



Statewide Parent  
Advocacy Network

Empowering families,  
professionals, and others  
interested in the well-being  
and education of children  
and youth

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*For some students with a disability, an Extended School Year (ESY) program can be an important part of special education.*

# EXTENDED SCHOOL YEAR

## What is ESY?

An extended school year (ESY) refers to special education services provided beyond the traditional 180-day school year.

## What types of services and instruction should be provided during ESY?

ESY for a student with disabilities — whether enrolled in a public school program or placed by the district in a private program — must be “an extension of the special education and related services” and must be “provided in accordance with the student’s IEP.” The programs and services a student receives during ESY may range from full-time residential services, to related services, such as speech or occupational therapy.

## How long is ESY?

The length of the ESY program is determined by the IEP and based on the needs of the student. Most ESY programs operate from 3 weeks to 10 weeks during the summer. Services may be for a full day or ½ day, and may run 4 or 5 days a week.

Districts may not “unilaterally limit the type, amount, or duration of those services.”

## How is eligibility for ESY determined?

The decision about the need for ESY is individualized. Although federal and state laws do not provide specific criteria, the courts have identified several factors that should be considered, the most notable of which is “regression/recoupment.”

Regression refers to a decline in skills and abilities during or following an interruption in educational programming. Recoupment refers to the rate at which skills and abilities are regained following an interruption in educational programming.

All children regress to some degree between school years. When the level of regression and the time needed to recoup skills is substantial, ESY may be warranted.

## If a student received ESY services last year. Is he/she automatically eligible this year?

No. Like all aspects of the IEP, the need for ESY is determined annually.



### Are some students ineligible for ESY services?

Districts may not establish an across-the-board policy limiting ESY services. Federal law requires that the IEP team consider the “duration of services” when developing the components of a free appropriate education (FAPE) in the IEP. The courts have interpreted this to mean that any child may be entitled to an extended school year (ESY) as part of his/her entitlement to a free appropriate public education, if it is necessary.

### Is ESY the same as “summer school?”

The term “summer school” generally refers to programs that a school district may offer for recreational purposes, or to allow students to recover lost credits, usually unrelated to a student’s IEP. IDEA, Section 504 and the Americans with Disabilities Act all require schools to make “summer school” available to students with disabilities to the same extent that they are available to students without disabilities.

### ESY differs from summer school in several important ways:

- ESY must be individualized and be based on the student’s Individualized Education Program (IEP).
- ESY must be provided at no expense to the parents.
- ESY is not designed to help students make up for poor performance during the regular academic year, or get a jump-start on fall classes.

### Are preschoolers eligible for ESY?

Yes. If a child has an IEP, he/she should be considered for ESY services. For young children leaving the Early Intervention System who need ESY, services should start in the summer.

### What if a school district doesn’t agree?

As with all advocacy efforts, it is vital that decisions and denials be communicated in writing. It may be helpful to request an independent evaluation. Parents have the right to request mediation, an administrative due process hearing, and/or complaint investigation to resolve the dispute.

### What factors must be considered?

Regression is not the only factor in determining eligibility for ESY services. State rules require the IEP team to consider “all relevant factors” including:

- Degree of progress toward IEP goals and objectives.
- Emerging skills/breakthrough opportunities (will a lengthy summer break cause significant problems for a child who
- Is learning a key skill, like reading?).
- Interfering behavior.
- Nature and/or significance of disability.
- Special circumstances.
- Availability of alternative resources.
- Vocational needs.

### Learn More:

Federal regulations regarding ESY can be found at Sec. 300.106.

New Jersey regulations regarding ESY can be found at: NJAC 6:14-4.3(c).

### Go online to learn more:

What parents can do to document the need for ESY services.



**CALL SPAN**  
**800-654-SPAN (7726)**  
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**Online: [spanadvocacy.org](http://spanadvocacy.org)**

