



Extended School Year (ESY) Services:

What parents need to know

Some students with disabilities need special education services or related services beyond the normal school year. These services are called extended school year (ESY) services. Minnesota Rule 3525.0755 provides guidance on ESY services. Parents may find the rule at revisor.mn.gov/rules/?id=3525.0755.

Takeaways:

- Individualized Education Program (IEP) teams must annually consider ESY for **all students** who have an IEP
- ESY services will differ from school year services
- ESY is not the same as summer school
- Not all special education students need ESY services
- Schools may not limit ESY services to certain disability categories

ESY services are provided to a student during a break in the normal school year (such as the long summer break, or winter or spring breaks). The IEP team must discuss ESY eligibility and services at each annual IEP meeting. If the student is eligible for services, that information must be written in the IEP and provided at no cost to parents.

ESY is not the same as summer school. School districts have the choice of whether to offer summer school to students while ESY must be offered to eligible special education students. The school may not limit ESY services to particular disabilities or limit the type, amount, or length of those services. Instead, the services must be based on the needs of the individual student.

It is helpful for parents to **understand the vocabulary or words** used in the area of ESY:

- **Level of performance** means a student's progress toward annual IEP goals immediately before a break in instruction. This is seen in measurements of the student's progress toward the annual goals and the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the IEP year.
- **Recoupment** means a student's ability to regain the performance of a skill or knowledge to approximately the same level of performance just before the break in instruction.
- **Regression** means a significant decline in the performance of a skill or knowledge, as specified in the annual goals in the student's IEP, which occurs during a break in instruction.
- **Self-sufficiency** means the basic self-help skills necessary for a student to achieve a reasonable degree of personal independence as identified in the annual IEP goals for a student requiring a functional curriculum. Skills include:
 - o toileting
 - o eating
 - o feeding and dressing
 - o muscular control
 - o physical mobility
 - o impulse control
 - o personal hygiene
 - o development of stable relationships with peers and adults

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- o basic communication
 - o functional academic competency, including basic reading and writing skills, concepts of time and money, and numerical or temporal relationships

To determine eligibility, there are **three possible “gates”** that a student’s IEP team must use when looking at eligibility:

1. Does the student have a need to *attain and maintain self-sufficiency skills* (see list) due to the importance of the skill in the student’s annual goals, the student’s age and level of development, and the timeliness for teaching the skill?
2. Is there a *likelihood of significant regression* of a skill or knowledge from the student’s level of performance on an annual goal that requires more than the length of the break in instruction to recoup or regain unless the IEP team determines a shorter time for recoupment is more appropriate?
3. Given the student’s unique needs, does he or she need ESY to ensure receiving a *free appropriate public education (FAPE)*?

As a basis for making the eligibility decision, the IEP team must use the following information:

- observation of the student’s regression and recoupment over the summer
- observation of the student’s tendency to regress over extended breaks in instruction during the school year
- experience with other students who have similar instructional needs
- progress and maintenance of skills during the regular school year
- degree of disability
- rate of progress on IEP goals
- behavioral or physical problems that limit learning during the school year
- availability of alternative resources
- ability and need to interact with peers without disabilities
- areas of curriculum that need continuous attention
- vocational needs

Once eligible, the team must determine the amount and type of ESY the student will receive. The student’s services are often different from the services provided during the school year. **Examples of ESY services include:**

- attending regular education summer school with the support of special education staff
- materials such as worksheets, books, computer software, or fine motor activities for use at home with progress monitored by a special education teacher
- special education program offered during the summer
- sessions of occupational therapy or speech therapy

Questions for parents to ask their student’s IEP team:

- When will the IEP team determine eligibility? If necessary, will I have time to disagree before summer (or other) break?
- What data will be used to make this determination?
- If my student needs ESY services, what are the options to meet my student’s needs?

In summary, be aware that ESY service eligibility and determination is part of your student’s annual IEP development. Be sure to ask questions and participate in considering ESY services for your student on an annual basis.