



SPECIAL EDUCATION POLICY BULLETIN

Extended School Year (ESY) Services

Updated August 2023

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

[OSSE's Extended School Year \(ESY\) Services Policy](#) 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. The IEP team must use at least three months of progress monitoring data from the current school year, or any relevant current data or information if three months of progress monitoring data from the current school year is not available, to consider and document the impact of a break in service on a previously attained or emerging critical skills, the likelihood and degree of regression related to previously attained or emerging critical skills, and the time required for recoupment of previously attained or emerging critical skills. (5A DCMR § 3015.2) 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. (5A DCMR § 3001.12) As such, for students receiving ESY services, the prior LEA is responsible for providing ESY services. (5A DCMR § 3015.6) 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. 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 roster and all downstream systems will update, including the Integrated Data Submission (IDS) Tool Transportation Dashboard. As soon as a receiving LEA has access to student records, it should submit a transportation request form (TRF) for both ESY transportation and the regular school year as soon as possible.

Accessing Student Records During the Summer

The LEA where the student is enrolled at the end of the school year will have access to the student's special education records in Special Programs 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 for that LEA to access special education records.

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 SIS data feed for the new 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 student records once a record transfer has been requested. A student must be enrolled in the LEA's 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 new school year. Records typically become available in Special Programs 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](#).

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.