



Teachers' Desk Reference: Practical Information for Pennsylvania's Teachers

Extended School Year (ESY)

What is ESY?

Extended School Year (ESY) services are special education and related services that are provided to students with disabilities beyond the 180-day school year. The Individuals with Disabilities Education Act (IDEA), the federal special education law, states that local educational agencies (LEAs) must provide ESY services if a student needs these services to receive a free appropriate public education (FAPE). In some cases, interruptions in the school schedule, such as summer break, may result in some students with disabilities losing basic skill level and taking a much longer time to regain those skills than their peers without disabilities once school is back in session. ESY services are provided during breaks in the educational schedule to prevent this loss.

ESY services are not day care or respite services. ESY services are not a summer recreation program or other programs or services that are not required to ensure the provision of FAPE to a student – even if they provide some educational benefit.

As a teacher, you may be part of an Individualized Education Program (IEP) team that will determine eligibility for ESY services for students with disabilities who receive special education services.

How Is ESY Eligibility Determined?

Every student who is eligible for special education has an IEP that describes the programs and services necessary for the student to receive FAPE. One of the issues discussed and decided upon at the IEP team meeting is whether or not the student requires ESY services as part of the student's special education program. ESY **must** be considered each year for **every** student with a disability.

In addition, the Pennsylvania Department of Education offers guidance regarding students with severe disabilities, such as autism/pervasive developmental disorder, serious emotional disturbance, severe intellectual disabilities, degenerative impairments with mental involvement, and severe multiple disabilities. Students in this group, known as the Armstrong Target Group, must have an IEP team review of ESY eligibility no later than February 28 of each school year, with a Notice of Recommended Educational Placement/Prior Written Notice (NOREP/PWN) issued no later than

March 31 of each school year. Students whose disabilities are not in the target group will not be held to the same timelines; however, determinations must be made in a timely manner.

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Factors to Guide IEP Team Determination of ESY Eligibility

The IEP team makes its decision about providing ESY services by examining data that have been collected throughout the school year, including before and after scheduled breaks in the school year. The team also reviews input provided by teachers, parents, or other members of the IEP team. Reliable sources of information could include:

- Progress toward goals on consecutive IEPs
- Progress reports maintained by educators, therapists, and others having direct contact with the student before and after interruptions in education
- Reports by parents of negative changes in adaptive behaviors or in other skill areas
- Medical or other agency reports indicating degenerative-type difficulties that become exacerbated during breaks in educational services
- Observations and opinions by educators, parents, and others
- Results of tests including criterion-referenced tests, curriculum-based assessments, ecological life skills assessments, and other equivalent measures.
- Progress Monitoring data collected by teachers

There are seven factors that the IEP team must consider to determine if a student is eligible for ESY services. However, **no one factor** by itself can be used to determine eligibility for ESY services. The child may be eligible by meeting just one of the criteria, but all seven factors must be considered by the IEP team.

The seven factors for consideration are:

1. **Regression** - whether the student reverts to a lower level of functioning as evidenced by a measurable decrease in skills or behaviors that occur as a result of interruption in educational programming
2. **Recoupment** - whether the student has the capacity to recover the skills or behavior patterns in which regression occurred to a level demonstrated prior to the interruption of educational programming.

3. **Regression/Recoupment** - whether the student's difficulties with regression **and** recoupment make it unlikely that the student will maintain the skills and behaviors relevant to the IEP goals
4. **Mastery** - the extent to which the student has mastered and consolidated an important skill or behavior at the point when educational programming would be interrupted
5. **Self-sufficiency and independence** - the extent to which a skill or behavior is particularly crucial for the student to meet the IEP goals of self-sufficiency and independence from caretakers
6. **Successive interruptions** - the extent to which successive interruptions in educational programming result in a student's withdrawal from the learning process
7. **Severity of disability** - whether the student's disability is severe, such as autism/pervasive developmental disorder, serious emotional disturbance, severe intellectual disabilities, degenerative impairments with mental involvement and severe multiple disabilities

Basic Steps in ESY Decision Process

Step One - Gather information regarding student progress toward IEP goals, particularly before/after breaks in the school schedule.

Step Two - Make the determination regarding ESY eligibility at the IEP team meeting, reviewing the seven factors explained previously.

Step Three - Document the ESY determination on the IEP.

Step Four - Issue a NOREP/PWN if the LEA is:

- Proposing to add ESY services to an IEP that previously did not have it
- Proposing to delete the provision of ESY services from an IEP
- Refusing to initiate the provision of ESY services requested by the parent
- Proposing or refusing to change the provision of the ESY program

ESY Service Delivery Models

The IEP team must determine the appropriate service delivery model based on the needs of the individual student. School districts are not required to create new programs merely to provide ESY in an integrated setting if they do not provide services at that time for students without disabilities.

ESY service delivery models may be one-to-one or group instruction. Services may be delivered in the student's home, in the community, or in a school classroom setting. The school district may deliver ESY services in the district of residence, or may contract through another agency to provide ESY services outside the boundaries of the school district. ESY services may include related services, such as speech and language therapy, occupational therapy, and physical therapy, as well as instructional academic goals, based on the student's individual needs and as stipulated in the IEP.

ESY services may include:

- "Take home" instructional materials
- Behavioral or other training for parents or program staff
- Itinerant teacher and/or related service provider services
- Consultation
- Tutorials
- Services contracted through community or outside agencies

What if the Parents and the School Disagree on ESY Determination?

If the IEP team, which includes the parents, cannot reach an agreement on the determination of eligibility and/or provision of ESY services, then the school district must issue the NOREP/PWN along with the Procedural Safeguards Notice to the parents explaining the IEP team's decision. If the parents still disagree, then they may respond to the NOREP/PWN with a letter stipulating their concerns, request another IEP team meeting, request free mediation services, or request a due process hearing. Mediation services use a neutral, specially-trained mediator who meets with both sides and helps both parties reach an agreement. A due process hearing is held before an impartial hearing officer who listens to both sides and then makes a decision.

Resources

A Basic Education Circular (BEC) on ESY can be found on the Pennsylvania Department of Education website at <https://www.education.pa.gov/Policy-Funding/BECS/PACode/Pages/ExtendedSchoolYear.aspx>.

Extended School Year Services in Pennsylvania
<http://tinyurl.com/ESYPA>

Commonwealth of Pennsylvania

Josh Shapiro, Governor

