

Extended School Year (ESY)

WHAT IS ESY? Some students with disabilities may need individualized services provided beyond the regular school calendar to enable them to maintain skills and/or make progress on specific goals and objectives that are part of the student’s Individualized Education Program (IEP). Those students may benefit from Extended School Year (ESY) services, authorized under the Individuals with Disability Education Act (IDEA) and a component of a Free Appropriate Public Education (FAPE).

ESY services are necessary when the skills and/or progress a child with a disability gains during the regular school calendar will be significantly jeopardized if the child is not provided with an educational program during regular school breaks. While ESY is not the equivalent of “summer school,” one can access summer school as ESY. It is important to understand, though, that the delivery of ESY services is not limited to summers, as it can be made available during any extended break from the regular school calendar.

WHO IS ELIGIBLE? Any student with a disability ages 3 through 21 who has an IEP must be considered for eligibility for ESY services.

HOW IS ELIGIBILITY DETERMINED? Eligibility is a decision made by a child’s IEP team, and parents are equal members of that IEP team. The decision should be based on the unique needs of the child. A determination must be made annually for every eligible student. Your child’s IEP team will examine data on the student and decide whether your student qualifies.

Remember that the key question should always be whether your child needs ESY services in order to receive a FAPE.

- States have considerable flexibility in determining ESY eligibility standards; the federal law does not set required criteria for ESY. Some factors may include the following:
 - Will your child likely suffer significant skills regression during breaks from school?
 - Will your child encounter challenges in recouping skills when returning to school from breaks?

- Is your child on the cusp of a breakthrough learning opportunity at the start of a school break, such that continuing services are needed for FAPE?
- Are there any other individualized factors specific to your child that would make ESY necessary for FAPE?

IF MY CHILD IS DETERMINED TO BE ELIGIBLE, DO THEY HAVE TO ATTEND? No, schools cannot compel a student/family to participate in the program.

WHAT IF I DISAGREE WITH THE TEAM DECISION? Parents have the right to dispute the decision via any of the three forms of IDEA dispute resolution: by filing a state complaint, requesting mediation, or filing a due process petition.

WHAT IS INCLUDED IN AN ESY PROGRAM? The IEP team will meet to determine the unique needs of the eligible child during an ESY program. The program should focus on those goals that are most crucial to help a student maintain certain skills or attain a critical new skill; accordingly, it may or may not address every IEP goal. Transportation should be provided and the IEP team should be sure to consider the child's least restrictive environment (LRE).

CAN SCHOOLS HAVE A PREDETERMINED PROGRAM FOR STUDENTS? No, schools cannot design "one size-fits-all" programs nor should they require parents to "take it or leave it."

QUESTIONS TO ASK YOURSELF AND SCHOOL

- **Will this program benefit my child?**
- **Is the proposed program uniquely designed to meet my student's needs?**

WHERE CAN I FIND MORE INFORMATION ABOUT ESY?

- IDEA regulations 300.106, Extended school year services.
- Extended School Year Services, 71 Fed. Reg. 46582 (Aug. 14, 2006):
<https://www.govinfo.gov/content/pkg/FR-2006-08-14/pdf/06-6656.pdf>

Council of Parent Attorneys and Advocates

