

## Understanding Extended School Year Services

This issue focuses on **Extended School Year Services**. While technically not a related service, extended school year services (ESY) may be a very important aspect of the provision of a free appropriate public education for some students. Many are confused about what constitutes extended school year services and who may be eligible for these services.

### What Are Extended School Year Services?

Simply put, extended school year services are special education and related services provided to a student during extended breaks in the school schedule. While ESY is not the same thing as summer school, it may include educational programming during the summer break. (In some school districts that operate on a “year-around” calendar, the services might be provided during “off-track” periods that occur throughout the year.) Just as there are eligibility criteria for the receipt of special education and related services under the IDEA, there are criteria for the receipt of ESY services once a student qualifies for services under the IDEA.

### How Does My Student Qualify for ESY?

The IDEA statute and regulations establish a *regression-recoupment analysis* which requires the collection of data to demonstrate that a particular student experiences such significant regression over breaks from school that the student requires a considerable amount of time to recoup those previously learned or demonstrated skills. Most school districts provide their staff with guidelines for the manner in which the data is to be collected and analyzed. Nevertheless, the student must demonstrate **both** significant regression after a break and a considerable amount of time to recoup skills such that this negatively impacts the student’s progress during the school year.

For many years, school districts focused entirely on the regression-recoupment analysis, taking little, if anything, else into account. In 1990, the Tenth Circuit Court of Appeals (the circuit which includes Colorado) decided a Kansas ESY case called Johnson v. Bixby Independent School District. In that case, the court emphasized that the cornerstone of a free appropriate public education is an “individually designed education plan” and that such individualization is paramount to the appropriateness of the education program. For this reason, the court stated, a single criterion such as regression-recoupment, while an important consideration, “is not the only measure to determine the necessity of a summer program.” The court listed other factors that might impact the decision regarding ESY. These are:

1. The degree of impairment;
2. The ability of the child’s parents to provide the educational structure at home;
3. The child’s rate of progress;
4. The child’s behavioral or physical problems;
5. The availability of alternative resources;
6. The ability of the child to interact with children who do not have disabilities;
7. The areas of the child’s curriculum that need continuous attention;
8. The child’s vocational needs;

9. Whether the requested service is “extraordinary” to the child’s condition as opposed to an integral part of a program for those students who have that particular handicapping condition.

Thus it is clear that while regression-recoupment is an important factor to consider in determining a student’s need for ESY services, it cannot be the only criteria when determining that need.

It is important to note that ESY services are not designed for the teaching of new skills or behaviors. Nor is ESY a substitute for child care. It is a set of services that are designed to assist the student in maintaining the skills, progress, or behaviors acquired during the regular school year. The array of services provided during extended breaks may look very different from the student’s academic year program.

The most important targeted skills for a given student should be reflected in the annual goals developed at the Individual Education Program (IEP) meeting. Periodic evaluation of the student’s progress towards these goals is a requirement under the IDEA as reauthorized in 1997. For example, if the school evaluates progress for the general student population on a quarterly basis using report cards, a student receiving special education services under an IEP should receive quarterly progress reports using the goals and objectives identified on the student’s IEP.

Teachers and service providers are not required to collect regression-recoupment data on all students. Parents should initiate a request for the collection of regression-recoupment data in writing within a month or two of the commencement of the school year. Teachers and service providers should collect both formal and informal data on regression-recoupment. This should be done over the winter break, spring break, and summer break as appropriate. Teachers and service providers need to collect data regarding student performance levels prior to the break, immediately upon return from the break, and again several days or weeks into the next academic period. Performance levels should reflect the specific goals and objectives outlined in the student’s IEP so that the skills about which data is being collected are specific and easily identified. Private service providers such as a speech/language therapist, occupational therapist or tutor could collect similar data for presentation to the IEP team.

### **When Do We Decide About ESY?**

If a student’s annual IEP review occurs in the spring, the subject of ESY can be addressed at the annual review. Many students, however, have annual reviews in the fall or winter of the school year. For these students, a separate IEP review meeting could be held in the spring to discuss the need for ESY services. Parents are responsible for requesting that a review to discuss ESY services be conducted. Such a meeting should occur at least one month prior to the end of the school year so that resources can be identified and acquired in time for summer programming.

If a student has intensive needs, but doesn't qualify for ESY services based upon the regression-recoupment analysis alone, the IEP team should consider the other factors listed above. Each of these should be discussed in turn and notes of the review made on an IEP addendum.

### **What Services Will My Student Receive?**

Any student requiring ESY services should have an individualized ESY plan, separate from the annual IEP, that contains a description of (1) the specific goals and objectives from the student's IEP upon which the student will focus; (2) the identified service provider(s); (3) the amount of time, e.g. "one hour daily;" and (4) the duration of the services, e.g. "five weeks, commencing on July 1, 200\_ and concluding August 1, 200\_." If transportation is required, this should be noted on the ESY document and provided by the school district at no expense to the parents unless some other arrangement is made. A copy of the ESY plan should be provided to the parents and should be included in the student's permanent educational record.

### **Summary**

Some students require ESY services in order to maintain their educational gains. Eligibility criteria for extended year services includes examining data in light of regression and recoupment of learned skills as well as other criteria that permit a broader look at the student's educational needs. If a student truly requires extended school year programming to avoid jeopardizing important educational gains, the services must be provided in accordance with a written ESY plan developed by the IEP team, including parents.