



Extended School Year Services A Brief Guide for Parents #6

What are extended school year (ESY) services?

ESY services are services provided beyond the regular school year for students who need them in order to make meaningful educational progress. These services must be individually designed to meet specific goals and objectives included in your child's individualized education program (IEP). ESY services are not simply an extension of time in school, an automatic summer school placement, or a summer enrichment program. ESY services are still available during the pandemic, but may be virtual. Check with your IEP team for more information.

Eligibility for ESY Services

In Maryland, IEP teams must look at whether your child's progress towards achieving "critical life skills" related to IEP goals would be "significantly jeopardized" unless your child receives ESY. If not, then your child would not be eligible for ESY. In answering this question, the IEP team must look at the following factors; **only one** of the following must be met to be eligible for ESY:

1. Regression/Recoupment: Many students experience some regression after extended breaks, such as summer. These students may quickly get back (or recoup) the skills or knowledge they have lost. However, students who are unable to recoup these skills in a reasonable amount of time may require extended school year (ESY) services. Will your child lose skills (regress) more than the amount that would be expected for any student? Will it take longer for your child to regain lost skills (recoup) than it would for students without disabilities?
2. Nature and/or severity of disability: Does your child have a significant disability that makes it difficult for your child to learn or to retain skills?
3. Degree of progress: If progress is very slow, your child may need ESY services in order to make meaningful educational progress during the school year;

Note: It is NOT necessary for your child actually to regress or take a long time to recoup skills before being determined to be eligible for ESY services. The LIKELIHOOD of regression or a lengthy recoupment period, either of which would jeopardize your child's ability to make educational progress, is enough to establish eligibility.

4. Emerging skills/breakthrough opportunities: Is your child just beginning to accomplish a skill such as beginning to communicate, accomplish self-care tasks, read or write? If your child does not get ESY, will your child lose or not fully master this new skill?

5. Interfering behaviors: Does your child's behavior have an impact on your child's ability to make educational progress?
6. Special circumstances: Are there any unique reasons why your child might need ESY? For example, did your child miss a significant amount of time in school because of illness, surgery, or other personal circumstances? Is your child at risk of a more restrictive placement? Is the team considering an option to move your child from a restrictive placement to inclusive program?

Building a Case for ESY

1. Ensure that your child's IEP goals and objectives are measurable so that progress can be effectively evaluated. Measurable goals have a starting and proposed ending point and identify what criteria will be considered to determine progress. Objectives are linked to the goal in a logical way. Ask yourself: if my child achieves the objectives, will the goal be accomplished?
2. Critical life skills must be determined individually, based on student's age, disability, and other circumstances. Critical life skills can be academic and functional.
3. It is important that information, or data, about the measurable goals and objectives is collected and shared with the team to consider in making its determination.

Note: Families can use the IDEA complaint process or a due process hearing to challenge the failure of the school system to provide ESY. *For more information on the complaint process or mediation and due process, see [DRM's Special Education Handbook](#).*

ESY vs. Compensatory Education or Recovery Services:

A determination of compensatory education or recovery services is separate from an ESY decision. ESY services are provided for students who require instruction beyond the regular school year in order to make educational progress. Compensatory education is a legal remedy designed to address a school system's failure to provide a free appropriate public education to a student. ESY should be considered every year for a student based on the impact of their disability on their ability to make progress; on the other hand, compensatory education looks at what the school district did not provide to your child and the impact of that failure on your child's ability to make progress. Recovery services are a pandemic-specific remedy to address learning loss while school buildings were closed or not fully open. Your child may be eligible for these services as well as ESY. *For more information on compensatory education, see [Parent Guide #5](#).*

This is the sixth in a series of brief guides for parents to address education issues during the pandemic. All guides can be found [here](#). Please feel free to contact Disability Rights Maryland's intake line at 410-727-6352 with questions or concerns or if you need this document in an alternative format.