
SPECIAL EDUCATION: Extended School Year Services

Extended school year (ESY) services are special education and related services that are provided by the school district beyond the traditional school year, usually during the summer. Your school district should provide ESY services to a child with disabilities if the services are necessary for the child to receive a free appropriate public education (FAPE). Your child does not have to lose skills in order to qualify for ESY services.

The school district can provide ESY in a variety of ways, but the services must be provided at no cost to parents. The decision about ESY eligibility is made by your child's IEP team. A child who has received ESY services in a previous year is not automatically entitled to those services the following year. Although ESY services may be difficult to get, the suggestions below can help you. If you think your child needs an extended school year, follow the guidelines below.

Ask for a copy of your school's ESY policy

Your school's policy on ESY should describe the procedures for determining whether your child is eligible for ESY services. It is important for you to have a copy of this policy so that you know the procedures the school will use.

Compare the School's Policy with the ESY Requirements of Ohio's Special Education Rules

It is also important for you to determine whether the school's policy complies or conflicts with the ESY rules of the Ohio Department of Education (ODE). You should not be required to follow the parts of the policy that do not comply with ODE rules. If your school's policy does not follow ODE rules, you can contact ODE to make a complaint. Refer to the Special Education Resources page (disabilityrightsohio.org/faq-special-ed-resources) for contact information and how to access the ODE rules.

Understand the different criteria for ESY eligibility: Regression/recoupment and FAPE standards

There is no single criterion for deciding eligibility for ESY. One factor is the regression/recoupment standard. The ODE rules require schools to consider regression and recoupment when deciding whether a child is eligible for ESY. Regression/recoupment looks at whether your child will lose skills due to a break in school (e.g., summer and spring break), and how long it takes for your child to regain the skills when school starts again. If your child loses skills during breaks, and does not regain those skills in a reasonable time, your child may be eligible for ESY.

Other criteria include considering the nature and severity of your child's disability and "emerging skills" and "breakthrough opportunities," such as when your child is at the point of being ready to read. Thus your child may be entitled to ESY simply because your child needs ESY to benefit from education and receive a FAPE. One way to show that a child is receiving FAPE is to show that the child is making reasonable educational progress. A way to measure reasonable progress is to look at whether your child is meeting the goals and objectives on the IEP. If your child needs additional instruction beyond a regular school year to make reasonable yearly progress, your child may be eligible for ESY services.

Review your child's IEP for measurable objectives

Written, measurable objectives on your child's IEP are necessary for you to be able to show whether or not your child is meeting short-term instructional objectives. Whether your child is making progress is an important part of showing whether he or she will be denied a FAPE if extended school year services are not provided.

If the objectives on your child's IEP are not measurable, ask for an IEP meeting to re-write them. An example of a measurable goal is "Daphne will decrease her behavior by 75 percent." This goal would not be measurable if it read "Daphne will decrease her behavior." A measurable objective might be "Daphne will decrease her incidence of pinching from an average of 20 times per day to an average of 5 times per day." Measurable goals and objectives should include a measure of how much the child is expected to improve.

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 your school to collect information
- Ask your school district to collect and maintain data, including the levels of educational performance at the beginning and end of the school year and whether your child is progressing toward the IEP goals. You can set up regular times to talk with your child's teacher regarding performance. When the teacher sends progress reports, make sure that the reports address the IEP objectives and criteria for achieving the objectives. You should keep a written record of these conversations for your home file.

Gather information that supports your child's need for ESY

Look for facts and data that support your request for ESY under Ohio rules. This information usually comes from school records, such as teacher progress notes and reports.

- Does the information show that your child loses skills over breaks in school and does not regain the skills within a reasonable period of time?
- Does the information show that your child is not making adequate educational progress and will not achieve the objectives of the IEP over the course of the regular school year?

You can gather information about your child's eligibility for ESY by doing these things:

- **Talk with people who know your child's needs.** Talking with your child's teacher and other knowledgeable district personnel may help you get the information necessary to show the need for ESY. You can also gather your own data. For example, you can document what skills are lost during school breaks (spring break, winter break) and how long it takes to get the skill back after your child returns to school. Document what is done at home to help your child meet IEP goals. If you spend time at home reinforcing what is done at school, or tutor your child, and your child still does not meet set goals, an argument can be made that ESY is necessary for your child to maintain learned material.
- **Seek an independent educational evaluation.** You may need to pursue an independent assessment of your child's need for ESY. This may be necessary if your school does not have data that support your child's need for ESY. If you have an independent evaluation that supports ESY eligibility, bring the report to the IEP meeting. Your school is required to consider the evaluation. If possible, have the person who performed the evaluation come to the IEP meeting to explain the results.

If you do not have data that show regression/recoupment, a professional can provide an opinion about whether it is likely that your child needs ESY. Your child does not have to fail to be eligible for ESY. An expert or the IEP team can make a recommendation about whether ESY is necessary to prevent failure without evidence of actual harm or failure to your child.

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 DRO's Special Education Resources page (disabilityrightsohio.org/faq-special-education-other-resources) for contact information.
- Use the techniques in *Negotiation Skills for Parents: How to get the Special Education Services your Child with a Disability Needs*, a DRO publication available at disabilityrightsohio.org/assets/documents/negotiation_skills_for_parents.pdf.
- Contact the Ohio Department of Education for assistance or to file a complaint. Refer to the Special Education Resources page (disabilityrightsohio.org/faq-special-education-other-resources) for contact information.
- Ask for an administrative review with your school's 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 page (disabilityrightsohio.org/faq-special-education-other-resources) for contact information.