

**CHILD DEVELOPMENT SERVICES
NARRATIVE FOR EXTENDED SCHOOL YEAR (ESY) SERVICES
ELIGIBILITY FORM
FOR USE DURING IEP TEAM MEETING**

The form below is intended to assist Part B IEP Teams when Extended School Year (ESY) Services are being considered during IEP Team meetings.

About ESY Services

Part B services generally take place over the course of the school year, not over the entire calendar year. Each CDS Site has established their school year (SY) so that teams may then determine any additional days (E) that would be included in the ESY section of the child's IEP. ESY services are the exception and not the rule. ESY services must be provided only if a child's IEP Team determines, on an individualized basis, that the services are necessary for the provision of FAPE to the child. ESY services are only necessary for the provision of FAPE when the benefits that a child with a disability gains during the regular school year will be significantly jeopardized if the child is not provided with an education program during an extended break, such as over the summer months. Put another way, ESY services are required only when necessary to permit the child to benefit from his or her instruction during the regular school year. The suggestion that a child will likely regress is not, by itself, a sufficient basis for a determination that ESY services are necessary, because all students, disabled or not, may regress to some extent during lengthy breaks from their educational program. ESY services are required under IDEA only when such regression, and the inability to recoup any losses within a reasonable period of time, substantially impacts the child's meaningful progress on the goals identified in his or her IEP, which are developed by the IEP Team to allow the child to access and benefit from the general education curriculum. The acceptable recoupment period will vary and could be significant without rising to the level of preventing the child from benefitting from his/her education

Maine's Regulation Governing ESY Services

Section X.2.A.(7) of the Maine Unified Special Education Regulation ("Chapter 101" or "MUSER") describes ESY services as follows (federal language appears in regular type, state language in italics):

Extended School Year Services: Extended school year (ESY) means special education and related services that are provided to a child age three to twenty with a disability beyond the normal school year *in any SAU or special purpose program*; provided in accordance with the child's IEP at no cost to the parents and they meet the standards *set forth in this rule*. ESY services must be provided only if a child's IEP Team determines, on

an individual basis, in accordance with §§300.320 through 300.324 and IX.3 of this rule, that the services are necessary for the provision of FAPE to the child. In implementing the requirements of this section, SAUs may not limit extended school year (ESY) services to particular categories of disability, or unilaterally limit the type, amount, or duration of those services. [34 CFR 300.106]

The need for the particular services is demonstrated by means of:

- (a) A review by the child's IEP Team of relevant information including, but not limited to, progress reports and relevant assessments, parent report, observations or documentation;*
- (b) Consideration by the child's IEP Team of the significance of the child's disability, progress toward IEP goals; and*
- (c) Consideration of the impact of previous service interruptions and the probability that the child is unable to recoup, in a reasonable amount of time, skills previously mastered.*

In short, the regulation requires that the IEP Team review all of the relevant information and consider three specific things when determining whether ESY services are necessary.