



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

SPECIAL EDUCATION POLICY BULLETIN

Extended School Year (ESY) Services

April 2021

The Office of the State Superintendent of Education (OSSE) provides this guidance on local education agency (LEA) responsibilities under the Individuals with Disabilities Education Act (IDEA) related to extended school year (ESY) services, and state-level requirements for LEA data certification procedures. This document generally constitutes nonregulatory guidance and does not impose any additional requirements beyond those included in applicable federal and local law and regulations.

The ESY Services Policy

The ESY Services Policy, which can be accessed online [here](#), was issued by OSSE on March 10, 2011, and establishes state-level standards and criteria for ESY services consistent with the Individuals with Disabilities Education Act (IDEA). Every LEA in the District of Columbia is required to provide ESY services to eligible students with disabilities as a part of each student's free appropriate public education (FAPE). Individualized education program (IEP) teams must analyze individual student data using the state-level eligibility framework to make appropriate individualized ESY determinations and designations for every student with a disability. Per the policy, LEAs must certify to OSSE on an annual basis all ESY student data that results in state-level expenditures (i.e., ESY decisions for students served by nonpublic special education schools and ESY-related transportation service decisions).

ESY Services for Transfer Students

For students transferring between LEAs between school years, the new LEA's obligation to make FAPE available begins on the first day of the new LEA's school year. (5E DCMR § 3002.9(b)) As such, for students receiving ESY services, the prior LEA is responsible for providing ESY services. This approach ensures continuity of service delivery by adults who have knowledge of the student's disability and IEP. This approach is also consistent with the traditional structure of summer school, and is aligned fiscally with the structure of at-risk and Uniform Per Student Funding Formula (UPSFF) funding, which includes summer school in the UPSFF funding for all students who meet the at-risk funding criteria.

For children who are transitioning from IDEA Part C early intervention services into an LEA and who have been found eligible for services under IDEA Part B, ESY services should be considered as a component of the IEP development process. If the child is determined to be eligible for ESY, the IEP team must determine what services will be delivered during the summer for the receiving LEA to meet its obligation to provide FAPE.

ESY Services, Records, and Transportation for Students Transitioning from Closing Public Charter Schools

Consistent with [OSSE's Charter School Closure Policy](#), if a student is transferring from a fully closing or closed public charter school, the new LEA is responsible for providing ESY services as a comparable service. While the determination of comparable services is made on an individual basis, the student's new LEA may not arbitrarily decrease the level of services to be provided to the student as comparable services, regardless of the time of year of the transfer. In the interest of continuity of educational services, OSSE encourages agreements between the closing charter school and the LEA(s) which receive such students, to allow the closing charter school, where appropriate, to provide the ESY services. In such cases, however, the new LEA remains accountable for ensuring the delivery of ESY services to students enrolled in the new LEA. In addition, the new LEA is also responsible for coordinating transportation services with OSSE's Division of Student Transportation, if applicable.

In the event that a public charter school LEA with multiple campuses is undergoing a partial closure – that is, if one or more campuses within the LEA are closing, but others will remain in operation under the same charter and the partially closing public charter LEA could still serve the age group of the student with a disability – then the partially closing public charter LEA is responsible for providing ESY services to the student. For example, if LEA A is closing one of two middle school campuses, then it is responsible for the provision of ESY to eligible students with disabilities. If LEA B is closing its only middle school campus and only a high school campus will remain, LEA B is not responsible for the provision of ESY to eligible students with disabilities who are outside of the age group served by the high school campus.

Closing public charter school LEAs must appropriately exit students as soon as possible and no later than five days after the last day of school. This is consistent with OSSE's [LEA Data Management Policy](#), which requires LEAs to ensure that students' records are entered or updated in the appropriate database within five business days from the time of a change or action. New LEAs that need access to student records for the purposes of providing ESY services must enroll students transitioning from closing charters in the LEA student information system (SIS) as soon as possible and before mid-July for that LEA to access the special education records in SEDS. OSSE encourages closing public charter school LEAs and receiving LEAs to communicate and collaborate with regards to appropriate exit and registration of transitioning students with disabilities.

