

EXTENDED SCHOOL YEAR SERVICES

Authorities: 34 CFR Part 300; 19 TAC Chapter 89

	Additional Resources
	FEDERAL AND STATE REQUIREMENTS
Practice	<p><i>Extended school year (ESY) services</i> means special education and related services that:</p> <p>Citations: 300.106(b)</p>
Practice	<ul style="list-style-type: none"> • <u>Are individualized instructional programs;</u> <p>Citations: 19 TAC 89.1065(a)</p>
Practice	<ul style="list-style-type: none"> • <u>Are provided to the an eligible child</u> with a disability: <p>Citations: 19 TAC 89.1065(a) 300.106(b)(1)</p>
Practice	<ul style="list-style-type: none"> ◦ Beyond the normal school year of the <u>local educational agency public agency(LEA);</u> <p>Citations: 89.1065(a) 300.106(b)(1)(i)</p>
Practice	<ul style="list-style-type: none"> ◦ In accordance with the child's individualized education program (IEP); and <p>Citations: 300.106(b)(1)(ii)</p>
Practice	<ul style="list-style-type: none"> ◦ At no cost to the parents of the child; and <p>Citations: 300.106(b)(1)(iii)</p>
Practice	<ul style="list-style-type: none"> • Meet the standards of the Texas Education Agency. <p>Citations: 300.106(b)(2)</p>

	FEDERAL AND STATE REQUIREMENTS
<u>Practice</u>	Each LEA must ensure that ESY services are available as necessary to provide a free appropriate public education (FAPE). Citations: <u>300.106(a)(1)</u>
<u>Practice</u>	The provision of ESY services is limited to the educational needs of the child and must not supplant or limit the responsibility of other public agencies to continue to provide care and treatment services pursuant to policy or practice, even when those services are similar to, or the same as, the services addressed in the child's IEP. Citations: <u>89.1065(8)</u>
	<u>CONSIDERATION OF ESY BY THE ANNUAL, REVIEW, AND DISMISSAL (ARD) COMMITTEE</u>
<u>Practice</u>	No child will be denied ESY services because the child receives care and treatment services under the auspices of other agencies. Citations: 89.1065(8)
<u>Practice</u>	The ARD committee must consider ESY services at the annual review of a child's IEP. Citations: 89.1065(5)
<u>Practice</u>	In determining the need for and in providing ESY services, the LEA may not: Citations: 300.106(a)(3) 89.1065(1)
<u>Practice</u>	• Limit ESY services to particular categories of disability; or Citations: 300.106(a)(3)(i) 89.1065(1)(A)
<u>Practice</u>	• Unilaterally limit the type, amount, or duration of ESY services. Citations: 300.106(a)(3)(ii) 89.1065(1)(B)
-	<u>DETERMINATION OF NEED</u>
<u>Practice</u>	ESY services must be provided only if the child's ARD committee determines, on an individual basis, that the services are necessary for the provision of FAPE.

	FEDERAL AND STATE REQUIREMENTS
	Citations: 300.106(a)(2) 89.1065(1)
Practice	<p>If the LEA does not propose ESY services for discussion at the annual review of the child's IEP, the parent may request that the ARD committee discuss ESY services.</p> <p>Citations: 89.1065(5)</p>
Practice	<p>If the child for whom ESY services were considered and rejected loses critical skills because of the decision not to provide ESY services, and if those skills are not regained after the reasonable period of time for recoupment, the ARD committee must reconsider the current IEP if the child's loss of critical skills interferes with the implementation of the child's IEP.</p> <p>Citations: 89.1065(6)</p>
Document	<p>The ARD committee must determine the need for ESY services from formal and/or informal evaluations provided by the LEA or <u>and</u> the parents:</p> <p>Citations: 89.1065(2)</p>
Practice	<ul style="list-style-type: none"> For the child enrolling in the LEA during the school year, information obtained from the prior LEA as well as information collected during the current year may be used to determine the need for ESY services. <p>Citations: 89.1065(7)</p>
Practice	<p>If the child for whom ESY services were considered and rejected loses critical skills because of the decision not to provide ESY services, and if those skills are not regained after the reasonable period of time for recoupment, the ARD committee must reconsider the current IEP if the child's loss of critical skills interferes with the implementation of the child's IEP.</p> <p>Citations: 89.1065(6)</p>
ESY CRITERIAREGRESSION-RECOUPMENT ANALYSIS	
Document	<p>To establish the need for ESY services, the ARD committee must identify the critical areas addressed in the current IEP goals and objectives, if any, in which the child has exhibited, or reasonably may be expected to</p>

