



# **Illinois State Board of Education**

## **Special Education Department**

### **Extended School Year (ESY): Frequently Asked Questions**

**This document is intended to provide non-regulatory guidance on the subject matter listed above.  
For specific questions, please contact the Illinois State Board of Education.**

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# Extended School Year (ESY): Frequently Asked Questions

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## **Introduction**

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The document is intended to provide general information regarding Extended School Year (ESY) services for students with disabilities and to assist Individualized Education Program (IEP) teams in the decision-making process. It is not intended to provide regulatory or legal guidance, but rather is this agency's interpretation of applicable ESY requirements. For legal advice and guidance, please refer to your district's director of special education and/or legal counsel.

## **A. Legal Requirements**

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### **A-1. What is the definition of Extended School Year (ESY)?**

ESY services are defined as “special education and related services that –

- are provided to a child with a disability
    - beyond the normal school year of the public agency
    - in accordance with the child's IEP
    - at no cost to the parents of the child
  - meet the requirements of the state educational agency” [[34 CFR 300.106\(b\)](#)].
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### **A-2. Can a local school district have a policy or practice that precludes the provision of ESY in all instances?**

No, federal and state regulations require that each local school district ensure that ESY services are available as necessary to provide a free appropriate public education (FAPE).

## **B. Extended School Year Eligibility**

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### **B-1. What factors should be considered in determining the need for ESY services?**

ESY services must be provided only if the student's IEP team, on an individualized basis and in accordance with the district's IEP procedures, determines that ESY services are necessary to ensure FAPE. As with all IEP decisions, the final determination of the nature, frequency, and duration of services that will be provided must be individually determined based on the needs of the student in accordance with [34 CFR 300.106](#) and [23 IAC 226.230\(a\)\(4\)](#).

It is important to note that the IDEA stipulates that individual consideration of a student's need for ESY should not “limit extended school year services to particular categories of

disability or unilaterally limit the type, amount, or duration of those services” [[34 CFR 300.106\(a\)\(3\)](#)].

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**B-2. When reviewing the individual needs of the student, what data should the IEP team look at when considering ESY?**

The IEP team will want to consider the data collected in the following areas when determining the need for ESY:

- Student progress
  - Did the student make progress on IEP goals?
  - To what extent were IEP goals met?
  - Does the data and other relevant information reflect that any decline in the student’s rate of progress occurred after breaks in instruction?
  - Was the student’s rate of progress commensurate with his/her ability?
  - Is the student beginning to master an important skill such that instruction cannot be interrupted without loss of mastery?
- Regression/recoupment
  - Does data indicate that the student’s loss of acquired skills over breaks are severe and that it would take a period of time for lost skills to be regained upon return that is longer than that of a nondisabled student (i.e., 30 school days after summer break)?

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**B-3. Are ESY services restricted to summer programming?**

Not necessarily, although ESY services are typically provided during the summer months beyond the regularly scheduled school calendar. Time beyond the school calendar can also include the shorter seasonal breaks such as those in winter and early spring.

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**C. Individualized Education Program Development**

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**C-1. How should ESY services be documented in the IEP?**

The IEP must include “a statement as to whether the child requires the provision of services beyond the district's normal school year in order to receive FAPE (“extended school year services”) and, if so, a description of those services that includes their amount, frequency, duration, and location,” ([23 IAC 226.230\(a\)\(4\)](#)).

Consistent with the state regulation, appropriate boxes must be checked on a student's IEP to indicate the IEP team's determination of the need for extended school year services. Whether the child does or does not need ESY services to receive FAPE, a statement detailing the basis for the determination must be included. If the box checked was "Yes," the IEP must indicate the type and amount of services to be provided. The IEP team should identify what IEP goals and objective/benchmarks will be implemented during the ESY period.

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**C-2. Can the IEP include ESY for related services only, such as occupational therapy?**

No, related services are services that are needed for the student to benefit from special education. They may be provided if they are needed for the child to benefit from special education services that are provided during ESY.

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**C-3. Must least restrictive environment requirements be considered by the IEP team when determining needed ESY services?**

Yes, students who receive ESY services must be educated in the least restrictive environment (LRE) as outlined in [34 CFR 300.114](#). The location of services remains at the discretion of the district.

For a student whose LRE for ESY services is a private special education facility in Illinois, ESY services shall consist of at least 120 hours of instruction as outlined in [23 IAC 401.10\(a\)\(3\)\(B\)](#) and [23 IAC 401.130\(b\)](#).

**D. Summer School vs. Extended School Year Services**

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**D-1. What is the difference between ESY services and a summer school program?**

ESY services are special education and related services that are provided to a child with a disability beyond the regular school calendar year in accordance with the child's IEP to ensure the provision of FAPE. ESY services are provided at no cost to the parents of the child.

Summer school programs are typically general education courses offered outside the regular school calendar year. A summer school program may involve a cost to parents who are not low income.

A student with a disability may participate in a general education summer school program provided the student meets any applicable entrance requirements. Students with disabilities may be assessed fees in the same manner as nondisabled students for participation in general education summer school programs, provided that participation is not required by the student's IEP for FAPE purposes. If participation in a general education summer school program with special education services and supports is included in the student's IEP, the program must be provided at no cost to the family. (See D-2 below.)

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**D-2. Can special education ESY services be provided during a regular summer school program?**

Yes, depending on the unique needs of the special education student, the IEP team may determine that the regular summer school program is appropriate for the special education student to receive ESY services in a specified amount, frequency, duration, and location. As stated above it would be at no cost to the parent, and the district must waive the summer school fees.

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**D-3. Can a student with a disability be excluded from a general education summer school program?**

No, a student with a disability cannot be excluded from a general education summer school program if he or she meets the required entrance requirements set forth for all students and/or if the general education summer school program has been determined as the LRE for receipt of ESY services.