

# A PEATC

Do You Know....



## Fact Sheet for Virginia's Parents Extended School Year Services (ESY)

### What are Extended School Year (ESY) Services?

The **Individuals with Disabilities Education Act (DEA)** provides for a **free appropriate public education (FAPE)** for eligible students with disabilities. Special education and related services are provided under an **Individualized Education Program (IEP)** that is based on each student's unique needs. **Some students with disabilities may require services beyond the normal school year**, during the summer or other school breaks in order to receive a **Free Appropriate Public Education (FAPE)**. These services are called **Extended School Year (ESY)**.

### How is ESY Different from Summer School?

**ESY services are different from summer school, enrichment programs and compensatory education.** The decision to provide ESY is made by the IEP team and is based on **whether the child can receive FAPE without ESY**. The IEP team must decide if the educational benefit the student receives will be **at risk** if the student does not receive ESY, meaning, will the student be at risk of losing the majority of their academic progress during a break in services and instruction.

If the IEP team agrees that ESY is needed, these services must be provided at **no cost** to the parent. **How long ESY lasts, location, and type of services** will be different for each student. So, a **school division cannot offer a standard 6-week summer school program or offer an "ESY program"** to students with disabilities. **ESY cannot be limited** to summer. If an extended holiday break, for example, would significantly jeopardize educational benefit, then ESY must be considered.

### When is Eligibility for ESY Determined?

As noted above, **eligibility for ESY is an IEP team decision**. It is determined **annually** (or more frequently if the student may require it during breaks other than summer). It is **not guaranteed** from one year to the next. Many school divisions wait until the spring IEP to discuss ESY. While it is important to have sufficient information to make the decision on whether ESY is required, the **discussions should be held early enough to allow parents to access dispute resolution procedures should the IEP team deny ESY services**.

### Resources on Extended School Year Services

#### Virginia Department of Education

[http://www.doe.virginia.gov/special\\_ed/regulations/federal/extended\\_schoolyear\\_services.pdf](http://www.doe.virginia.gov/special_ed/regulations/federal/extended_schoolyear_services.pdf)

#### Understood

*Extended Year Services: What You Need to Know*

<https://u.org/2WEyRaK>

#### U.S. Department of Education, Office of Special Education Programs

<https://sites.ed.gov/idea/reg/b/b/300.106>

#### Contact Us:

8003 Forbes Place, Suite 310

Springfield, VA 22151

800-869-6782 / 703-923-0010

[www.peatc.org](http://www.peatc.org)

Hablamos Español



# Fact Sheet for Virginia's Parents

## What are the Key Factors Considered by the IEP Team?

Any of the factors below, alone or in combination, can trigger the need for ESY if the IEP team decides that the interruption in services caused by a school break will **significantly jeopardize the student's educational placement during the regular school year** and/or **his ability to benefit from his educational program during the regular school year.**

- ✓ **Regression/recoupment** of critical life skills as a result of interruption.
- ✓ **Degree of Progress** toward critical life skills affected by interruption.
- ✓ **Emergent Skills/breakthrough opportunities** affected by interruption
- ✓ Impact of **interfering behavior** impact on educational programming/progress
- ✓ The **nature and/or severity** of the disability
- ✓ **Special circumstances** or other factors
  - Ability of parents to provide educational structure at home;
  - Ability of student to interact with students without disabilities; and
  - Areas of the student's curriculum which need continuous attention.

## What are ESY Services and What are they NOT?

ESY services are **individualized**. For some students this will include instruction on specific educational subjects. For others it may include related services like speech or occupational therapy. For some students it will be a combination of services. **Schools are only required to provide the specific services your child needs to ensure he receives FAPE.** ESY services are:

- ✓ Not a mandated 12- month service for all students with disabilities.
- ✓ Not childcare.
- ✓ Not necessarily a continuation of the total IEP provided to your student during the regular school year.
- ✓ Not required to be provided all day or every day.
- ✓ Not required to be provided in a traditional classroom setting.
- ✓ Not a service to be provided to maximize each student's potential.

## What do Federal Regulations Require?

### CFR 300.106 (Excerpted )

ESY means special education and related services that:

- Are provided to a student with a disability,
- Beyond the normal schoolyear of the public agency,
- In accordance with the IEP,
- At no cost to the parents, and
- Meet the standards of the state education agency

(a)(1) Each public agency must ensure that **ESY services are available as necessary to provide FAPE** consistent with (a)(2).

(a)(2) ESY must be provided **only if the IEP team determines the services are necessary for provision of FAPE.**

(a)(3) A public agency **may not:**

- Limit ESY services to a category of disability
- Unilaterally limit the type, amount or duration of services.

PEATC's mission focuses on building positive futures for Virginia's children by working collaboratively with families, schools and communities to improve opportunities for excellence in education and success in school and community life.

For more information about us, please contact:

8003 Forbes Place, Suite 310  
Springfield, VA 22151  
800-869-6782 / 703-923-0010  
[www.peatc.org](http://www.peatc.org)



The contents of this factsheet were developed under a grant from the US Department of Education, #H328M140013-18. However, those contents do not necessarily represent the policy of the US Department of Education, and you should not assume endorsement by the Federal Government. Project Officer. PEATC is not a legal services agency and cannot provide legal advice or legal representation. Any information contained in this factsheet is not intended as legal advice and should not be used as a substitution for legal advice.

