



EXTENDED SCHOOL YEAR SERVICES

FROM OPI HANDBOOK

ARM 10.16.3324 Extended School Year Services

34 Code of Federal Regulation CFR 300.106, Administrative Rules of Montana ARM 10.16.3324

1. What is an extended school year (ESY)?

Extended school year services are special education and related services that are provided to a student with a disability beyond the normal school year. Extended school year services are provided to maintain identified skills and to prevent or avoid substantial loss of previously acquired or emerging skills or behaviors. The ESY services are not summer school. The school district is not required to provide a summer school or other non-ESY services if such services are not available to other non-disabled students.

2. May a student with a disability participate in summer school?

YES. Even if a student's IEP team has determined that ESY services are not necessary, the student may still participate in the district's summer school program.

3. May ESY services be provided in conjunction with a district's summer school?

YES.

4. Must ESY services be provided in conjunction with a district's summer school?

NO. If the IEP team determines that the student needs ESY services, those services may be provided independently of the summer school.

5. Who determines if ESY services are necessary for a student with disabilities?

The student's IEP team shall decide annually whether ESY services are necessary for a student.

6. Must the IEP team for a newly eligible preschool student consider the student's need for ESY?

YES. If a student turns 3 years old during the summer, the student's IEP team shall decide whether the student needs ESY services during that summer in order to benefit from a FAPE. If, at that initial IEP meeting, the IEP team determines that the preschool-age student does not need ESY services, the IEP team shall identify the date of initiation of services as the first day of the school year.

7. What criteria are used to determine whether ESY services are necessary for a student with a disability?

The IEP team shall determine on an individual basis that ESY services are necessary to avoid a loss of skills that the student could not otherwise regain within a reasonable period of time. The basic standard for this determination is regression/recoupment analysis. This analysis compares the amount of a student's regression as a result of an interruption in education services with the amount of time required to regain the prior level of skill.

The IEP team may use a variety of factors to help it determine whether regression/ recoupment of skills require ESY services:

- The nature and severity of the student's disability;
- The ability of the student's parents to provide educational structure in the home;
- Behavioral and physical impairments;
- The ability of the student to interact with peers;
- The student's vocational needs;
- The availability of alternative resources; and
- Whether there are "emerging skills" and "breakthrough opportunities," as when a student is on the brink of learning to read.

When the IEP team does not have sufficient data regarding recoupment and retention issues for a student, the IEP team may consider other information that would indicate the likelihood of regression based on individual student factors. A family's need for childcare is not a factor the IEP team must consider regarding ESY.

8. What information may be used in making the determination of need for extended school year services?

The IEP team's evaluation of student progress, as reported to parents on a regular basis, is crucial to determining the need for an ESY. The IEP team may use records of ongoing assessment of the IEP goals and objectives as they relate to regression and recoupment of a student's progress. Work samples, test results, report cards, homework, progress reports and parent observations are examples of typical information used when determining eligibility for ESY services.

9. Must all the special education and related services in the student's IEP be provided during an ESY?

NO. The IEP team will determine which measurable annual goals will be addressed in the ESY program.

10. Is it possible for a student to receive only a related service as part of an ESY program?

YES. Related services may be provided as a sole ESY service when necessary.

11. Must a full continuum of placements be maintained during an ESY program?

NO. ESY services are provided during a period of time when the full continuum of alternative placements is not normally available for any student. Therefore, the school district is not required to maintain a full continuum of placements.

12. What information should an IEP team request from an early intervention provider in considering a preschool child's need for ESY?

As part of its evaluation, the IEP team should consider the student's progress throughout early intervention services provided prior to an initial IEP. The IEP team may also consider the results of concurrent, ongoing interventions conducted by qualified personnel including information regarding the intensity and duration of services. An IEP team should request the family support specialist to send written progress reports, evaluations, and other information to the IEP team regarding the student's services and performance that may be relevant to the evaluation of student progress.

13. If an IEP team checks the box that ESY will be considered at a later date, must an IEP meeting be scheduled to finalize the determination?

YES.

