



# NEBRASKA

## DEPARTMENT OF EDUCATION

### The Individuals with Disabilities Education Act (IDEA)

92 NAC 51 (Rule 51)

### Extended School Year (ESY) Services

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# TABLE OF CONTENTS

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Forward.....	3
Definition of Terms.....	4
Eligibility for ESY Services.....	6
ESY Services.....	9
Questions and Answers.....	11
Appendix.....	15
References.....	20

## FORWARD

**Extended School Year (ESY)** is a term used to define special education and related services provided for children with disabilities during periods when school is not in session.

**In March 1999**, requirements for ESY services were included for the first time in federal regulations implementing the 1997 amendments to the Individuals with Disabilities Education Act (IDEA). Those requirements state:

### **§300.106 Extended school year services.**

#### *(a) General.*

- (1) Each public agency shall ensure that extended school year services are available as necessary to provide FAPE, consistent with paragraph (a)(2) of this section.*
- (2) Extended school year services must be provided only if a child's IEP team determines, on an individual basis, in accordance with §§300.320-300.324, that the services are necessary for the provision of FAPE to the child.*
- (3) In implementing the requirements of this section, a public agency may not--*
  - (i) Limit extended school year services to particular categories of disability; or*
  - (ii) Unilaterally limit the type, amount, or duration of those services.*

#### *(b) Definition. As used in this section, the term extended school year services means special education and related services that--*

- (1) Are provided to a child with a disability—*
  - (i) Beyond the normal school year of the public agency;*
  - (ii) In accordance with the child's IEP; and*
  - (iii) At no cost to the parents of the child; and*
- (2) Meet the standards of the SEA. (Authority: 20 U.S.C. 1412(a)(1))*

**The United States Department of Education** did not set standards for ESY, but rather assigned each state the task of ensuring that the right to ESY services is based on a child's entitlement to a Free Appropriate Public Education (FAPE).

**Nebraska Public Schools** are committed to providing all children with disabilities a Free Appropriate Public Education. With that commitment in mind, this Technical Assistance (TA) document was developed to serve as a guide for parents and educators across the state to assist them in making decisions regarding the provisions for extended school year services.

## DEFINITION OF TERMS

**Extended School Year (ESY) Services** – Special education and related services provided for children with disabilities during periods when school is not in session.

**FAPE** – Free Appropriate Public Education

**IDEA** – Individuals with Disabilities Education Act

**IEP** – Individual Education Program

**OSERS** – Office of Special Education and Rehabilitative Services

**OSEP** – Office of Special Education Programs

**Critical Life Skills** – Means academic, social, functional, and behavioral skills that:

- Are linked to the IEP goals; and
- Are critical to the student's school and community functioning

Examples of types of critical life skills:

- Skills designed to increase the student's independence from caretakers
- Skills required across a variety of environments
- Skills or behaviors that increase the student's independence in the school or community
- Skills designed to allow the student to move to or remain in a less restrictive environment
- Skills that permit the student to decrease or eliminate behaviors that interfere with the student's functioning at school or in the community
- Skills essential for the student's maintenance of academics, behavior, communication, or self-sufficiency and independence

**Regression** – Substantial loss of any critical life skills. Some degree of loss in skills typically occurs with all children during normal school breaks and would not be considered substantial. The inability of the student to maintain an acquired skill in an identified goal area of concern when special education instruction or related services in an IEP goal area are interrupted and require an unreasonable amount of time for recoupment.

**Recoupment (Recovery)** – The ability to recover a loss of skills in a reasonable time following a normal school break. Reasonable recoupment rates vary among individuals based on individual learning styles and rates.

**Degree of Progress** – The IEP team must review the child's progress on any IEP objectives targeting critical life skills, and determine whether, without ESY, the child's degree of progress on those IEP objectives is likely to prevent the child from receiving some benefit from his or her educational program during the regular school year.

