educational goals? Would the skill losses be serious enough, so they slow down the student's progress toward his/her educational goals?
- What skills has the child learned this year that the team considers critical?
- What impact do weekends, and holidays have on the child?
- How long does it usually take the child to regain skills he or she has lost after an extended break?
- How well did the child maintain skills last summer?
- Did the child have a structured program last summer:
- Was it continuous?
- How many hours per day?
- Was the child able to maintain skills within the context of the ESY program?
- What level of structure must parents provide at home in order for the child to maintain skills? Is it feasible or reasonable to expect parents to be able to provide that structure? (i.e. Would parents have to hire full time help to do so? Do the parents work? If so, is childcare able to provide the necessary level of structure?)
- In the opinion of the team, what will result if the child does not receive ESY services over the summer?
- If the child is age 14 or above, are transition goals considered in the need for ESY services? Does the child need a continuation of vocational or life skills training in order to maintain progress in these areas?

New goals and objectives are not to be added to the child's IEP for Extended School Year. The object is maintenance of previously learned skills.

The least restrictive environment considerations are also different with ESY. A full continuum of educational options may not be available in order for the child to be placed in an inclusive setting. Schools are not required to create a program for that sole purpose. However, the IEP team may designate that ESY services will be provided within an existing summer school program so the child will be educated with non-disabled peers.

What about “related services” and ESY?

Related services that the IEP requires must be considered for ESY. If the child receives speech therapy services and communication skills may be lost over an extended time without those services, then speech therapy should be a service provided in ESY. The same with physical and occupational therapy, transportation, mobility training for a child who is blind, vocational and life skills training, etc.

If the IEP team determines that a child needs ESY services, can the district say they do not provide ESY services, or they don't have room for the student, or they don't have enough staff?

NO, NO, **NO!!** Ask the district to either provide the services as determined by the IEP team or to put in writing why they cannot provide the services that are written in the IEP. Many times a district will provide the ESY services through a contractor, if they feel that is the only way to meet the student's needs. Either way – the services must be provided. If the district and the parents cannot reach agreement about this, then the parents may exercise the procedural safeguards.

For more information about EXTENDED SCHOOL YEAR

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Helping to Accomplish Educational Goals

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