



This guide provides assistance to individual educational plan (IEP) and family support plan (FSP) teams making decisions about the extended school year needs of each child with a disability. Based on the requirements of the Individuals with Disabilities Education Act (IDEA) and the implementing regulations at 34 CFR 300.309, extended school year (ESY) services must be considered by the IEP or FSP team as part of the provision of a free appropriate public education (FAPE) for students with disabilities. Establishing an individual student's need for ESY services involves determining whether or not FAPE for that student would be in jeopardy if such services were not provided.

A central element of the provision of FAPE is the IEP or FSP team's determination of what services are appropriate. Based on the student's present level of educational development and the effect of the disability on the child's learning process, the IEP or FSP team develops a plan that considers all of the student's unique needs. The plan the team develops must be reasonably calculated to enable the student to receive educational benefit. If the plan is appropriate, it is considered that the student has been provided with FAPE.

ESY services may include direct or indirect special education services, related services, or some combination of these. ESY services may be provided for all or part of

scheduled school breaks and may follow a daily or an intermittent schedule. The specific services to be provided depend upon the unique needs of the individual student. ESY services can be provided in a variety of places, including school, home, or community settings. The IEP or FSP team determines the least restrictive environment (LRE) in which the ESY services can be provided based on the specific critical life skills targeted.

The information provided here is intended as a starting point for IEP or FSP teams involved in the ESY decision-making process. It is important to remember that, while data collected about the student's performance should be used to frame the discussion, ultimately the determination of need for ESY services is an IEP or FSP team decision based on the unique needs of the student.

For more information, please refer to technical assistance paper FY 2002-5, available from the Florida Department of Education Bureau of Instructional Support and Community Services Clearinghouse Information Center  
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## What should the IEP or FSP team consider when determining the need for ESY services?

In addition to the questions for IEP and FSP teams provided on the back page, teams need to consider factors such as these:

- ✓ Does the targeted skill represent a barrier to continuous progress or self-sufficiency?
- ✓ Is continuous or year-round treatment an integral part of the methodology deemed necessary for the student?
- ✓ Without ESY services in the identified critical life skills, will the student be unable to receive some reasonable level of benefit from his or her educational services during the regular school year?
- ✓ Would the benefits to be derived from extended educational services outweigh the positive benefits of a summer break?
- ✓ Have other options that would meet the needs of the student been considered and determined to be of less benefit than an extended school year?

## What do ESY services look like?

When determining an individual student's need for ESY services, the IEP or FSP team reviews all the goals, including benchmarks and short-term objectives, that are included on the current IEP or FSP. The team may determine that ESY services are needed in all of the areas addressed on the IEP or FSP, or in only some of the areas. Here are some examples of possible ESY services:

- physical therapy 2 times per week for 8 weeks
- daily instruction in all academic areas for 6 weeks
- behavioral or other training for parents or program staff before or during the instructional break
- take-home packets (with or without periodic consultation)
- intensive, small-group instruction in math, 3 times per week for 5 weeks
- speech/language therapy provided on-site to a small group of students enrolled by their parents in a community recreation program
- weekly consultation by a job coach/transition coordinator with staff at a job site for a high school student

## ESY Services and Summer School—What's the Difference?

### Summer School Programs

Students, including those with disabilities, attend if they meet criteria established by the district.

The focus of instruction is on helping students meet the Sunshine State Standards for their grade level.

The school district determines the length of summer school sessions.

### ESY Services

A student with a disability receives ESY services if the student's IEP or FSP team determines that the student needs specific services beyond the regular 180-day school year.

ESY services are determined for each student by the IEP or FSP team and may be different than those services provided during the regular school year.

The IEP or FSP team determines the initiation, duration, and frequency of ESY services.

## What do we mean when we talk about...?

**Critical life skills**—Skills that are essential for the promotion and maintenance of the student’s self-sufficiency. Skills such as toileting and eating are essential for minimal independence; stable relationships, impulse control, and appropriate peer interactions are necessary for community living. Some communication skills and academic skills such as reading may be considered critical life skills for certain students.

**Emerging skills**—Skills that the student has just begun to learn and, therefore, may not display consistently.

**Enrichment**—Programming that provides additional curriculum or services designed to advance a student beyond the regular curriculum. This is not the intention of ESY.