	FEDERAL AND STATE REQUIREMENTS
	<p>exhibit, severe or substantial regression that cannot be recouped within a reasonable period of time; must document, that in one or more critical areas addressed in the current IEP where the child has previously demonstrated acquired progress, the child has exhibited, or reasonably may be expected to exhibit, severe or substantial regression that cannot be recouped within a reasonable period of time:</p> <p>Citations: 89.1065(2)</p>
Practice	<ul style="list-style-type: none"> • <i>Severe or substantial regression</i> means that the child has been, or will be, unable to maintain <u>previously acquired progress in</u> one or more acquired critical skills-IEP areas in the absence of ESY services; <p>Citations: 89.1065(2)</p>
Practice	<ul style="list-style-type: none"> • A skill is critical when the loss of that skill results, or is reasonably expected to result, in any of the following occurrences during the first eight weeks of the next regular school year: <p>Citations: 89.1065(4)</p>
Practice	<ul style="list-style-type: none"> ◦ Placement in a more restrictive instructional arrangement; <p>Citations: 89.1065(4)(A)</p>
Practice	<ul style="list-style-type: none"> ◦ Significant loss of acquired skills necessary for the child to appropriately progress in the general curriculum; <p>Citations: 89.1065(4)(B)</p>
Practice	<ul style="list-style-type: none"> ◦ Significant loss of self-sufficiency in self-help skill areas as evidenced by an increase in the number of direct service staff and/or amount of time required to provide special education or related services; <p>Citations: 89.1065(4)(C)</p>
Practice	<ul style="list-style-type: none"> ◦ Loss of access to community-based independent living skills instruction or an independent living environment provided

	FEDERAL AND STATE REQUIREMENTS
	<p>by noneducational sources as a result of regression in skills; or</p> <p>Citations: 89.1065(4)(D)</p>
Practice	<ul style="list-style-type: none"> Loss of access to on-the-job training or productive employment as a result of regression in skills. <p>Citations: 89.1065(4)(E)</p>
Document	<ul style="list-style-type: none"> The reasonable period of time for recoupment of acquired skills must be determined on the basis of needs identified in the child's IEP: <p>Citations: 89.1065(3)</p>
Document	<ul style="list-style-type: none"> If the loss of acquired critical skills would be particularly severe or substantial, or if such loss results, or reasonably may be expected to result, in immediate physical harm to the child or to others, ESY services may be justified without consideration of the period of time for recoupment of such skills. In any case, the period of time for recoupment must not exceed eight weeks. <p>Citations: 89.1065(3)</p>
Practice	<p><u>In determining the need for and in providing ESY services, the LEA may not:</u></p> <p><u>Citations:</u> 300.106(a)(3) 89.1065(1)</p>
Practice	<ul style="list-style-type: none"> <u>Limit ESY services to particular categories of disability; or</u> <p><u>Citations:</u> 300.106(a)(3)(i) 89.1065(1)(A)</p>
Practice	<ul style="list-style-type: none"> <u>Unilaterally limit the type, amount, or duration of ESY services.</u> <p><u>Citations:</u> 300.106(a)(3)(ii)</p>

	FEDERAL AND STATE REQUIREMENTS
	<u>89.1065(1)(B)</u>
<u>Practice</u>	<p><u>No child will be denied ESY services because the child receives care and treatment services under the auspices of other agencies.</u></p> <p><u>Citations:</u> <u>89.1065(8)</u></p>
	DOCUMENTATION IN THE IEP
<u>Document</u>	<p>If the ARD committee determines that the child is in need of ESY services, then the IEP must identify which of the goals and objectives in the current IEP will be addressed during ESY services.</p> <p><u>Citations:</u> <u>89.1055(ee)</u></p>
	<u>ESY & A CHILD WHO REGISTERS IN A NEW SCHOOL DURING SUMMER</u>
<u>Practice</u>	<p><u>If a child whose IEP notes that ESY services are required withdraws from one LEA and registers in another LEA during the summer months, the new LEA will be responsible for ensuring those services are provided.</u></p> <p><u>Citations:</u> <u>89.1065(10)</u></p>
	<ul style="list-style-type: none"> <u>• This may include the direct provision of those services or contracting with the previous LEA or another entity to provide the services or payment for the services.</u> <p><u>Citations:</u> <u>89.1065(10)</u></p>
	<u>WHEN ESY SERVICES WERE CONSIDERED AND REJECTED</u>
<u>Practice</u>	<p><u>In the case of the child with a disability for whom ESY services were considered and rejected at the annual IEP review meeting and later demonstrates a need for ESY services based on the criteria described in this ramework:</u></p> <p><u>Citations:</u> <u>89.1065(5)</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> <u>• The LEA must comply with the ADMISSION REVIEW AND DISMISSAL COMMITTEE MEETING framework or the AMENDMENT WITHOUT A MEETING framework; and</u> <p><u>Citations:</u> <u>89.1065(5)</u></p>

	FEDERAL AND STATE REQUIREMENTS
<u>Document</u>	<ul style="list-style-type: none"> • <u>The parent and LEA must determine the location, duration, and frequency of ESY services the child requires.</u> <p><u>Citations:</u> <u>89.1065(5)</u></p>
<u>Practice</u>	<p><u>If the child for whom ESY services were considered and rejected loses critical skills because of the decision not to provide ESY services, and if those skills are not regained after the reasonable period of time for recoupment, the ARD committee must reconsider the current IEP if the child's loss of critical skills interferes with the implementation of the child's IEP.</u></p> <p><u>Citations:</u> <u>89.1065(6)</u></p>
	FUNDING
<u>Practice</u>	<u>The LEA must comply with the DISTRIBUTION OF STATE SPECIAL EDUCATION FUNDS TO LEAs framework.</u>

Last Updated: ~~Tue, Apr 04, 2023~~ Wed, May 21, 2025