

# OPERATING PROCEDURES

## EXTENDED SCHOOL YEAR SERVICES

Goose Creek CISD

101911

Legal Framework: [Extended School Year Services](#)

Category: Admission, Review, and Dismissal Committee

Template update Oct 2016

"The requirement to provide [extended school year] ESY services to children with disabilities who require such services in order to receive [free appropriate public education] FAPE reflects a longstanding interpretation of the Act by the courts and the Department. The right of an individual child with a disability to receive ESY services is based on that child's entitlement to FAPE under section 612(a)(1) of the Act. Some children with disabilities may not receive FAPE unless they receive necessary services during times when other children both disabled and nondisabled, normally would not be served. We believe it is important to retain the provisions in § 300.106 because it is necessary that public agencies understand their obligation to ensure that children with disabilities who require ESY services in order to receive FAPE have the necessary services available to them, and that individualized determinations about each disabled child's need for ESY services are made through the [individualized education program] IEP process." 71 Fed. Reg. 46582 (August 14, 2006).

"The inclusion of the word 'only' is intended to be limiting. ESY services must be provided 'only' if a child's IEP Team determines, on an individual basis, in accordance with §§ 300.320 through 300.324, that the services are necessary for the provision of FAPE to the child." 71 Fed. Reg. 46582 (August 14, 2006).

"Pursuant to the provisions of the [Individuals with Disabilities Education Act (IDEA)], the School District is required to provide [each handicapped child] with a 'free appropriate public education.' That mandate includes 'the requirement that the education to which access is provided be sufficient to confer some educational benefit upon the handicapped child'... The some-educational-benefit standard does not mean that the requirements of the Act are satisfied so long as a handicapped child's progress, absent summer services, is not brought 'to a virtual standstill.' Rather, if a child will experience severe or substantial regression during the summer months in the absence of a summer program, the handicapped child may be entitled to year-round services. The issue is whether the benefits accrued to the child during the regular school year will be significantly jeopardized if he is not provided an educational program during the summer months." [Alamo Heights v. State Board of Education, 790 F.2d 1153 \(5th Cir. 1986\)](#).

"The concepts of 'recoupment' and 'likelihood of regression or retention' have formed the basis for many standards that States use in making ESY eligibility determinations and are derived from well-established judicial precedents. . . . States may use recoupment and retention as their sole criteria but they are not limited to these standards and have considerable flexibility in determining eligibility for ESY services and establishing State standards for making ESY determinations. However, whatever standard a State uses must be consistent with the individually-oriented requirements of the Act and may not limit eligibility for ESY services to children with a particular disability category or be applied in a manner that denies children with disabilities who require ESY services in order to receive FAPE access to necessary ESY services." 71 Fed. Reg. 46582-46583 (August 14, 2006).

"There is no Federal requirement which stipulates that if the child does not meet the goals of the IEP, that the child must participate in extended school year (ESY) services. The IEP team, during the IEP meeting, is responsible for discussing and making a determination whether or not a child requires ESY services." [OSEP Letter to Kleczka \(September 29, 1998\)](#).

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“Typically, ESY services are provided during the summer months. However, there is nothing in §300.106 that would limit a public agency from providing ESY services to a child with a disability during times other than the summer, such as before and after regular school hours or during school vacations, if the IEP Team determines that the child requires ESY services during those time periods in order to receive FAPE. The regulations give the IEP Team the flexibility to determine when ESY services are appropriate, depending on the circumstances of the individual child.” 71 Fed. Reg. 46582 (August 14, 2006).

### **Application Guidance**

- [Extended School Year Services for Students with Disabilities](#) (TEA)

Through the implementation of the Goose Creek CISD policies and procedures as outlined in the [Legal Framework](#) for the Child-Centered Special Education Process, the Goose Creek CISD ensures that extended school year services are provided to students with disabilities when necessary for the provision of a free appropriate public education in conformance with the IDEA and its accompanying federal regulations, state statutes and regulations.

