

NON-REGULATORY GUIDANCE TO THE EXTENDED SCHOOL YEAR (ESY) SERVICES POLICY — ISSUED ON MARCH 11, 2011

The Office of the State Superintendent of Education, Division of Special Education (OSSE DSE), issued the “Extended School Year (ESY) Services Policy” on March 10, 2011. Every local education agency (LEA) is responsible for making appropriate ESY eligibility determinations and service designations for all students with individualized education programs (IEPs). In order to facilitate implementation of the policy in a manner that accelerates reform without placing an undue burden on LEAs, for the 2010-2011 school year, LEAs need only comply with the certification requirements in the policy. Beginning in the 2011-12 school year, and each year thereafter, LEAs are required to comply with all requirements set forth in the policy. The purpose of this guidance document is to provide additional clarification to assist LEAs in implementing the policy in a manner consistent with the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1400 *et seq.*

FREQUENTLY ASKED QUESTIONS (FAQ)

1. What are Extended School Year services?

Extended School Year (ESY) services are special education and related services that are provided, when determined appropriate by an IEP Team, to a student with a disability beyond an LEA’s regularly scheduled school calendar.

2. Do ESY services only occur in the summer?

No. ESY services are often considered for the summer break, but may be provided during other times outside of the normal school day or school year, such as before and after regular school hours or during winter or spring break, if the IEP Team determines that the student requires ESY services during those time periods in order to receive a free appropriate public education (FAPE).

3. Is the provision of ESY services meant to maximize student performance, or to help students who fall behind during the school year catch-up?

The intent of ESY services is to provide FAPE, not to provide additional resources or maximize programming beyond FAPE. When an IEP Team makes a decision regarding ESY eligibility, it is determining whether the benefits gained during the regular school year would be significantly jeopardized if the student does not receive ESY services.

4. Do special education and related services provided during the summer months by LEAs with all-year or 11-month programs count as ESY services?

Special education and related services provided during an LEA’s normally scheduled school calendar, including those LEAs with more instructional days than others, are not considered ESY and should not be documented as ESY services on the student’s IEP.

5. Can ESY services be implemented over a shorter period of time than specified in a student’s IEP, if the LEA ensures that the total service hours delivered remains the same?

No. The schedule of the delivery of services must be as specified in the student’s IEP. Exceptions to schedule changes may occasionally be made to accommodate the delivery of a previously missed service session.

6. If an LEA charges parents for summer school, can it also charge parents for ESY services?

No. LEAs may charge parents of students with IEPs for summer school programming at the same rate as other public school students, but LEAs may not add any additional fees associated with the administration or implementation of ESY services prescribed on a student’s IEP.

7. Are all students served by nonpublic schools automatically determined eligible for ESY services?

No. ESY decisions for students served by nonpublic schools must be made, at minimum, on an annual basis by each student’s IEP Team. Many students at nonpublic schools may not be determined eligible for ESY services, just as many students with IEPs at public schools are not determined eligible.

8. Can a student enrolled in one LEA receive services from a different LEA?

Yes. LEAs can contract with each other to share resources for the delivery of ESY services. However, the LEA in which the student is enrolled maintains responsibility, at all times, for the timely and adequate delivery of services according to the IEP.

9. How does an IEP Team determine whether a student is eligible for ESY-related transportation?

Students eligible for transportation as a related service during the school year are eligible for transportation as a related service for the duration of ESY services. Students who were not determined eligible for transportation as a related service during the school year may be eligible for transportation as a related service for the duration of ESY services, if the IEP Team, determines that: 1) the student is eligible using the established state-level criteriaⁱ and 2) ESY services will be provided at a location that is different from the school location attended during the school year.

10. Are there any documentation requirements or timelines related to initiating ESY services for the summer months?

Yes. LEAs must certify: 1) all affirmative summer ESY eligibility decisions for all students served by nonpublic schools by submitting a completed LEA Certification Form to the Division of Special Education at OSSE (OSSE DSE) and 2) all affirmative summer ESY-related transportation eligibility decisions, including all ESY service site location assignments, to the Department of Transportation at OSSE (OSSE DOT) no later than the first Monday of May every year.

11. Should LEAs without any students in need of summer ESY services or summer ESY-related transportation services submit any certification materials?

Yes. LEAs without any students in need of summer ESY services or summer ESY-related transportation services should submit certification confirming that there are no students in need of services no later than the first Monday of May every year.

12. Are related service providers required to log summer ESY services in the Special Education Data System (SEDS) similar to the way they log related services delivered during the school year?

Yes. Related service providers must log each summer ESY service session into SEDS as they would for a regular school year related service session.

13. How does an LEA fulfill the “closeout summary” requirement?

LEAs should use their last summer ESY progress report to summarize 1) the degree of progress made on the student’s ESY goal(s) and 2) the status of the identified critical skill(s) related to the anticipated level of regression and the time required for recoupment. All summer closeout summaries must be completed in SEDS prior to the beginning of the next school year.

Additional Guidance

For additional information, please reference the “Extended School Year (ESY) Services Policy” located on the OSSE website at <http://www.osse.dc.gov>. Please direct any questions regarding the content of this document to **Grace Chien, LEA Policy and Charter Implementation Specialist**, at (202)741-5089 or by email at Grace.Chien@dc.gov. OSSE has the authority as the state educational agency (SEA) to issue additional guidance regarding LEA policy and related practice.

ⁱ LEAs are not required to apply the state level criteria from the “Extended School Year (ESY) Policy” issued on March 10, 2011 until the 2011-2012 school year.