

**OFFICE OF SPECIAL EDUCATION  
AND STUDENT SERVICES**

**EXTENDED SCHOOL YEAR  
ESY  
SERVICES**

The Montgomery County Public Schools provides Extended School Year (ESY) services to eligible students receiving special education services. These services are part of a free, appropriate public education and are provided in the summer. This booklet is designed to help you understand ESY services and eligibility criteria.



## What are Extended School Year Services?

Extended School Year (ESY) services are provided beyond the regular school year to eligible students receiving special education services. ESY services are designed to meet specific objectives in a student's Individualized Education Program (IEP). ESY is not simply the extension of the school year, an automatic summer school placement, or a summer enrichment program; nor does every student with a disability require ESY. In fact, ESY may be appropriate for a relatively small number of students with disabilities. However, the IEP team is legally obliged to consider and evaluate the appropriateness of ESY eligibility at the annual review meeting for any student receiving special education services. ESY services vary in type, intensity, location, inclusion of related services, and length of time, depending on the student's needs.

### *Examples of students who may require ESY services*

- An 8-year-old student with mental retardation who has just acquired the skill of indicating food choices and who, without ESY service, is likely to lose this skill.
- A student with autism who recently has met a social/behavioral objective that is designed to decrease the frequency of self-injurious behavior and is likely to resume the self-injurious behavior to the previous level, unless he/she receives ESY services to maintain the target behavior objective.
- A 4-year-old student with developmental delays who, at school, is on a toileting schedule with verbal prompts and may regress significantly over the summer and require considerable retraining in the fall upon his/her return to a full-day school program.
- A 10-year-old student with mental retardation and cerebral palsy who has been learning to use an augmentative communication device since last fall. It has taken the student six months to independently master the first two steps of a six-step process. Because of the critical nature of this skill and the time involved for new learning, ESY is recommended.
- In late spring, a fifth-grade student with a specific learning disability has a breakthrough in reading decoding skills. As he transitions to middle school ESY is needed to maintain skills he has just begun to acquire.

## How are ESY decisions made?

Typically, ESY eligibility and services are determined at the annual review IEP team meeting to develop the IEP for the next year. Parents of a child with a disability are equal participants, along with school-based personnel, in developing all parts of the IEP, including the provision of ESY services. The members of the IEP team include the student's parents, the student (if appropriate), MCPS representative, general education teacher, the student's special educator, classroom teacher, and others who parents or school staff feel can contribute to the process, such as the student's speech pathologist, occupational therapist, physical therapist, and vision or mobility teacher. Determinations about ESY may also be made at a periodic review meeting, if that timing is more appropriate than the annual review meeting.

## How is ESY eligibility determined?

I. The IEP team considers the following factors in making eligibility decisions.

### Regression/Recoupment

The IEP team determines whether, without ESY services, there is a likelihood of substantial regression of critical life skills caused by the school break and a failure to recover those lost skills in a reasonable time following the school break.

### Degree of Progress

The IEP team reviews the student's progress toward meeting IEP objectives on critical life skills and determines whether, without ESY services, the student's degree of progress toward those objectives will prevent the student from receiving some educational benefit from his/her educational program during the regular school year.

### Emerging Skills/Breakthrough Opportunities

The IEP team reviews all IEP objectives targeting critical life skills to determine whether any of those skills are at a breakthrough point. When critical life skills are at this point, the IEP team determines whether the interruption of instruction on those objectives caused by the school break is likely to prevent the student from receiving some benefit from his/her educational program during the regular school year without ESY services.

### Interfering Behavior

The IEP team determines whether stereotypic, ritualistic, aggressive, or self-injurious behavior(s) targeted by IEP objectives have prevented the student from receiving some benefit from his/her educational program during the previous school year without ESY services; or whether the interruption of programming that addresses the interfering behaviors is likely to prevent the student from receiving some benefit from his/her educational program during the next school year without ESY services.

## Nature and/or Severity of the Disability

The IEP team determines whether, without ESY services, the nature and/or severity of the student's disability is likely to prevent the student from receiving some benefit from his/her educational program during the regular school year. A critical life skill is any behavioral, academic, social, or other skill determined by the IEP to be critical to the student's overall educational progress.

## Special Circumstances

The IEP team, including the student's parents, determines whether, without ESY services, there are any special circumstances that will prevent the student from receiving some benefit from his/her educational program during the regular school year. Examples of special circumstances may include students who had a late entry into school due to special factors, excessive absence due to illness, and consideration of placement in a more restrictive setting.

**II.** Based on the IEP team's consideration of the factors listed above, in relation to the student's IEP and progress, the IEP team determines whether or not the benefits a student receives from his or her educational program during the regular school year will be significantly jeopardized if the student does not receive ESY. ESY services are required under the Individuals with Disabilities Education Act (IDEA) only when such regression will substantially thwart the goal of meaningful progress, and the regression is followed by insufficient recoupment of the knowledge or skills when school resumes. If so, the student requires the provision of ESY services to receive a free appropriate public education (FAPE).

