



# EXTENDED SCHOOL YEAR (ESY) SERVICES

Indiana's Special Education Law, [Article 7](#), allows for the provision of extended school year (ESY) services for students with disabilities based on the individual student's needs and the student's individualized education program (IEP).

## Article 7 ESY Services Definition

"Extended school year services" are special education and related services that

(1) are provided to a student with a disability:

(A) beyond the normal school year or instructional day of the public agency;

(B) in accordance with the student's IEP; and

(C) at no cost to the parent or the student; and

(2) meet the standards of the department of education.

(511 IAC 7-32-39)

## DETERMINATION OF EXTENDED SCHOOL YEAR SERVICES NEED

- **The purpose of ESY services:** The purpose of ESY services are to support students with disabilities that may need services beyond the regular school calendar in order to maintain skills and make progress on specific goals that are a part of the student's IEP in order to receive a free appropriate public education (FAPE).
- **Case conference committee (CCC) meeting decision:** The implementation of ESY services is determined by the CCC based on the individual student's needs and if necessary for the provision of FAPE to the child. It must be discussed at least annually, but can be more often as needed. The decision to include ESY services in the IEP is based on input of all CCC members.
- **Written into IEP:** The ESY services must be outlined and followed in accordance with what is written into the student's IEP. Best practices include describing the type, amount, and duration of ESY services in the IEP.
- **Disability category alone does not determine need for ESY.** It should be based on the individual student's specific needs.
- **Factors the CCC can use to determine need for ESY services:** The CCC should consider if the interruption in services caused by a school break will significantly jeopardize the student's educational placement during the regular school year and the student's ability to benefit from the regular school year educational program. Some factors to consider:
  - **Critical learning needs** of the individual student
  - **Degree of progress** on IEP goals affected by interruption
  - **Least restrictive environment (LRE)** and how interruption may impact the student's continued access to their LRE
  - Loss of **independence from caretakers**
  - **Emergent needs/breakthrough learning opportunities** affected by interruption
  - **Regression/recoupment** of critical life skills as a result of interruption
  - Impact of **interfering behavior** impact on educational programming/progress
  - The **nature and/or severity** of the disability
  - Other **special circumstances** impacting the specific student

Frequently, contemporary practice has focused singularly on the regression/recoupment variable to the exclusion of other factors or variables. Using the likelihood of severe regression of ability with marginal or limited recoupment of the same as the sole criterion for determining a student's need for ESY services results in an incomplete analysis of the student's needs.



## FREQUENTLY ASKED QUESTIONS (FAQ)

- **Are ESY services the same as summer school?** No, ESY services are different from summer school, enrichment programs, and compensatory education. ESY services are also not restricted to summer break.
- **When can ESY services happen?** They can happen at any time beyond the normal school year or instructional school day.
- **Should ESY services be the same as the students regular school services?** ESY services may look different from the student's regular school year services. ESY services may be provided in various locations and through various service delivery options as determined by the CCC and written into the IEP.
- **Can ESY services be put in the IEP if the student needs childcare in the summer?** No, ESY services are not childcare and that should not be a determining factor for whether or not a student receives ESY services.
- **Are ESY services offered based on the student's particular disability?** No, IDEA and Article 7 specify that a public agency may not limit ESY services to particular categories of disability.
- **Can schools offer a set type of extended school year services?** No, ESY services should be individualized to the student's needs as determined by the CCC. IDEA and Article 7 specify that a public agency may not unilaterally limit the type, amount, or duration of ESY services.
- **Can the parent unilaterally decide to enroll their student in ESY services?** No. While parents can decide to enroll their students in summer school or enrichment programs that are open to all students, ESY services are different and can only be offered in accordance with what is agreed upon by the CCC and written into the student's IEP.
- **Can parents be charged for ESY services?** No, IDEA and Article 7 state that ESY services are provided at no cost to the parent.
- **Can AT be provided in ESY services?** Yes, provisions and supports would be determined by the CCC and included in the IEP.
- **If a student receives ESY services one year, will they have it again for the next year?** ESY services are a CCC decision and should be discussed if there is a new need or continued need at least annually. Previous enrollment in ESY services does not guarantee future ESY services. Best practices is to not wait to discuss until the end of the school year, so that parents have the opportunity to access dispute resolution procedures should they disagree with the CCC decision to deny ESY services.
- **What happens if a student is transitioning from early intervention services (Part C) over the summer and requires ESY services?** Article 7 states that if a student's third birthday occurs during the summer, and the CCC determines the student requires ESY services, the student's IEP must state that services will be initiated during the summer of the student's third birthday. (IAC 7-43-2 (e))

## WANT TO LEARN MORE?

You can find more information in the Indiana Department of Education's **Technical Assistance Document: Determining the Need for Extended School Year Services** [here](#). This document shares additional information about ESY services, including an ESY Services Decision Making Guide to support the decision making process.