

# **Somerville Public Schools**

## **Extended School Year Services**

### **What are extended school year (ESY) services?**

Extended school year (ESY) means an individualized extension of specific services beyond the regular school year that is designed to meet specific goals included in a student's individualized education program (IEP). ESY services will vary in intensity, location, inclusion of related services, and length of time, depending upon the student's needs. ESY services are provided at no cost to the parents as part of a free appropriate public education (FAPE) in accordance with the IEP, for students exhibiting the need for special education, related services, or both, beyond the regular school year. An ESY program may consist of or include, a recreation program. As with all special education services, education goal(s) and objectives for a recreation program must be included in a child's IEP. However, camping and recreation programs provided solely for recreation purposes with no corresponding IEP goals and/or specifically designed instruction shall not be considered extended year programs. Additionally, ESY services may differ somewhat from the portion of the IEP that governs the provision of services for the regular school year. Such differences may be separately described on an additional IEP service delivery grid that specifically outlines the proposed extended school year services and their duration and frequency. As is noted by the United States Department of Education, Office of Special Education Programs, "it is... reasonable for an extended year services IEP to concentrate on the areas in which the child may experience regression or skills or programs that are not academic but are needed so that regression does not occur in academics."

### **How would I know whether a student needs ESY services?**

To receive a FAPE, some students may require services beyond the regular school year. A FAPE must be reasonably calculated to confer some educational benefit to a student with a disability. The individualized determinations about each student need for ESY services are made through the IEP process.

### **Who decides whether or not a student receives ESY services?**

The IEP team determines whether ESY services are necessary for the provision of FAPE.

## **When does the IEP team determine whether or not a student needs ESY services?**

At least annually, the IEP team shall determine whether the student requires ESY services. This determination should be made early enough in the school year to allow the parent sufficient time to exercise their procedural safeguard rights if they disagree with the proposal made by the local school system. However, it should not be made so early as to not have sufficient information in order to make an informed decision. When there is no previous record of a child's substantial regression after a significant break in service, the team should still consider the need for an ESY program if the following circumstances are present:

1. There is a lack of progress in meeting short-term objectives over two marking periods, resulting in little or no progress made over the school year;
2. There are significant regression/recoupment problems over short term vacation periods or other breaks in the school year; and/or
3. The unique nature of any specially designed instruction or related services due to the disability of the student requires such extended school year programming.

## **How does an IEP team determine whether or not a student is eligible for ESY?**

The determination as to where a student needs ESY services to receive a FAPE must be made by the student's IEP team. In reviewing a student's IEP, the IEP team needs to consider the IEP content, the progress reports sent to the parents, existing IEP data, information from parents, teachers, related service providers, and others, as appropriate. Quantitative and qualitative data regarding the child, including anecdotal records on the rates of both learning and relearning and attainment of IEP goals and objectives should be maintained by the team.

The IEP team needs to consider the following questions:

- Is there a likelihood of substantial regression of critical life skills caused by the normal school break and a failure to recover those skills within a reasonable time?
- What is the student's degree of progress toward mastery of the IEP goals related to critical life skills?
- Is there the presence of emerging skills or breakthrough opportunities?
- Are there any interfering behaviors?
- What is the nature and severity of the student's disability?
- Are there any special circumstances to be considered?

After consideration of the factors applicable for the student with a disability, the IEP team must decide whether or not the benefits a student received from his or her educational program during the regular school year will be significantly jeopardized if the student is not provided ESY. None of these factors in isolation, or in some combination, necessarily entitles a student to ESY services. Rather the regulations

mandate the IEP team to consider if any of the factors will prevent a student from receiving some benefit from the student's educational program during the regular school year, if the student does not receive extended school year services.

## **What factors should the IEP team consider in determining whether a student is eligible for ESY?**

Decisions regarding ESY programs must be made on an individual basis, taking into consideration the unique needs of the child. The factors that the IEP team should consider are:

- Child's history of significant regression and limited recoupment capability
- Degree of child's impairment
- Parent's ability to provide structure at home
- Child's specific behavior and/or physical problems
- Availability of alternative resources
- Child's ability to interact with non-disabled children
- Specific curricular areas in which the child needs continuing attention
- Vocational and transition needs of the child
- Whether the service requested is "extraordinary" rather than usual in consideration of the child's condition

## **What is not considered ESY?**

Because ESY services are uniquely designed to meet the individual needs of a student with disability, it is necessary to emphasize that extended school year services are:

- **Not** a mandated twelve (12) month service for all students with disabilities;
- **Not** a child care service;
- **Not** necessarily a continuation of the total IEP provided during the regular school year;
- **Not** intended to teach new skills, or to increase progress on instructional objectives;
- **Not** required to be provided all day, every day, or each day during the normal school break;
- **Not** an automatic program provision from year to year;
- **Not** a service limited to or available by only broad categories of disability; or
- **Not** a service to be provided to maximize each student's potential.

1. Regression and recoupment – “is the child likely to lose critical skills or fail to recover these skills within a reasonable time,” The Team determines whether, without ESY services, there is a likelihood of substantial regression of critical life skills caused by the school break and a failure to recover those lost skills in a reasonable time following the school break. Please note that the Massachusetts Department of Education has interpreted significant regression and recoupment to consist of the following elements:
  - The loss of performance levels that were attained before a break in service
  - The child’s limited learning rate, which lengthens the amount of time the child requires to review and/or relearn previously attained objectives; and
  - The fact that the time for the child to accomplish such recoupment is greater than the period of time the school. District allows all other children for review and/or relearning.
2. Degree of progress toward IEP goals and objectives; - The Team reviews the student’s progress towards IEP objectives on critical life skills and determines whether, without ESY services, the student’s degree of progress toward those objectives will prevent the student from receiving some benefit from his/her educational program during the regular school year.
3. Emerging skills/breakthrough opportunities – “Will a lengthy summer break cause significant problems for a child who is learning a key skill, like reading”; - The Team reviews all IEP objectives targeting critical life skills are at this point, the Team determines wherever any of these skills are at a breakthrough point. When critical life skills are at this point, the Team determines whether the interruption of instruction on those objectives caused by the school break is likely to prevent the student from receiving some benefit from his/her educational program during the regular school year without ESY services.
4. Interfering Behavior – “does the child’s behavior interfere with his or her ability to benefit from special education;” – the Team determines whether an interfering behavior (s), such as stereotypical ritualistic, aggressive or self-injurious behavior (s) targeted by IEP objectives have prevented the student from receiving some benefit from his/her educational program during the previous school year without ESY services or whether the interruption of programming which addresses interfering behavior (s) is likely to prevent the student from receiving some benefit from his/her educational program during the next school year without ESY services.
5. Nature and/or severity of disability; - The Team determines whether, without ESY services, the nature and/or severity of the student’s disability is likely to prevent the student from receiving some benefit from his/her educational program during the regular school year. The Federal law states that no particular categories of disability; or unilaterally limit the type, amount, or duration of those services for ESY.)
6. Special circumstances that interfere with child’s ability to benefit from special education; - The Team determines whether, without ESY services, there are any special circumstances that will prevent the student from receiving some benefit from his/her educational program during the regular school year.

For additional information on extended year services consult the Massachusetts Department of Education Question and Answer Guide of Special Education Extended School Year Programs 603.C.M.R. 28.05(4)(d), which can be found on the Massachusetts Department of Education website.