**Emerging Skills or Breakthrough Opportunities** – The IEP team determines whether any IEP objectives targeting critical life skills (see definition of critical life skills above) are at a breakthrough point and whether the interruption of instruction of the critical life skills caused by the school break is likely to prevent the child from receiving some benefit from his or her educational program during the regular school year.

**Interfering Behaviors** – The IEP team determines whether any IEP objectives targeting interfering behaviors, such as stereotypic, ritualistic, aggressive, or self-injurious behavior(s) have prevented the child from receiving some benefit from his or her educational program during the previous school year, or whether the interruption of programming which addresses the interfering behavior(s) is likely to prevent the child from receiving some benefit from his or her educational program during the next school year.

**Nature and Severity of the Disability** – The IEP team determines whether the nature and severity of the disability is such that the interruption of the instruction of critical life skills caused by the school break is likely to prevent the child from receiving some benefit from his or her educational program during the regular school year.

**Special Circumstances** – The IEP team determines whether special circumstances are such that the interruption of instruction of the critical life skills caused by the school break is likely to prevent the child from receiving some benefit from his or her educational program during the regular school year.

**Some Benefit** – An improvement in meeting the critical life skills objective as determined by the child's progress towards meeting the objective criteria as written in the IEP for the current school year. Some benefit is determined by the professional judgment of the members of the IEP team.

## ELIGIBILITY FOR ESY SERVICES

The purpose of an extended school year is to prevent or slow severe skill regression caused by an interruption of special education services during extended periods when school is not in session. It is not to enhance the present levels of educational performance exhibited by children with disabilities at the end of the regular school year. The need for extended school year services is based on a construct of skill regression and a child's limited capacity for recoupment. An extended school year may be provided only when it is determined that a child might regress in a critical skill area to such an extent that recoupment of the skill loss would require an unusually long period of time to recoup or make it unlikely or impossible to recoup the present level of educational performance. Within the categories marked by a severe disability, it is not appropriate to assume that a significant regression/recoupment factor exists. Some children with severe disabilities may consistently demonstrate a limited array of skills, but **not** demonstrate a significant regression/recoupment factor in any of the skills. Therefore, these children would not be appropriate candidates for ESY services.

All children with disabilities who have a current IEP must be considered for ESY services at least annually. A school district may not limit ESY services to particular categories of disability, or unilaterally limit the type, amount, or duration of those services. A child's involvement in ESY services one year does not automatically guarantee services in following years. Similarly, the fact that no ESY services were provided in a prior year does not mean ESY services are not needed in the current year. These requirements apply to all children with a disability between the ages of three (3) through the age in which the child remains eligible for special education services. When it is determined that a child is in need of extended school year services, it will be provided as a related service at no cost to the parents, and must be provided under the auspices of an IEP.

The IEP team determines the need for ESY services. The team consists of the parent(s) of the child, the child if appropriate, the general education teacher(s), the special education teacher(s) and related service providers, an administrator or school district representative, and others as appropriate. Each person fulfills an important role by sharing critical information about the child and his or her unique needs. As part of the IEP process, the team must determine if a child needs a program of special education and related services extending beyond the normal school year. In such a child, restricting services to a standard number of school days per year would not allow development of an education program that is truly individualized.

Not all children with disabilities need ESY services nor do the provisions of ESY mean the child needs such services each year. Children with disabilities, like their peers without disabilities, benefit from breaks in a school schedule. Breaks in formal programming allow most children to generalize school-learned skills and behaviors to their home and community settings.

