

# Out-of-District Manual

## Extended School Year Services

Extended School Year (ESY) services must be provided to a student only if the child's IEP team determines that the services are necessary for the student to receive a Free Appropriate Public Education (FAPE) *IDEA regulations 300.106*. The purpose of ESY is to help students maintain learned skills which would otherwise be lost over a school break and which would take a significant amount of time to relearn.

The legal definitions and requirements to provide ESY are quite narrow. Eligibility must be determined on an individual basis. The decision is based on the student's ability to maintain learned skills identified on the IEP during the traditional school year. There is no specific amount of time or type of service required. If the student is eligible for services, the amount of service must be determined on an individual basis, by the student's IEP team. Full time services are not typically required to meet a student's ESY entitlement.

ESY must be considered at every annual review. If the student experiences a significant regression and requires an unreasonably long period of time to relearn previously learned skills, evidence of that information must be documented in or attached to the IEP. If there is insufficient information to determine eligibility at the time, the "to be determined by" box should be marked and a date provided when ESY eligibility will be determined *IEP Manual p. 65*.

ESY is not a traditional summer school program. It is not intended to make up for absences due to truancy, illness, suspension, or expulsion. It is not intended to help a student learn new skills or "catch up." While these may be valid issues, ESY is not the appropriate mechanism to address them and the district/AU of residence is not responsible for paying excess costs for such programs.

During the 2008 legislative session, amendments to the School Finance Act have allowed approved Facility Schools to bill PPR for educational services provided during the summer. A corresponding amendment states that "...a school district of residence shall not be required to pay costs incurred by an approved facility school in providing educational services at the approved facility school during the months of June, July, or August" *22-20-109 C.R.S.* There has been some confusion regarding how to align this statutory language which refers to general education summer school with the federal requirement to provide ESY services if needed to ensure FAPE. Guidance is being sought from the Attorney General's office related to this issue. When an answer is received, the content will be added to this section of the Out of District Manual.

### **Administrative Unit Information**

- The process for determining out-of-district student's eligibility for ESY should be as consistent as possible with the process for students enrolled in the public schools.
- The district should inform the facility of its procedures for ESY documentation, and the required timeline, as well as provide forms or other documents which may be helpful.
- Regression/recoupment may be very difficult to document for students who have been in multiple short-term placements or for students who have been out of school for some period of time. It is even more important to consider predictive factors in these circumstances in order to make appropriate determinations.
- If a district has placed a student into a facility program for "school only" services and wants the student to receive summer services as well, the district will still need to pay for the entire cost of the placement during the summer. The facility is not allowed to bill CDE for PPR for students in "school only" placements during the regular school year or the summer.

### **Facility Information**

- Students most likely to qualify for extended school year services are those with significant support needs, but in all cases the ESY determination must be made by the full IEP staffing team on an individual basis.
- The facility should follow as closely as possible the guidelines and documentation requirements of the student's administrative unit of residence in order to provide appropriate information at the time of the IEP meeting.

### **Resources**

ESY Guidance Manual:

[http://www.cde.state.co.us/cdesped/download/pdf/ESY\\_GuidanceManual.pdf](http://www.cde.state.co.us/cdesped/download/pdf/ESY_GuidanceManual.pdf)

For more information contact:

Colorado Department of Education  
Office of Facility Schools  
1560 Broadway, Suite 1175  
Denver, CO 80202  
Fax: (303) 866-6767  
[facility\\_schools@cde.state.co.us](mailto:facility_schools@cde.state.co.us)

Facility Schools Web page:  
<http://www.cde.state.co.us/facilityschools/index.asp>

Kama Linscome  
303 866-6876  
linscome\_k@cde.state.co.us

Dema Herrera  
303 866-6473  
herrera\_d@cde.state.co.us

Robin Singer  
303 866-5509  
singer\_r@cde.state.co.us

Ellen Hunter  
303 866-6244  
hunter\_e@cde.state.co.us