# Extended School Year (ESY) Services (1)

Under the Individuals with Disabilities Education Act (IDEA), school districts must provide Extended School Year (ESY) services when they are necessary for a child to receive a Free Appropriate Public Education (FAPE). ESY determinations must be individualized and based on data reflecting the child’s unique needs, not limited to whether the child shows regression after breaks. The law requires that ESY decisions be made by the IEP team, using multiple factors, and not restricted by administrative convenience or blanket district policies.

## Important Legal Note

Courts have consistently held that regression/recoupment is not the sole test for ESY eligibility. Districts must consider a range of nine factors, including the severity of the child’s disability, rate of progress, emerging skills, and the impact of an interruption of services. A district’s refusal to consider ESY services beyond regression/recoupment violates IDEA. The following cases outline important standards:

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| Case | Key Holding |
| Reusch v. Fountain, 872 F. Supp. 1421 (D. Md. 1994) | Established a multi-factor test for ESY eligibility, including severity of disability, rate of progress, and availability of alternative resources. |
| Johnson v. Independent Sch. Dist. No. 4, 921 F.2d 1022 (10th Cir. 1990) | Held that ESY determinations must be individualized and cannot rely solely on regression/recoupment. |
| Cordrey v. Euckert, 917 F.2d 1460 (6th Cir. 1990) | Found ESY services required where interruption would significantly jeopardize progress on critical life skills. |

**Takeaway for Parents:
ESY services are not optional. If your child needs instruction beyond the regular school year to make meaningful progress or to maintain critical skills, the district must provide ESY as part of FAPE. Decisions must be individualized, data-driven, and made by the IEP team—not by blanket policies or administrative directives.**