The critical question that each IEP team must ask is **“Will the learning that occurred during the regular school year be significantly jeopardized if ESY services are not provided?”**

Reasons why ESY services may be needed vary from child to child. Some children may suffer severe losses of social, behavioral, academic, communication, or self-sufficiency skills during interruptions in instruction. This is particularly true during long holiday breaks and summer vacations. The losses suffered may be so extensive that when school resumes, excessive amounts of time are needed to recover (recoup) lost skills, as compared to typical same-age peers. In determining significant regression and limited recoupment, it is important to consider the distinction between generalization and maintenance. A loss of skills over time could be due to failure to maintain performance or failure to generalize acquired skills to new settings. Many children do not automatically generalize acquired skills to environmental conditions outside those under which the initial learning took place. A child may experience losses because he or she reaches a critical learning stage at the end of the school year. He or she may need ESY services to avoid permanent loss of a learning opportunity. For other children, skills that support continued placement in the least restrictive environment (LRE) can be maintained only by ESY services. The IEP team will use regression/recoupment criteria in determining the need for ESY services, while considering a broad range of other factors, including category of disability, severity of disability, parent's ability to provide an educational structure at home, and the child's rate of progress. Court cases also include the following factors to be considered in the determination of need for ESY services: 1) the child's behavioral and physical problems; 2) the availability of alternative resources; 3) the ability of the child to interact with non-disabled children; 4) the areas of curriculum that need continuous education; and 5) the child's vocational needs.

Determination of the need for ESY services cannot be based on a formula, as formulas lack the individualization that ensures children with disabilities have appropriate educational planning to accommodate their unique needs. Case law supports the conclusion that the determination of need for ESY services cannot be based on a policy that prohibits or inhibits full consideration of the individual needs of each child with a disability.

In addition to the valuable information already being gathered to determine progress toward annual goals and short-term objectives, a child's IEP team should address the following points in determining the need for ESY services:

- Consider information from a variety of sources.
- Measurement should be sensitive to small changes that may occur during short breaks in services.
- Measurement information should be gathered during the child's performance after long week-ends, vacations, and previous summer breaks.
- Consider both prior experience with regression/recoupment and predictive information.

## ESY SERVICES

The IEP team must consider the need for ESY services at the annual IEP meeting. However, under some circumstances, the need for ESY services and the characteristics of those services may not be known at the time of the annual IEP meeting. In that case, the team can identify the date it will reconvene to determine the need and ESY services to be provided. The regulations do not specify how many days in advance of the end of the school year that team determinations must be finalized; however, the team meeting to discuss ESY services should be conducted early enough to allow for appropriate planning. Any team member, including the parent(s), can request a new IEP meeting to reconsider ESY needs or the extent of ESY services.

ESY services are intended to minimize the effects of significant regression. Therefore, it is reasonable for ESY services to concentrate on areas at risk for significant regression. Because of this focus, ESY services may differ markedly from the services provided to a child during the school term. Services would logically be modified in a way to enhance generalization and maintenance of skills. As with any IEP, the needs of the child dictate the program rather than any available program dictating the services to be provided to the child.

Individualized ESY services could be provided in a traditional classroom setting; however, the location and nature of service delivery can vary with the needs of the child.

Other appropriate service delivery options could include:

- school-based programs that vary in length of schedule (e.g., two weeks, six weeks, ten weeks),
- grouping of children with similar goals and objectives,
- intra-school cooperative programs,
- a cooperative program with another agency,
- limited child contact, perhaps 3-4 times during the summer to prevent regression,
- a week of intensive review just prior to the beginning of the school year
- multi-school shared programs,
- contractual arrangements,
- community based programs, and
- transition opportunities.

Some children may need services provided in the home or at an alternative location. Some children might benefit if the school provides training to the parent in advance of long breaks in regular school schedules. The teacher and parent could work together, with materials sent home and progress periodically

monitored by the teacher. Such home consultations prior to the vacation and at intervals during the vacation, if needed, could provide support and instruction to parents in preventing regression. It offers the additional benefit of increased opportunities for practice and generalization across settings. However, a school cannot simply choose to delegate its responsibilities for providing ESY services to the parents. The option of home consultation would depend upon availability of parents, their desire to assist, the complexity of their child's needs, and other factors specific to the child's needs.