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**PERSONS RESPONSIBLE:** Program Coordinators, Case Managers, and Campus Diagnosticians/ARD Facilitators

**TIMELINES:** 2020-2021

**MATERIALS:** eSped forms to include ESY Supplement

Extended School Year Services (ESY)

**34 CFR § 300.106; 19 TAC §§ 89.1055, 89.1065**

Extended School Year Services (ESY) is an Individualized Education Program (IEP) for children with disabilities that are provided to students beyond the regular school year. ESY must be considered and addressed at the student’s annual ARD meeting. The need for ESY must be discussed on an individual basis by the child’s ARD Committee from formal and/or informal evaluations provided by the Assessment Team, Special Education Staff and/ or the parents. The documentation must demonstrate that in one or more critical areas addressed in the current IEP goals and objectives, the child has exhibited, or may be expected to exhibit severe or substantial regression in critical skill area(s) that cannot be recouped within a reasonable period of time or that need to be maintained beyond the regular school year. In considering students with disabilities for ESY, Goose Creek CISD does not limit ESY to particular categories of disabilities or unilaterally limit the type, amount, or duration of ESY. The Assessment Team and/or the Special Education Staff establishes a general timeframe for ESY each year. However, the ARD Committee determines the ESY timeframe to meet the individual needs of the student.

Goose Creek CISD uses the following process to provide Extended School Year Services (ESY) to its students:

1. The need for ESY must be documented on the ESY Data Form for Regression, which

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will be updated and sent out each school year. The documentation shall demonstrate that in one or more critical areas addressed in the current individualized education program (IEP) objectives, the student has exhibited, or reasonably may be expected to exhibit, severe or substantial regression that cannot be recouped within a reasonable period of time or the maintenance of those critical skills that extend beyond the regular school year.

2. Severe or substantial regression means that the student has been, or will be, unable to maintain one or more acquired critical skills in the absence of ESY.
3. The reasonable period of time for recoupment of acquired critical skills shall be determined on the basis of needs identified in each student's IEP. If the loss of acquired critical skills would be particularly severe or substantial, or if such loss results, or reasonably may be expected to result, in immediate physical harm to the student or to others, ESY may be justified without consideration of the period of time for recoupment of such skills. In any case, the period of time for recoupment shall not exceed eight weeks.
4. A skill is critical when the loss of that skill results, or is reasonably expected to result, in any of the following occurrences during the first eight weeks of the next regular school year:
  - a. placement in a more restrictive instructional arrangement;
  - b. significant loss of acquired skills necessary for the student to appropriately progress in the general curriculum;
  - c. significant loss of self-sufficiency in self-help skill areas as evidenced by an increase in the number of direct service staff and/or amount of time required to provide special education or related services;
  - d. loss of access to community-based independent living skills instruction or an independent living environment provided by non-educational sources as a result of regression in skills; or
  - e. loss of access to on-the-job training or productive employment as a result of regression in skills.
5. If a student demonstrates the need for ESY, the ARD committee must decide on the appropriate IEP goals and objectives the student will work on during the determined ESY. The determination of IEP goals and objectives for ESY must be identified in an ARD meeting.
6. Goals for students recommended for ESY should come from their current IEP. These goals should be identified as those being critical to a student's academic, behavioral, or functional development. This may include skills that may have been mastered during the school year, but without ESY participation during the summer, the student would suffer regression in that particular area.

#### ESY ARD Meeting

As part of the ARD meeting held to consider ESY, the following components must

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be discussed and documented:

1. *ESY Supplement*

If the student meets the requirements and there is a valid need for ESY services, then an ARD must be held (if it was not determined at the annual ARD). The ESY ARD Supplement must be completed in its entirety in eSped during the ARD and included in the IEP.

2. *ESY IEP Goals & Objectives*

If the student meets the ESY recommendation requirements, then the committee needs to identify those goals in which the student has shown either regression (which has been noted on the IEP) or is a critical skill on the student's IEP. **The ARD Committee deliberations must specify the time and duration for ESY instructional and/or related services.**

3. *Transportation Supplement*

If the student will be receiving specialized transportation during ESY, then it must be indicated in eSped and the transportation supplement must be completed during an ARD. If a parent has declined specialized transportation during the regular school year, but the ARD committee determines that there will be a need for this service during ESY, then an ARD must be held in order to add this service. It should be noted in the deliberations that this service will only be for the duration of ESY. In addition, a Transportation Supplement must be completed and submitted along with the other ESY paperwork. All information must be updated and confirmed before submitting the form.

Once an ARD has been held to make the recommendation for ESY and all paperwork has been completed, the ESY recommendations must be submitted to the Program Manager overseeing the program in which the student receives services. All ESY documents should be uploaded into eSped under the History tab.

#### ESY Guidance

\*\*\*\*Be sure to note in the deliberations as well as the ESY service page (Section 6 of the ARD document) the time and duration of service reflected on the ESY Supplement. Example - "The ARD committee has determined that ESY will be provided and that the student needs 4 hours per day, 4 days per week, for 6 weeks with no more than a 2 consecutive week break during the summer of ESY services to maintain his current level of academic and/or functional performance of critical skill areas as described on the ESY goals/objectives approved by the ARD committee."