

**TOPIC: IEP Services –  
Age Three Extended School Year Services or Continuous Services**

***“Does a child who is age three qualify for extended school year services (ESYS) under Part B or continuous services under Part C?”***

For children who are already served in Part C and turn 3 during the school year, the child remains eligible for continuous services and services coordination through August 31 of that year, if their family so chooses. However, parents may elect not to continue with an IFSP under Part C at age three, and may elect to transition to Part B at that time, depending on their own needs and preferences. This is an individual choice and decision of the parents, not a decision of the child’s team or school district. If the parents elect to transition to Part B at age three, the child is not eligible for continuous services under Part C. Instead, the IEP team would determine, based on the child’s individual needs (and not administrative convenience) whether the child requires ESYS over the summer in order to receive FAPE.

92 NAC 51: 003.37 states: ***Infant or toddler with a disability*** means a child under three years of age who needs early intervention services because he or she is experiencing developmental delays as measured by appropriate diagnostic instruments and procedures in one of the areas of cognitive development, physical development, communication development, social or emotional development, and adaptive development; or has a diagnosed physical or mental condition that has a high probability of resulting in developmental delay. **Toddlers who reach age three during the school year shall remain eligible throughout that school year.**

92 NAC 51: 003.58 states: ***School year for infants and toddlers*** shall be September 1 through August 31.

92 NAC 51: 007.18 **Year Round Continuous Services.**

007.18A states: Early Intervention Services may not be interrupted or modified or otherwise changed for reasons unrelated to the child’s needs such as service provider availability or scheduling.

For children who are three years old at the time of initial referral and verification, the child is eligible for special education and related services under Part B, and may qualify for extended services year services, per IEP team determination.

92 NAC 51 007.07C5 **Extended School Year Services (ESYS)**

007.07C5a states: Each school district or approved cooperative shall ensure that extended school year services are available as necessary to provide a free appropriate public education consistent with 007.07C5b.

007.07C5b states: Extended School Year services must be provided only if a child’s IEP team determines, on an individual basis, in accordance with Section 007, that the services are necessary for the provision of a free appropriate public education.

007.07C5c states: In implementing the requirement of this section, a school district or approved cooperative may not limit extended school year services to particular categories of disability or unilaterally limit the type, amount, or duration of those services.

Part C, the IFSP and continuous services are an integrated package and always go together. Part B, the IEP and extended school year services are an integrated package and always go together. These components cannot be separated from each other and mixed across Part B and Part C.

**Resource:** <http://edn.ne.gov/ifsp-training-video.html> This link contains a sample IFSP services page and training video reflecting services provided for a child who turns 3 years old during the school year, possibly entering a group/center-based program, but remaining on an IFSP until the following August 31.