For other children, depending upon the nature of the skill to be maintained, a summer camp, recreational program, or a district's optional summer school program could provide opportunities for maintenance of skills.

## QUESTIONS AND ANSWERS

### **Can schools refuse to consider extended school year services?**

Schools cannot refuse to consider extended school year (ESY) services. The Individuals with Disabilities Education Act (IDEA) (300.106) requires all decisions regarding ESY to be made on the basis of individual needs of a child as documented in the IEP. Any policy that attempts to be categorical is not individualized; therefore, not in compliance with federal regulation. Examples of categorical statements include:

- “No child gets summer programming.”
- “There are no related services during summer.”
- “If you get summer school then you get the same thing they offer everyone else.”
- “Only individuals with severe disabilities get summer services.”

### **How often must a child be considered for ESY?**

All children with disabilities must be considered for ESY services at least annually.

**Must schools notify parents of the availability of extended year services?** Just as the school provides notice to parents about other services (e.g. evaluations, physical therapy), the school must inform parents of the availability of extended school year services when appropriate. The burden is not on the parents to bring it up or to prove it is needed. Schools have a duty to identify needs, to evaluate those needs, to discuss them at the IEP meeting, and to offer an appropriate education based on those needs.

### **If a child does not meet all of his or her IEP goals and objectives during the regular school year, does this mean ESY services are required?**

No. ESY services should not be granted solely on the basis of the child with disabilities not achieving one or more IEP goals or objectives. In a *Letter to Kleccka* (30 IDELR 270), OSEP stated: “Whether a child with a disability requires ESY is a decision for that child’s IEP team. Nothing in federal law or the corresponding regulations requires children with disabilities who do not meet their IEP goals to participate in ESY.” The critical question that each IEP team must ask regarding ESY services is “Will the learning that occurred during the regular school year be significantly jeopardized if ESY services are not provided?”

### **Should new goals and objectives be developed for ESY services?**

No. ESY services address the maintenance of previously learned skills, as identified in the current IEP. The intent of ESY services is not to teach new skills.

**How does the IEP team determine the amount of ESY services of each child?**

The determination of the extent of ESY services must be made on an individual basis after a thorough review of the child's goals and objectives as documented in the IEP. The IEP team will gather data to assist in making the determination for ESY and document that data.

**How does an IEP team document ESY services?**

Documentation of ESY services should specify which goal(s) will be reinforced during ESY services. Documentation should describe the type of services (such as direct instruction, specific related services, consultation, or supervision), the beginning and the ending dates of services, the minutes per week of each service, service provider, and where the service will be provided.

**May a child's ESY services be provided in a district's optional summer school program?**

Yes. The summer school setting could offer unique and appropriate opportunities for a child to enhance generalization of skills in a setting very similar to that of the regular school year, as well as provide frequent practice for maintenance of skills. However, ESY services must be tailored to the unique needs of the child and cannot be based solely on availability of services during the summer, or on the district's summer school schedule.

**Must the IEP team consider the provision of related services as ESY services?**

Yes. The IEP meeting participants must consider whether the child requires related services, such as physical therapy, occupational therapy and speech therapy, in order to benefit from special education. If a related service is necessary for the child to benefit from special education either during the ESY or regular academic school schedule, that related service must be provided.

**Who may provide ESY services?**

It is necessary to use licensed and qualified staff for ESY services. Non-licensed staff may be used if they are trained and supervised by licensed staff. Staffing options might include supervised practicum students, supervised student teachers, supervised para-educators, or contracted/purchased services from agencies.

**Is transportation provided as a part of ESY?**

Transportation is a related service and must be offered if it is necessary for the child to benefit from special education. If necessary, transportation should be

added as a related service for the duration of ESY services in the event the child would need to be transported to the site where his or her ESY services are being provided.

