Extended School Year Services by Robin Kincaid

With the end of the school year fast approaching, and many annual Individualized Education Program reviews are taking place, families often contact Nevada PEP wondering whether their child can continue to receive special education support in the summer. This kind of support, known as Extended School Year (ESY), is very important to some students' ability to continue making progress toward IEP goals. The following information will explain the process for adding ESY in the IEP process, and provide an understanding on how such services may be a part of your child's Free Appropriate Public Education (FAPE).

What is ESY?
Extended School Year (ESY) services are special education and/or related services provided beyond the usual school hours/year. ESY services are individualized and are provided at no charge to parents. How the services are delivered is a IEP team decision, and is based on the child's needs. Since it is based on need, the services can be designed to help a child who has gaps in comprehension or a lack of understanding in a particular subject or area.

How do IEP teams determine ESY services?
The IEP team (which includes the parent) decides whether a student requires ESY services by meeting to review the student's progress toward IEP goals. The IEP team discusses whether the student needs extra reinforcement of skills to prevent the loss of important learning/skills ("regression"), and whether the student is at significantly higher risk for difficulty with regaining ("recouping") skills lost over time than other students. The question is whether the lost skills and extra time to regain them is likely to create a significant barrier to progress toward goals and to learning. Indications of these difficulties might be:

- Documented problems with working memory from assessments
- Demonstrated need for constant reinforcement over time even during the regular instructional day/year
- History of losing skills and struggling to regain them after a long school break
- Need for constant reinforcement of a behavior support program when a student is at risk of being moved to a more restrictive environment without substantial progress around behavior

The content of ESY services should be determined on an individual basis, and written into the
IEP document. Services cannot be limited to a type, amount, and specific time period of ESY services without the IEP team agreement.

As part of the IEP team, parents have information on why ESY is appropriate for their child and how the practice opportunities that occur help students that are learning new skills such as reading. It is a good idea to request an IEP meeting to discuss this well before the end of the year to allow for time to have this important conversation.

Although there are no federal regulations on ESY eligibility, some standards have been set by case law. These include:

Regression/Recoupment
It is not necessary for a student to actually regress (lose) or take a long time to recoup (regain) skills. The likelihood of regression or lengthy recoupment is sufficient to establish eligibility for ESY.

Degree of Progress toward IEP Goals
If progress towards IEP goals is very slow the student may need ESY services in order to continue.

Nature and/or Severity of Disability
Determination cannot be limited to a specific category of disability. However, nature or severity of disability can be used as a determinant for ESY services. Students with more severe disabilities are more likely to be involved in ESY programs as their regression and recoupment time are likely to be greater than students with less severe disabilities.

Emerging Skills/Breakthrough Opportunities
If a critical life skill is not completely mastered or acquired, ESY services may be needed to ensure that the current level of acquisition is not lost over the long break. Critical life skills may include but are not limited to: beginning to communicate, learning to read or write, or accomplishing self-care skills.
Interfering Behaviors
As part of their IEP, some students receiving services during the regular school year related to behaviors that interfere with their education. When considering ESY, the IEP team would determine whether or not interruption of such programming would jeopardize the student receiving FAPE.

When talking about the need for ESY, the following points may be helpful:

- No single measure can be used as a sole qualifying factor for ESY.
- Determination must be based on a variety of data and should include predictive (what is likely to happen in the future) data as well as retrospective (what DID happen in the past) data.
- A student who has received ESY in a previous year is not automatically entitled to those services the following year.

Some students with a disability require special education and related services longer than the regular school year. ESY can be used to minimize regression, catch your child up to where they should be, or for any other reasons the IEP team identifies. If you think your child might need ESY to receive FAPE, begin the discussion with the other IEP team members. The sooner ESY is discussed, the better, as data needs to be collected and parent's procedural safe guards must be upheld. The best way to advocate for your child is to have as much information as possible. Nevada Department of Education has a technical assistance document that provides additional guidance regarding Extended School Year services.

www.nde.doe.nv.gov/SpecialEdResources/extended.pdf

Nevada PEP offers IEP Clinic Workshops where families can learn about the IEP process and when the ESY discussion takes place in the meeting. Visit our website at nvpep.org to sign up for a workshop.
Adapted from Disability and Rights Defense Fund Special Edition Newsletter February 2012