## How are ESY services developed?

If a student requires ESY services, the IEP team will develop an ESY IEP that includes the following:

- Specific goals and objectives that require ESY services.
- The type(s), amount(s), and duration of special education and related service(s), including transportation needed to meet the ESY IEP objectives.
- The least restrictive environment in which ESY services can be provided to meet the ESY IEP objectives.
- The amount of time the student will participate with nondisabled peers.

ESY services will vary in type, intensity, location, inclusion of related services, and length of time depending on the student's needs. ESY services may be provided in a variety of settings, including general education schools, special schools, the community, and the home. The IEP team will determine the most appropriate ESY services and setting for each student.

## What if the parents disagree with the IEP team's decision?

Parents are valued as members of the IEP team and will participate fully in the ESY decision-making process for their son or daughter. At your IEP team meeting you will receive a copy of the IEP and information about ESY. You will also receive a written summary of the ESY decision. If you disagree with the IEP team's decision, you can appeal that decision by requesting mediation, an administrative review, or a special education due process hearing by calling the Equity Assurance and Compliance Unit at 301-279-3385. Mediation will be scheduled within 20 days and administrative review recommendations will be rendered within 20 days. The due process hearing timeline is as follows:

- If the ESY eligibility meeting is scheduled before April 14, requests for ESY due process hearings shall be scheduled to ensure that a decision is made within 45 days of the request for the hearing.
- If the ESY eligibility meeting is scheduled between April 14 and May 19, ESY due process hearings requested before May 19 shall be scheduled in a timely manner to ensure a hearing decision is made by June 15 or within 45 days of the hearing request, whichever is earlier.
- If the ESY eligibility meeting is scheduled between April 14 and May 19, ESY due process hearings requested after May 19 shall be scheduled in a timely manner to ensure a hearing decision is made within 20 days of the request.
- If the ESY eligibility meeting is scheduled after May 19, ESY due process hearings shall be scheduled in a timely manner to ensure a hearing decision is made within 20 days of the request.

*The following is a guide to assist parents in the discussion of ESY eligibility at your child's annual review meeting.*

**Questions**

Without ESY services on the identified critical life skills, will the student regress to a degree that will prevent him/her from receiving some benefit from his/her educational program during the regular school year? **YES/NO**

Without ESY services, will the student's limited progress toward the identified critical life skills objectives prevent him/her from receiving some benefit from his/her educational program during the regular school year? **YES/NO**

Without ESY services, will the interruption of instruction on identified breakthrough critical life skills objectives prevent him/her from receiving some educational benefit from his/her educational program during the regular school year? **YES/NO**

Without ESY services, will the student's identified interfering behaviors that have been targeted by IEP objectives prevent him/her from receiving some benefit from his/her school educational program during the regular school year? **YES/NO**

Without the provision of ESY services, will the nature and/or severity of the student's disability prevent him/her from receiving some benefit from, his/her educational program during the regular school year? **YES/NO**

Without ESY services, are there special circumstances that will preclude my child from receiving some benefit from his/her educational program during the next school year? **YES/NO**

**How can I obtain more information concerning ESY eligibility and services or my due process rights?**

The information outlined in this brochure will be discussed with you at your son or daughter's annual review IEP meeting. Information regarding your due process rights is explained in the Maryland State Department of Education brochure, *Procedural Safeguards-Parental Rights*. If you would like additional ESY information or a copy of *Procedural Safeguards-Parental Rights* please contact the following Montgomery County Public Schools (MCPS) departments/offices:

The Director of School-based Special Education Services at 301-279-3837

The MCPS ESY coordinator at 301-279-3022

The Division of Family and Community Partnerships at 301-962-3818 or 301-962-3829

This document is available in an alternate format, upon request, under the Americans with Disabilities Act, by contacting the Public Information Office, at 850 Hungerford Drive, Room 112, Rockville, MD 20850, or by phone at 301-279-3391 or via the Maryland Relay at 1-800-735-2258.

Individuals who need sign language interpretation or cued speech transliteration in communicating with Montgomery County Public Schools (MCPS) may contact Interpreting Services in the Deaf and Hard of Hearing Program at 301-517-5539.

MCPS prohibits illegal discrimination on the basis of race, color, gender, religion, ancestry, national origin, marital status, socioeconomic status, age, disability, physical characteristics, or sexual orientation. Inquiries or complaints regarding discrimination or Title IX issues such as gender equity and sexual harassment should be directed to the Office of the Deputy Superintendent of Schools at 301-279-3126, via the Maryland Relay at 1-800-735-2258, or addressed to that office at 850 Hungerford Drive, Room 129, Rockville, MD 20850.



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