**If a regular education setting is necessary to implement an ESY IEP for an individual child, could a district be required to pay for services in a private school setting?**

School districts are required to purchase private school placements in a regular education setting if they are required to implement a child's IEP. Each child's placement determination must be individualized and based upon the content of the IEP. OSEP recognizes that a child's IEP for ESY services will probably differ from the child's regular IEP, *since the purpose of the ESY program is to prevent regression and recoupment problems*. Therefore, the placement needed to implement the child's IEP for ESY services may differ from the child's placement during the regular school year.

**Can decisions about ESY be determined retrospectively?**

ESY services are not earned by what happened last summer. A child is entitled to them because of what might happen next summer. The issue is whether there is significant jeopardy to the learning that occurred during the regular school year if the child is not provided ESY.

**Must a full continuum of placements be maintained during the summer for ESY?**

In a *Letter to Myers* (16 IDELR 290), OSEP states: "Because ESY services are provided during a period of time when the full continuum of alternative placements is not normally available for any children, the United States Department of Education does not require states to ensure that a full continuum of placements is available solely for the purpose of providing ESY services.

However, IDEA does require that options on the continuum be made available to the extent necessary to implement a child's IEP."

**Does receipt of ESY services one summer assure services the following summer?**

No. A child's involvement in ESY services on year does not automatically guarantee services in the follow years. Similarly, the fact that no ESY services were provided in a prior year does not mean ESY services are net needed in the current year. The decision is made on an annual basis.

**Must a school district provide ESY services to a student transferring in from another school district that provided ESY services?**

The new school district generally must provide ESY services as comparable services to a transfer student whose IEP from the previous school district contains those services, and may not refuse to provide ESY services to that child merely because the services would be provided during the summer. While the determination of comparable services is made on an individual basis, the new school district's IEP team may not arbitrarily decrease the level of services to be

provided to the child as comparable services.

**Is the IEP team required to demonstrate regression before ESY services are provided?**

No. In a *Letter to Given* (39 IDELR 129), OSEP stated that a child cannot be required to fail, or be required to demonstrate a lack of progress for an entire year, simply to prove need for ESY services. If no information is available on regression, the need may be shown by professionals knowledgeable about the child and the disability. Consideration of a student's need for ESY services must include a variety of factors (e.g., progress on IEP, history of regression or lack of recoupment of a critical life skill, prediction of regression or lack of recoupment of critical life skills, loss of independence from caretakers, likelihood of more restrictive placement, break-through learning opportunity, special circumstances, etc.).

**How are ESY services determined for a child turning three over the summer months?**

A child who turns three during the summer, and is on an IEP, must be considered for ESY in the same manner as any other child with a disability. When a child is going to turn three during the summer, the IEP or IFSP developed 90 days prior to the third birthday must "specify the child's program upon the third birthday, including ESY, if needed by a particular child to receive FAPE. If ESY services are not needed to provide FAPE, the date of initiation of services could be the beginning of the upcoming school year." *Letter to Anonymous* (22 IDELR 980) (OSERS 1995)

**What if a parent does not agree to the child receiving ESY services?**

Some parents may decide that their child does not need ESY services. In that event, a school district cannot compel a child to participate in ESY services. However, the IEP team must determine if FAPE is at issue. If FAPE is determined to be at issue, parents must be offered dispute resolution. If the IEP team determines FAPE requires ESY services, the district must notify parents of their procedural safeguards including mediation and due process procedures. When the IEP team determines the parent refusal of ESY services does not impact FAPE for the student, the parent can accept or refuse ESY services without need for due process.

**Must the entire IEP be implemented during ESY services?**

Only those skill areas which would suffer a decline as a result of an interruption in instruction would be addressed during ESY services.

