

EXTENDED SCHOOL YEAR SERVICES

A special consideration regarding frequency of services pertains to whether a student with a disability requires extended school year (ESY) services.

Federal Regulations (34 CFR 300.309) state:

The term extended school year services means special education and related services that:

- 1) are provided to a child with a disability:
 - a. beyond the normal school year of the public agency;
 - b. in accordance with the child's IEP;
 - c. at no cost to the parents of the child; and
- 2) meet the standards of the SEA (State Education Agency).

Each public agency shall ensure that extended school year services are available as necessary to provide FAPE (free appropriate public education).

The regulations go on to explain that, "... extended school year services must be provided only if a child's IEP team determines, on an individual basis, ... that the services are necessary for the provision of FAPE to the child."

Furthermore, "In implementing the requirements of this section, a public agency may not limit extended school year services to particular categories of disability or unilaterally limit the type, amount, or duration of those services."

Vermont's Special Education regulations (2363.8 (g) (1)) explain that extended school year services (ESY) may be provided if a student's IEP team finds that such services are necessary to provide a free appropriate public education to the student, as follows:

- 1) ESY services shall be provided only if a child's IEP team determines that the services are necessary for the provision of FAPE to the child because one or more of the following factors are evident:
 - a. ESY is essential to permit the student an opportunity to reach reasonably set educational goals;
 - b. There has been a significant amount of regression over the past winter, spring, and summer vacations and recoupment did not occur within a reasonable amount of time;
 - c. The severity of the student's disability presents a danger of substantial regression; or
 - d. The student's transition needs require continued programming beyond the school year IEP.
- 2) A school district or IEP team may not limit extended school year services to a student with particular disabilities.
- 3) A school district shall not adopt a policy that limits the type, amount, or duration of ESY services for all children.

Therefore, the question of necessity comes up again in reference to ESY services. Just as in considering services during the school year, asking, “Could it help?” will almost always result in “Yes.” A different way to ask the question is:

“If the student does not receive extended school year services, is there solid information (e.g., past performance showing substantial regression over the summer) or are there other reasons to suggest that he or she will not receive an appropriate education?”

Similar to students without disabilities, many students with disabilities look forward to a break from school and the opportunities associated with summer vacation. They enjoy daytime recreation programs, summer camp, family vacations, travel, a summer job, adventures, and spending time with old friends and meeting new ones — time to be a kid! So, when considering whether an ESY plan is necessary, keep in mind the ultimate goals for them and their goals for themselves. Make sure that ESY services do not inadvertently interfere with allowing students with disabilities to live a “regular life.”