

# EX-SELS QUARTERLY: SCHOOL LAW CATCH-UP

Extended School Year:(ESY)  
Defined: 34 C.F.R. § 300.106(b)  
[T]he term extended school year services means special education and related services that—  
(1) Are provided to a child with a disability—  
    (i) Beyond the normal school year of the public agency;  
    (ii) In accordance with the child’s IEP; and  
    (iii) At no cost to the parents of the child; and  
(2) Meet the standards of the SEA.

## It’s That Time of Year

Spring is a busy time of year for data collection. Data collection for decisions regarding Extended School Year (ESY) eligibility is one that is required yearly for every student with a disability receiving services under IDEA. IEP Teams must gather data on current IEP goals to determine if the benefits that the student gained during the regular school year would be significantly jeopardized if not provided extended educational services.

Or if the student would experience severe or substantial regression if not provided educational services during recesses or the summer months and the regression would result in substantial skill loss of a degree and duration that would seriously impede the student’s progress toward educational goals. (ARS § 15-881(A)). ESY is to prevent significant loss of skills which may lead to a loss of meaningful progress and educational gains.

Data should provide evidence of:

- ⇒ Student requires significant amount of time to recoup PREVIOUSLY MASTERED skills;
- ⇒ Must indicate regression in one or more critical areas;
- ⇒ May exhibit, or be expected to exhibit, SEVERE or SUBSTANTIAL regression that cannot be recouped within reasonable time; and
- ⇒ Indication of past regression after a break from school.

Typically, ESY services are provided during the summer months. However, ESY services can be provided to a child with a disability during times other than the summer, such as before and after regular school hours or during school vacations, if the IEP Team determines that the child requires ESY services during those time periods in order to receive a FAPE.

## Timeline for ESY Decisions

Under AAC R7-2-408 (C), IEP teams are required to determine ESY eligibility for students with disabilities currently enrolled in special education “no later than 45 calendar days prior to the last day of the school year.”

ESY data should include academic, social, functional, or behavioral skills related to any IEP goal that impacts the student’s overall functioning. Any loss, or potential loss, of a specific skill without recoupment of the skill within a reasonable amount of time may qualify a student for ESY if such loss negatively impacts the student’s ability to make meaningful progress in light of the child’s individual circumstance.

In determining ESY eligibility, the IEP team may consider the student’s regression of skills following breaks from school and the time it takes the student to regain those skills (recoupment).

The team may consider:

- retrospective data (existing information)
- predictive data (expert opinion, circumstantial considerations, anecdotal reports)
- history of skill regression/recoupment (information must be measurable).

