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Office 770-577-7771 Toll Free 1-800-322-7065  
[www.peppinc.org](http://www.peppinc.org)

### **IDEA Sec. 300.309 Extended School Year Services**

**(a) General.**

(1) Each public agency shall ensure that extended school year services are available as necessary to provide FAPE, consistent with paragraph (a)(2) of this section.

(2) Extended school year services must be provided only if a child's IEP team determines, on an individual basis, in accordance with Secs. 300.340-300.350, that the services are necessary for the provisions of FAPE to the child.

(3) In implementing the requirements of this section, a public agency may not— (i) Limit extended school year services to particular categories of disability; or (ii) Unilaterally limit the type, amount, or duration of those services.

(b) Definition. As used in this section, the 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.

(Authority: 20 U.S.C. 141 2(a)(1))

## **Extended School Year (ESY)**

### **WHAT IS ESY?**

The term EXTENDED SCHOOL YEAR encompasses a range of options in providing programs in excess of the traditional 180-day school year. The issues of regression and recoupment have been pivotal in the litigation that has advanced the concept of extended school year (Armstrong v. Kline, 1979; Battle v. Commonwealth 1980). Regression has been described as the lack of maintenance or loss of skills over the summer recess. Recoupment is getting back that which was lost. According to a survey of State Directors of Special Education, 49 states currently have statutes or policies that either require extended year programs or allow them to be provided as district options (Alper & Noie, 1987). There is great variability among providers in determining eligibility for and delivery of ESY services.

### **WHEN IS ESY NEEDED**

ESY is needed whenever a student would experience unacceptable regression and recoupment. Research conducted by Tilley, Cox, and Staybrook (1986) found that most students experience some regression over the summer months. Students in regular education regressed by about 4<sup>o</sup>h as measured by standardized tests. The study also found that students with mild handicaps, serious behavior disorders, and hearing impairments regressed at about the same rate as regular education students. Students with moderate and severe handicaps showed a faster rate of regression and a slower rate of recoupment. Regression occurred in language, gross motor, fine motor, and self-help skills as well as in academic areas. ESY should be made available whenever there is an indication of substantially greater regression and slower recoupment than for regular education students. Tilley, Cox, and Staybrook (1986)

assumed that there would be no regression in language, gross motor, and self-help skills by regular class students; therefore, any regression in these areas by a handicapped student might automatically fulfill eligibility criteria. The issue of self-sufficiency has been a major factor in litigation and has been interpreted as the attainment of functional skills.

## **HOW IS ELIGIBILITY FOR ESY DETERMINED?**

The most appropriate method for determining eligibility for ESY is direct, ongoing assessment of individualized education program (IEP) objectives as they relate to the regression and recoupment a child experiences (Browder, 1987; Browder & Lentz, 1985).

According to Alper and Noie (1987), 25 states currently rely on IEP teams that include teachers, administrators, related services personnel, and parents to assess eligibility on an individual basis. Browder, Lentz, Knoster, and Wilansky (1988) made the point that assessment of IEP objectives should be clearly defined and consistent to avoid an esoteric approach. The advantages of this method are that (a) assessment can be matched to each objective in every student's IEP, (b) cross-time trends can be noted, and (c) the data obtained can be compared and used for subsequent evaluation of service effectiveness.

A series of measurements is valuable in providing a baseline to document regression and a point from which to measure recoupment. Edgar, Spence, and Kennowitz (1977) recommended a four-point schedule for collecting data about student progress: (1) at the end of the regular school year, (2) at the end of the summer program, (3) at the beginning of the subsequent year, and (4) at the end of the subsequent school year.

Parent and teacher reports are integral to accurate assessment of a child's need for ESY. They are necessary in order to form a complete picture of the child's level of functioning and to supply information such as regression and recoupment history, current

instructional strategies, maintenance strategies, family circumstances, and recent behavioral and medical problems.

### **WHAT ARE SOME FACTORS THAT COULD MANDATE A NEED FOR ESY?**

1. Type and severity of the handicap.
2. Presence of medically diagnosed health impairments.
3. The child's age.
4. Attainment of self-sufficiency.

The severity of the handicap is a major factor in providing ESY services. Litigation has been geared primarily to individuals with moderate and severe handicaps, because regression and recoupment are more marked in these individuals. Younger students with medically diagnosed health impairments are more likely to receive ESY services, possibly because teachers consider them to be especially at risk for regression due to degenerative diseases or school-year absenteeism (Browder et al., 1988). The attainment of self-sufficiency has been a key issue in ESY eligibility, although only one study has specifically addressed it in terms of regression and recoupment. McMahon (1983) analyzed teacher ratings on 10 areas of self-sufficiency for 26 ESY students attending a private 6-week summer program. He found that regression did occur when instruction was interrupted, but there was improvement when it was resumed.

### **WHAT OTHER FACTORS MAY BE CONSIDERED IN OFFERING AN ESY PROGRAM?**

1. Need for recreational programs.
2. Respite care for parents.
3. Family environmental factors (family stress levels).

Although they are not supported by litigation, recreation and respite care for parents are two critical areas of concern in considering ESY programs. It may be argued that these factors are valid considerations because they affect both regression and recoupment. Stress levels can influence a family's ability to implement maintenance procedures (Browder et al., 1988). Respite care and recreation may be effective in decreasing family stress levels and providing support for parents and, in turn, may promote recoupment.

## **WHAT TYPES OF DELIVERY MODELS ARE AVAILABLE?**

There is a range of options available in providing ESY services beyond those found in typical center-based summer programs. Programming should involve modification of the regular-year instruction in order to maximize the potential for generalization and maintenance during the summer interruption of instruction (Sobsey, 1985). Instruction should be based on established IEP objectives, but methods may need to be altered in order to provide maintenance, as opposed to acquisition of skills. Partial mastery of IEP objectives may also indicate that summer support is required until complete mastery is achieved.

Delivery options for ESY services include but are not limited to the following: 1. The traditional 2- to 6-week school-based summer program. 2. Home consultation to provide support and instruction to parents in preventing regression. 3. Residential placement in a boarding facility. 4. Summer camp or recreational programs that provide opportunities for maintenance of skills. 5. Private summer school programs providing the least restrictive environment available.

Support services should also be made available when they are required for maintenance of skills. These services may include

speech therapy, physical and occupational therapy, and adaptive physical education.