

Extended School Year (ESY)

2012

Extended School Year (ESY) is educational programming beyond the traditional 180 day school year for students with disabilities in accordance with the student's IEP at no cost to parents.

ESY can be used:

- To maintain identified skills;
- To prevent or avoid substantial loss of previously acquired skills;
- To prevent or avoid substantial loss of emerging skills; and
- To prevent loss of behavior control.

Every student with a disability must be considered for ESY when it is necessary for a student with a disability to receive a free appropriate public education (FAPE).

Generally, the more significant the disability, the greater the chance the student will qualify for ESY. However, schools cannot limit eligibility for ESY to a particular category of disability.

ESY can be especially important for students with behavior issues:

- ESY can give the student additional time to work on skills. Extra time is often necessary for students with behavior issues as academic instruction can be disrupted when addressing behaviors in the school setting.
- ESY can also provide consistent and reinforcing behavioral supports over the summer so that the student's behaviors are well-managed when the student returns to school.
- ESY helps to ensure that the student is ready to learn and time is not wasted getting the student's behaviors back under control when the student returns to school in the fall.

ESY – Criteria

No single criterion should be used when determining ESY. The school must consider all relevant information and individual student circumstances in determining eligibility for ESY, such as:

- Regression/recoupment
- Nature and severity of disability
- Educational progress (goal achievement)
- Behavioral considerations
- Age and skill (emerging/breakthrough opportunities)
- Attainment of self-sufficiency

Ohio rules require the IEP team to consider the regression/recoupment standard. Ohio rules also require an ESY if necessary to provide free appropriate public education (FAPE).

Advocacy Tip

Because ESY services are provided during the summer, it is important to begin discussing the need for ESY well before the end of the school year. An IEP meeting to discuss the issue should be requested at least three months before school ends. Beginning the discussion early will allow the IEP team to investigate options for ESY services and provide time to resolve disputes over ESY through available remedies.

ESY – Services

Extended School Year services can include, but are not limited to:

- Support services (such as tutoring)
- Home instruction or support and materials
- Individual or small group instruction
- Large group instruction
- Behavior modification services
- Recreational services (for identified needs)
- Transition services
- Private summer programs
- Residential facilities

Advocacy Tip

An individualized ESY program will look different for each child, and generally does not look like a regular school year program. A school might offer a one-size-fits-all summer program. If this is not appropriate for the child, the IEP team should discuss individualized services and supports for the child.

Refer your child for ESY

Send a letter to your school. Refer your child to the district for consideration for ESY. Send a letter to your school requesting that your child be considered for ESY services. The letter should be sent in a way that you will have proof of its receipt by the district, for example, sending it by certified mail. Keep a copy of the letter and receipt.

Early referral is better. Generally, it is best to refer a child several months before the summer break to allow time to schedule and conduct an IEP meeting. If the school denies a request for ESY services, you have the right to request an impartial due process hearing to settle disagreements. If you must file for a due process hearing on the issue, early referral insures that the hearing officer's decision will be made before the summer arrives.

Ask for an IEP meeting to discuss ESY

You should specifically request that ESY be discussed at an IEP meeting. This can be done in a separate letter to the district or in the same letter used to refer your child for ESY. This letter should request a response by a certain date to help the scheduling process. The following is a sample letter.

Date (include month, day, and year)

Name of Your Child's Special Education Coordinator

Name of School District

Street Address

City, State, Zip Code

Dear (name of Special Education Coordinator),

I am writing to refer my child for consideration for extended school year (ESY) services. (Child's name) needs ESY because (explain reasons). I am asking that you schedule an IEP meeting to discuss ESY eligibility for (child's name).

I would also like to have (names of specialists or other staff) attend because his/her/their ideas about the need for ESY will be helpful in determining whether (child's name) is eligible for ESY.

I can arrange to meet with you and the other members of the IEP team on (list days you are available) between (give a range of time, such as between 2:00 and 4:00 p.m.) Please let me know what time would be best for you.

I look forward to hearing from you within five school days of the date you receive this letter. My daytime telephone number is (give your phone number). Thank you for your help.

Sincerely,

Your Name

Street Address

City, State, Zip Code

Daytime telephone number

cc: specialists or other staff

Determine the ESY services and supports your child needs

Discuss services with the IEP team. If your child's IEP team determines that your child is eligible for ESY, the team must determine what services and supports will be provided. Your child's unique needs should drive the discussion. If your child has not made progress on specific goals in the IEP, the ESY services should address those goals. If you have an independent evaluation that recommends ESY, discuss the specific recommendations made by the evaluator. If your child loses certain skills during breaks in school and does not regain them within a reasonable time, the ESY should address those lost skills.

Write the services on the IEP. If the IEP team decides your child is eligible for ESY, write the ESY services on the IEP, including the specific goals to be achieved. If you have ideas about ESY goals and objectives, share them with the IEP team. You can take a written outline to the IEP meeting to help you organize your thoughts and feel less intimidated during the IEP process.

What if I cannot get this issue resolved?

If these suggestions do not work to resolve your concerns, you can do a number of additional things that may work. Your options include:

- Seek the assistance of an advocate to help you resolve the issue. Refer to the [Special Education Resources](#) on our website for contact information.
- Contact the Ohio Department of Education for assistance or to file a complaint. Refer to the [Special Education Resources](#) for contact information.
- Ask for an administrative review with your schools superintendent.
- Pursue formal mediation and/or a due process hearing.
- Seek the assistance of an attorney to help you resolve the issue. Refer to the [Special Education Resources](#) for contact information.

This information is provided by:

Ohio Disability Rights Law and Policy Center, Inc.
Disability Rights Ohio
50 W. Broad St., Suite 1400
Columbus, Ohio 43215-5923
614-466-7264 or 800-282-9181
(TTY) 614-728-2553 or 800-858-3542
www.disabilityrightsohio.org

Disclaimer: This publication is intended to provide information only, and is not intended as legal advice. You should consult a lawyer if you need legal advice.