## Appendix I

### Comparison of ESY and Summer School Services

Summer School Services	Extended School Year Services
<b>Definition:</b>	<b>Definition:</b>
An optional or permissive program provided beyond the regular school year. A school may or may not elect to operate summer classes.	Services required by (34 CFR 300) to be provided beyond the traditional school year for any child with a disability who needs special education services and/or related services in order to receive a free appropriate public education (FAPE).
<b>Purpose:</b>	<b>Purpose:</b>
Teaching new content or enrichment; offering recreational or academic opportunities not present during the regular school year. Children with and without disabilities benefit from additional educational opportunities.	Assuring a child's meaningful progress during the regular school year (FAPE) by maintaining learned skills and preventing loss of critical skills. If services are not provided, child's skills are temporarily or permanently lost, jeopardizing progress. ESY services are not provided for the purpose of helping children with disabilities advance in relation to their peers.
<b>Cost:</b>	<b>Cost:</b>
May charge fee.	Free.
<b>Duration:</b>	<b>Duration:</b>
Typically operated on a set schedule for a number of weeks during the summer (e.g., two, six or ten weeks) for all those who participate.	Schedule, setting, and extent of services are designed to meet the individual needs of a child in order to assure FAPE. The amount and duration of services are not determined arbitrarily by a district's summer school schedule, but by the IEP team.
<b>Criteria:</b>	<b>Criteria:</b>
General education setting, based on needs and interests of all children. A child's participation does not depend on a team determination of need.	Specifically designed instruction based upon a child's individual needs. IEP team determines need and extent of services to meet the unique needs of the child.

## APPENDIX II

### EXTENDED SCHOOL YEAR SERVICES CHECKLIST

- The child has been considered for ESY at least annually by the IEP team.
- The current IEP is the basis for ESY services.
- ESY is considered for all the goals/objectives listed in the IEP.
- There is a likelihood of *significant regression* during long interruptions of instruction and/or therapy without ESY, and the rate of probable recoupment of skills will be excessive.
- Other factors considered by the team:
- |  |   |
|--|---|
| <input type="checkbox"/> Degree of impairment                  | <input type="checkbox"/> Program interruption   |
| <input type="checkbox"/> Opportunities at home                 | <input type="checkbox"/> Critical life skills   |
| <input type="checkbox"/> Physical issues                       | <input type="checkbox"/> Interfering behaviors  |
| <input type="checkbox"/> Other factors identified by the team: | <input type="checkbox"/> Category of disability |
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- The team documented the need for ESY retroactively through:
- Historical data
- Observations / charting
- Pre/Post testing
- Other:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- The team identified the need for ESY prospectively by:
- Documented opinions of team members
- Other:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- No other services are available during the summer to prevent regression.

## APPENDIX III

### DETERMINATION OF ESY SERVICES

#### DOCUMENTATION REVIEWED

- A. Current IEP, focused on the present levels of educational performance, annual goals, and short-term instructional objectives
- B. Pre- and post-testing using criterion-referenced assessment procedures.
- C. Parent/Teacher activities which specifically addressed the maintenance of learned skills while programming was interrupted.
- D. Consideration of pertinent medical, psychological, and educational data.
- E. Consideration of a data base of regression/recoupment. Data should be gathered and documented periodically during the regular school year which reflects the regression/recoupment cycle experienced following interruptions of instruction services.
- F. Areas of learning which are identified as an integral part of a skill area required in order for the student to reach his/her assessed potential, such as social, motor, behavioral, academic, self-help, and communicative abilities.
- G. Documented evidence showing that substantial regression caused by interruption in educational programming, together with the student's limited recoupment capacity may result in a significant delay in recoupment of critical skills.