**Impact of the disability**—The degree or manner in which the disability affects the student’s performance. The more severely a disability affects a student’s performance or functioning, the more likely it is that breaks in instruction will adversely affect the student’s learning overall. One example is a student with severe emotional disturbance who reverts to a significantly lower functioning level or who exhibits increased inappropriate behaviors when his or her program is interrupted. Another example is a student who needs intensive and concentrated work on independent functioning skills in order to maintain self-sufficiency and independence from caregivers and who needs additional or continuous support to reach his or her goals.

**LRE**—The acronym for “least restrictive environment,” cited in IDEA. The LRE provision requires that children with disabilities receive their education, to the maximum extent appropriate, with nondisabled peers and that they not be removed from regular classes unless, even with supplemental aids and services, education in regular classes cannot be achieved satisfactorily. LRE is based on the

needs of the child and the targeted skills. Depending on individual needs, the LRE for a particular student might be the regular class, part-time or full-time placement in a separate class, or a separate school. LRE is not synonymous with inclusion or mainstreaming.

**Rate of progress**—The rate at which the student learns specific skills or behaviors. If, after reviewing the student’s progress on IEP goals targeting critical life skills, the IEP team determines that the student’s rate of progress is likely to prevent the student from receiving educational benefit from his or her program during the regular school year, ESY services may be indicated.

**Regression/recoupment**—Loss of skills during extended breaks in instruction and the period of time it takes for the student to regain those skills once instruction begins again. All students are expected to regress somewhat after a break in instruction, with a reasonable period of recoupment upon return to instruction. However, for some students with disabilities, the loss of critical life skills in one or more areas may be substantial, and the period of time required to recoup the skills may be unreasonable. The recoupment period considered reasonable differs based on the skill or behavior in question. For example, any regression in severe self-injurious behavior would be considered significant, and the IEP team might determine that no period required for recoupment would be acceptable. Alternatively, if a student is projected to experience a three-month regression in decoding ability, but is expected to recoup the skill in six to eight weeks (the time ordinarily reserved for the purpose of review at the beginning of the school year), that could be considered a reasonable period of time.

**Self-sufficiency**—The ability to function as independently as possible. The goal of instruction related to basic life skills is to reduce the student’s reliance on caregivers.

# ESY Services: Questions for IEP and FSP Teams

Extended school year (ESY) services are required if the IEP or FSP team has reason to believe that the provision of FAPE for an individual student would be jeopardized without such services. These guidelines are intended to assist IEP teams in making decisions regarding the necessity for ESY services. Parents, teachers, and other qualified professionals are all useful sources of information. Appropriate data to be reviewed include, but are not limited to, the following:

- pattern of regression after breaks
- pre-/post-tests before/after breaks
- reports of progress toward annual goals
- report cards
- teacher-made checklists
- work samples
- therapy logs
- anecdotal records
- point sheets
- probes/running records
- frequency charts
- referrals/discipline file
- documentation related to extenuating circumstances

It is important to remember that the questions below are only starting points for discussion. Data collected over the course of the school year, including before and after scheduled breaks in instruction, should be used to frame the determination of need. However, the determination of whether an individual student should receive ESY services is ultimately an IEP or FSP team decision based on the unique needs of the student.

1. Do the data indicate the likelihood that significant regression will occur in critical life skills related to the following areas and that those skills cannot be recouped within a reasonable amount of time without ESY services?
  - **academics** or, for pre-K students, **developmentally appropriate preacademic skills**
  - **communication**
  - **independent functioning and self-sufficiency**
  - **social/emotional development or behavior**
2. Do the data indicate the likelihood that the student is at a **crucial stage** in the development of a critical life skill and that a lapse in services would substantially jeopardize the student's chances of learning that skill? This may include **emerging skills** as well as critical points of instruction on existing skills.
3. Is the **nature or severity** of the student's disability such that the student would be unlikely to benefit from his or her education without the provision of ESY services? This may be reflected in the student's **rate of progress**.
4. Are there **extenuating circumstances** pertinent to the student's current situation that indicate the likelihood that FAPE would not be provided without ESY services? Examples of students who may require ESY services under this criterion include, but are not limited to, the following:
  - a student who has recently obtained paid supported employment and requires the services of a job coach in order to be successful
  - a student who requires ESY services in order to remain in his or her existing LRE and prevent movement to a more restrictive setting
  - a student whose frequent health-related absences have significantly impeded progress on goals related to critical life skills

