

EXTENDED SCHOOL YEAR

# ESY

S E R V I C E S

2017-2018

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



Office of Special Education



## What are Extended School Year Services?

Extended School Year (ESY) services are the individualized extension of specific services beyond the regular school year, designed to meet/maintain specific goals and objectives included 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 intellectual disabilities who has just acquired the skill of indicating food choices and who, without ESY services, 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 they receive 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 their return to a full-day school program.
- ★ A 10-year-old student with intellectual disabilities 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 Grade 5 student with a specific learning disability has a breakthrough in reading decoding skills. As they transition to middle school ESY is needed to maintain skills they have 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/guardians of a student with a disability are equal participants, 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/guardians
- ★ the student (if appropriate)
- ★ MCPS representative
- ★ general education teacher
- ★ special educator
- ★ classroom teacher, and
- ★ others who the parents/guardians or school staff members feel can contribute to the process, such as—
  - ★ 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 their educational program during the regular school year.

#### **Emerging Skills/Breakthrough Opportunities**

The IEP team reviews all IEP goals and 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 their 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 goals and objectives have prevented the student from receiving some benefit from their 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 their 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 their 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/guardians, determines whether, without ESY services, there are any special circumstances that will prevent the student from receiving some benefit from their 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 their 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.**

### **How are ESY services determined?**

If the IEP team determines that a student meets the criteria to receive ESY services, they will identify the goals and services that will need to be implemented during ESY. The following information is documented on the current IEP:

- ★ 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 goals and 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/guardians disagree with the IEP team's decision?**

Parents/guardians are valued as members of the IEP team and will participate fully in the ESY decision-making process for their student. At the IEP team meeting, parents/guardians will receive a copy of the IEP and information about ESY. They will also receive a written summary of the ESY decision. If parents/guardians disagree with the IEP team's decision, they can appeal that decision by requesting an administrative review, mediation, or a special education due process hearing by calling the Resolution and Compliance Unit at 301-517-5864. Administrative review recommendations will be rendered within 20 days and if necessary, mediation will be scheduled within 20 days of a written request. 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/guardians in the discussion of ESY eligibility at their student's annual review meeting.**

#### **Questions**

Without ESY services on the identified critical life skills, will there be regression to a degree that will prevent the student from receiving some benefit from their educational program during the regular school year?

Yes  No

## Questions continued

Without ESY services, will limited progress toward the identified critical life skills objectives prevent the student from receiving some benefit from their 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 the student from receiving some educational benefit from their educational program during the regular school year?  Yes  No

Without ESY services, will the identified interfering behaviors that have been targeted by IEP objectives prevent the student from receiving some benefit from their school educational program during the regular school year?  Yes  No

Without the provision of ESY services, will the nature or severity of the disability prevent the student from receiving some benefit from, their educational program during the regular school year?  Yes  No

Without ESY services, are there special circumstances that will preclude my student from receiving some benefit from their educational program during the next school year?  Yes  No

## How can the parents/guardians obtain more information concerning ESY eligibility and services or their due process rights?

The information outlined in this brochure will be discussed with the parents/guardians at their student's annual review IEP meeting. Information regarding due process rights is explained in the Maryland State Department of Education brochure, *Parental Rights-Maryland Procedural Safeguards Notice*. If the parents/guardians would like additional ESY information or a copy of the brochure, they can contact the following MCPS departments/offices:

Office of Special Education  
**301-279-3837**

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Extended School Year Services  
**301-279-3022**

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Office of Student and Family Support and Engagement  
**240-314-4860**

# MCPs NONDISCRIMINATION STATEMENT

Montgomery County Public Schools (MCPS) prohibits illegal discrimination based on race, ethnicity, color, ancestry, national origin, religion, immigration status, sex, gender, gender identity, gender expression, sexual orientation, family/parental status, marital status, age, physical or mental disability, poverty and socioeconomic status, language, or other legally or constitutionally protected attributes or affiliations. Discrimination undermines our community’s long-standing efforts to create, foster, and promote equity, inclusion, and acceptance for all. Some examples of discrimination include acts of hate, violence, insensitivity, harassment, bullying, disrespect, or retaliation. For more information, please review Montgomery County Board of Education Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*. This Policy affirms the Board’s belief that each and every student matters, and in particular, that educational outcomes should never be predictable by any individual’s actual or perceived personal characteristics. The Policy also recognizes that equity requires proactive steps to identify and redress implicit biases, practices that have an unjustified disparate impact, and structural and institutional barriers that impede equality of educational or employment opportunities.

<b>For inquiries or complaints about discrimination against MCPS staff *</b>	<b>For inquiries or complaints about discrimination against MCPS students *</b>
<p><b>Office of Employee Engagement and Labor Relations</b>                      Department of Compliance and Investigations                      850 Hungerford Drive, Room 55                      Rockville, MD 20850                      240-314-4899                      OCOO-EmployeeEngagement@mcpsmd.org</p>	<p><b>Office of School Administration</b>                      Office of School Administration Compliance Unit                      850 Hungerford Drive, Room 162                      Rockville, MD 20850                      301-279-3444                      OSSA-SchoolAdministration@mcpsmd.org</p>

*\*Inquiries, complaints, or requests for accommodations for students with disabilities also may be directed to the supervisor of the Office of Special Education, Resolution and Compliance Unit, at 301-517-5864. Inquiries regarding accommodations or modifications for staff may be directed to the Office of Employee Engagement and Labor Relations, Department of Compliance and Investigations, at 240-314-4899. In addition, discrimination complaints may be filed with other agencies, such as: the U.S. Equal Employment Opportunity Commission, Baltimore Field Office, City Crescent Bldg., 10 S. Howard Street, Third Floor, Baltimore, MD 21201, 1-800-669-4000, 1-800-669-6820 (TTY); or U.S. Department of Education, Office for Civil Rights, Lyndon Baines Johnson Dept. of Education Bldg., 400 Maryland Avenue, SW, Washington, DC 20202-1100, 1-800-421-3481, 1-800-877-8339 (TDD), OCR@ed.gov, or www2.ed.gov/about/offices/list/ocr/complaintintro.html.*

This document is available, upon request, in languages other than English and in an alternate format under the *Americans with Disabilities Act*, by contacting the MCPS Public Information Office, at 301-279-3853, 1-800-735-2258 (Maryland Relay), or PIO@mcpsmd.org. Individuals who need sign language interpretation or cued speech transliteration may contact the MCPS Office of Interpreting Services at 240-740-1800, 301-637-2958 (VP) or Interpreting\_Services@mcpsmd.org. MCPS also provides equal access to the Boy/Girl Scouts and other designated youth groups.



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