#### QUESTIONS ASKED

- A. What critical skills is the student working on?
  - Does the student's IEP have annual goals with skills essential for the student's maintenance of academics (for preschool children-maintenance of appropriate activities), behavior, communication, or self-sufficiency and independence?
  - Is the student working on skills that are required across a variety of environments?
  - Is the student working on decreasing behaviors that interfere with the student's functioning at school or in the community?
  - Is the student working to develop behaviors to increase the student's independence or functioning at school or in the community?
  - Is the student working on skills designed to increase the student's independence, such that if the student cannot perform the skills, assistance from another person will be necessary (e.g. daily living skills, academic skills, behavioral skills)?
- B. Were any IEP goals unmet? Are there any barriers to the student meeting the IEP goals?
  - Has the student had frequent health-related absences that have impeded the student's progress on his or her IEP goals?
  - Has the student experienced behaviors that have interfered with the student's ability to progress toward achievement of his or her IEP goals?
- C. What is impacting the student's rate of progress?
  - Is the student's rate of progress or lack thereof likely to prevent the student from

receiving educational benefit during the school year? (**NOTE:** lack of progress on goals and objectives is NOT a prerequisite to ESY services.)

- D. Is there anything unique about the student's present level of performance or the nature or severity of the student's disability that would indicate the need for ESY services?
- E. Is there historical or predictive data that the student has or will experience skill regression during an interruption of educational services or that the student has or will experience difficulty recouping lost skills?
- Do the student's difficulties with regression and recoupment make it unlikely that the student will maintain the critical skills and behaviors relevant to the student's IEP?
- F. Is there a likelihood of the student being placed in a more restrictive placement?
- Is the student working on skills designed to allow the student to move to a less restrictive environment or to prevent placement in a more restrictive environment?
- G. Are continuous or year-round services an integral part of the student's ability to acquire or retain a skill or behavior?
- Is the student at the point of readiness for acquiring a critical skill such that an interruption of services will result in the loss or significant reduction of the student's ability to acquire the skill?
- H. Are there special circumstances unique to this student's situation and not addressed by the other factors that will have an impact on the student's need for ESY services or the provision of a free appropriate public education (FAPE)?
- Is the student at a critical point of meeting an IEP goal related to self-sufficiency and independence?
  - If a student's behaviors have previously interfered with the student's ability to acquire a critical skills, is there a window of opportunity for assisting the student to acquire that skill because the previously interfering behavior is currently under control or otherwise diminished?

## APPENDIX IV

<b>EXTENDED SCHOOL YEAR (ESY) IS:</b>	<b>EXTENDED SCHOOL YEAR (ESY) IS NOT:</b>
<ul style="list-style-type: none"> <li>• Based only on the individual child's specific critical skills that are key to his/her overall educational progress as determined by the IEP team.</li> <li>• Designed to maintain mastery of critical skills and objectives represented on the IEP and achieved during the regular school year.</li> <li>• Designed to maintain a reasonable readiness to begin the next year.</li> <li>• Based on multi-criteria and not solely on regression/recoupment.</li> <li>• ESY services focuses on specific critical skills where regression may occur.</li> <li>• Considered as a strategy for minimizing the regression of skill, thus shortening the time needed to gain back the same level of skill proficiency.</li> <li>• Deliverable in a variety of environments such as:             <ul style="list-style-type: none"> <li>a) Home with the parent teaching, and staff consulting</li> <li>b) School based</li> <li>c) School based with community activities</li> <li>d) Related services along or in tandem with the above.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• A mandated 12-month service for all children with disabilities.</li> <li>• Required for the convenience of the school or parents and, therefore, cannot serve as a day care or respite care service.</li> <li>• Required or intended to maximize educational opportunities for any child with a disability.</li> <li>• Necessary to continue instruction for all of the previous year's IEP goals.</li> <li>• Intended to help children with disabilities advance in relation to their peers.</li> <li>• Required solely when a child fails to achieve IEP goals and objectives during the school year.</li> <li>• To provide a child with education beyond is prescribed IEP goals and objectives.</li> </ul>

## REFERENCES

*Letter to Anonymous*, 22 IDELR 980 (OSERS 1995)

*Letter to Given*, 39 IDELR 129 (OSEP 2002)

*Letter to Kleczka*, 30 IDELR 270 (OSEP 1998)

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