

Extended School Year Services Factsheet for Virginia's Parents

What are Extended School Year (ESY) Services?

The **Individuals with Disabilities Education Act (IDEA)** 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 summer or other breaks, in order to receive FAPE. These services are called Extended School Year (ESY). ESY is provided when a service interruption would significantly jeopardize the student's ability to benefit from their educational program.

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. This means the student would be at risk of losing most 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, the location, and the type of services** will be different for each student. A school division cannot simply offer a standard summer school program as ESY. ESY must be individualized based on each student's IEP. 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 a decision of the IEP team**. 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 decide 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.

What do Virginia Regulations Require?

- ESY services, including transportation, **are available to provide FAPE**.
- ESY services are provided if the team determines that a child with disabilities' gains would be **significantly jeopardized** if ESY is not provided.
- A local educational agency **may NOT**:
 - Limit ESY to particular categories of disability
 - Limit the type, amount, or duration of those services
 - Limit the provision of ESY to only the summer

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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 **their ability to benefit** from their educational program during the regular school year.

- ✓ **Regression and recoupment** of critical skills
- ✓ **Progress** toward critical life skills
- ✓ **Emerging skills** or breakthrough opportunities
- ✓ Impact of **interfering behaviors**
- ✓ **Nature or severity** of the disability
- ✓ **Special circumstances** or other relevant factors
 - Ability of parents to provide educational structure at home;
 - Ability of the student to interact with students without disabilities; and
 - Areas of the student's curriculum that 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 needed to ensure your child receives FAPE.** ESY services are not:

- ✓ a mandated 12- month service for all students with disabilities
- ✓ childcare
- ✓ necessarily a continuation of the total IEP provided to your student during the regular school year
- ✓ required to be provided all day or every day
- ✓ required to be provided in a traditional classroom setting
- ✓ a service to be provided to maximize each student's potential.

ADDITIONAL INFORMATION/RESOURCES:

Understood.com Extended school year services: What you need to know

U.S. Department of Education Code of Federal Regulations (CFR 300.106) Extended Year Services

Virginia Department of Education Virginia's Family Guide to Special Education

Virginia Department of Education Regulations Governing Special Education Programs for Students with Disabilities in Virginia

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:

www.peatc.org | 703-923-0010 | partners@peatc.org

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