After a student is appropriately exited from a closing public charter LEA and enrolled in the receiving LEA's SIS, the student will move to the receiving LEA's SEDS roster and all downstream systems will update, including the Transportation Online Tool for Education (TOTE). As soon as a receiving LEA has access to a student in TOTE, it should submit a transportation request form (TRF) for both ESY transportation and the regular school year as soon as possible. For more information, please refer to the [TOTE Quickstart Guide](#) on [OSSE DOT's website](#). TOTE users may also reach out to the TOTE support team via email at DOT.data@dc.gov or TOTE support line at (202) 576-5520.

ESY Eligibility Determinations and Service Provision During Coronavirus (COVID-19)

ESY services for students with disabilities are prescribed to address a student's possible educational regression and the consequent time that would be required for a student to recoup lost educational skills ([OSSE ESY Services Policy](#)). ESY is provided during times when regular school instruction is not taking place

(e.g., before or after school hours, winter and spring break, and summertime). The purpose of ESY is to provide FAPE and not to provide additional services or to maximize services beyond FAPE.

As with the delivery of other services prescribed in a student's IEP, ESY services may be provided through a distance learning model (USED acknowledges that FAPE may include, as appropriate, special education and related services provided through distance instruction provided virtually, online, or telephonically in the [USED Supplemental Fact Sheet p. 1-2](#)). LEAs should provide any needed modifications or alternatives to make the curriculum and services accessible to students with disabilities ([Id.](#) at p.2, and [OSEP Guidance A-1](#)). A student's LEA, either through convening an IEP team or agreeing to amend the IEP without a meeting, should determine whether such ESY service delivery satisfies the requirements of FAPE, taking into consideration on an individualized basis the specific needs of a student ([OSSE Guidance FAQ Q2](#)). Please see the OSSE IEP Amendment Policy for additional information on requirements to revise the types or amounts of specialized instruction or related services using the documented written agreement modality ([OSSE IEP Amendment Policy at p. 3](#)).

Accessing Student Records During the Summer

The LEA where the student is enrolled at the end of the 2019-20 school year will have access to the student's special education records in the Special Education Data System (SEDS) for the purposes of providing ESY services. If the student will attend a different LEA for ESY, the student must be stage 4 enrolled in that LEA after the last day of that LEA's regular school year and before July 10, 2020, for that LEA to access the special education records in SEDS.

At the start of the new school year when a student transfers between LEAs, the new LEA will have access to records for enrolled students based on the LEA's student information system (SIS) data feed for the 2020-21 school year. If the student has a duplicative enrollment between two LEAs with the same stage of enrollment, the LEA with the most recent entry date will have access to the records in SEDS once a record transfer has been requested. A student must be enrolled in the LEA's student information system (SIS) for a record request to occur. Such a transfer can be requested through the OSSE Support Tool after the LEA starts sending data feeds for the 2020-21 school year. Records typically become available in SEDS two to three business days after the request is processed.

The My School DC Enrollment Form can also be used to authorize the enrolling LEA to request records directly from the student's current school and any previous schools. Additionally, in order to ensure appropriate planning for incoming students, LEAs can use the [Early Access to Students with Disabilities Data Application in Qlik](#) or the SEDS planning roster.¹

Resources

For more information regarding ESY, please access and review OSSE's [Extended School Year \(ESY\) Policy](#) and [ESY Frequently Asked Questions](#). Please direct any questions regarding the content of this document to OSSE's Division of Systems and Supports, K-12 Office of Special Education at OSSE.DSEPolicy@dc.gov.

¹ The SEDS planning roster is a report that is refreshed daily and provides LEAs with information on all students in stage 4 of the enrollment process. A stage 4 enrollment represents registration of the student in the Student Information System (SIS) by the LEA upon receipt of required enrollment forms and a letter of enrollment agreement. A student at stage 4 of enrollment has not yet received educational services. See 5A DCMR §2199.