



SECTION III: INSTRUCTION

POLICY 3070

EXTENDED SCHOOL YEAR SERVICES FOR CHILDREN AND YOUTH WITH DISABILITIES

Extended School Year (ESY) services may be defined as special education and/or related services that are provided by the school or an agency to certain students with disabilities beyond the normal school year as necessary for a Free, Appropriate, Public Education (FAPE) in accordance with state standards and the Individuals with Disabilities Education Act (I.D.E.A.) as amended. ESY services must be determined by the IEP team process and provided at no cost to parents of children. The District shall ensure that local ESY policy complies with federal and state regulations to make ESY services available to those children with disabilities who need ESY services based on consideration of various factors including but not limited to Least Restrictive Environment (LRE) and "skill regression and a student's limited capacity for recoupment." According to a 1990 Tenth Circuit Court of Appeals decision, ESY services must be provided when it is determined by the IEP team that a child has regressed, or is predicted to regress, to such a severe degree in a critical skill area that recoupment of such skill loss following the summer break (or beyond the normal school year) is unlikely or would require an unusually long period of time.

Determination of Students with Disabilities in Need of ESY Services

One purpose of providing ESY services is to maintain established skills and prevent or slow severe skill regression during an interruption of special education and related services during the summer months or beyond the normal school year.

Need for ESY services(s) must be determined on an individual basis by the IEP team. ESY guidelines and practices must not be invoked which have the effect of considering need for ESY services based upon particular categories of disabilities.

1. The type, amount, and duration of ESY services may not be unilaterally limited, but must be determined on an individual basis by the IEP team.
2. ESY determination should be made by the IEP team for each student in a timely manner to ensure free, appropriate public education.
3. ESY services must be provided in accordance with the IEP/Review. The IEP team must specify the goals and objectives/benchmarks to be addressed and implemented as part of a student's individually determined ESY program.

Factors to be Considered when Determining Need for ESY

A 1990 Tenth Circuit Court of Appeals decision suggests that the following factors must be considered by the IEP team in determining need for ESY programming. This list is not all inclusive, nor is it intended that each factor would necessarily affect the planning for each child's IEP.

1. The nature and severity of the disability
2. Degree of regression and the recovery time necessary from this regression
3. The student's rate of progress this school year on IEP goals



SECTION III: INSTRUCTION

POLICY 3070

EXTENDED SCHOOL YEAR SERVICES FOR CHILDREN AND YOUTH WITH DISABILITIES

4. The parent's ability to provide the educational structure and instruction in the home environment
5. The availability of alternative resources
6. The student's vocational needs
7. The ability of the student to interact with non-disabled children
8. The student's behavioral and physical problems
9. Areas of curriculum which need continuous attention
10. Whether the requested service is extraordinary for the child's condition, as opposed to an integral part of the program for those with the child's disability
11. Other relevant factors as determined by the IEP team

If the IEP team determines that a special education student does not require ESY services in order to receive FAPE, then the school district is under no obligation to provide such services or to include them in the IEP. Such a decision should be determined and documented in accordance with state and federal regulations and I.D.E.A. procedural safeguards.

Source: *Broken Arrow Board of Education policy adoption, September 16, 2002.*
Broken Arrow Board of Education policy revised, April 3, 2006.
Broken Arrow Board of Education policy revised, July 13, 2009.