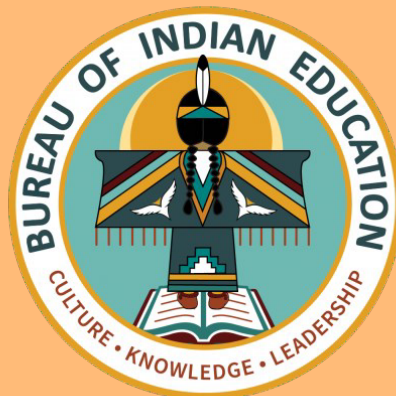




Guidance for Determining Extended School Year (ESY) Services



2026

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INTRODUCTION

Extended School Year (ESY) services are an important safeguard within the Individuals with Disabilities Education Act (IDEA) to ensure that students with disabilities continue to receive a free appropriate public education (FAPE). In some cases, interruptions in instruction during school breaks can result in significant regression or loss of critical skills for students with disabilities. ESY services provide special education services and related services beyond the typical school year when necessary to help students maintain essential skills, support emerging abilities, and sustain meaningful progress on their Individualized Education Program (IEP) goals. ESY services are individualized and determined through the IEP team process; they are not a separate program, nor are they the same as a school's general summer school offerings.

This guidance document is intended to support IEP teams, administrators, and service providers in making informed, legally compliant decisions about ESY services. It outlines the federal regulatory requirements and the Bureau of Indian Education (BIE) guidance governing ESY, explains the criteria used to determine whether ESY services are necessary for a student to receive FAPE, and describes the types of data teams should review when making ESY determinations. In addition, the document provides practical information on documenting ESY decisions, monitoring student progress, selecting appropriate service settings, and avoiding common errors that can occur when teams consider ESY services. These guidelines are designed to help ensure that ESY decisions are individualized, data-driven, and aligned with each student's educational needs.

EXTENDED SCHOOL YEAR REQUIREMENTS

ESY services are an essential component of a student's right to FAPE under the IDEA. ESY services refer to special education services and related services that are provided beyond the typical school year when a student with a disability needs continued support to prevent substantial regression, maintain critical skills, or sustain progress on emerging skills. ESY services are not a separate program or a replacement for summer school.

Aligned with 34 C.F.R. § 300.106, the BIE's [Special Education Handbook](#) provides the following definition of ESY services:

- a) Extended school year services are those special education and related services that are provided to a child with a disability when determined by the child's IEP team:
 - i. Beyond what is the normal school year of the BIE-funded school;
 - ii. In accordance with the child's IEP;
 - iii. At no cost to the parents of the child; and
 - iv. Meet the standards of the BIE.
- b) Each BIE-funded school must ensure that extended school year services are available, as necessary, to provide FAPE. Extended school year services must be provided only if a child's IEP Team determines, on an individual basis, that the services are necessary for the provision of FAPE to the child.
- c) BIE-funded schools may not:
 - i. Limit extended school year services to particular disability categories; or
 - ii. Unilaterally limit the type, amount, or duration of extended school year services.

CONSIDERATION FOR ESY SERVICES

Only students who have an IEP under the IDEA are eligible for ESY services. Students are eligible for ESY services when the IEP team determines that a student with a disability requires special education services or related services beyond the typical school year to ensure that the student continues to receive FAPE. The determination for ESY services should be individualized, based on data, and tied to the student's current IEP goals, not based solely on disability category or placement.

ANNUAL DETERMINATION

The IEP team must consider the need for ESY services at the annual IEP meeting. If the need for ESY services cannot yet be determined at that time, the team should plan to convene another IEP meeting and identify the data that must be collected to inform the decision. When the determination is made at the follow-up IEP meeting, the team documents the ESY decision through an IEP amendment to the current IEP.

Federal regulations do not set a minimum timeline for finalizing decisions regarding ESY services but do require that the IEP team make the decision in time for students to receive ESY services necessary for FAPE during upcoming breaks from the regular school year. Decisions about ESY services for the summer are typically made in the spring to allow for adequate planning. The IEP meeting held to determine ESY services must occur early enough for parents or school personnel to use dispute-resolution options before services would begin.

PROGRESS MONITORING

Progress monitoring in education is a systematic, ongoing process in which teachers frequently collect and analyze data to understand how well students are learning, how quickly students are improving, and whether instruction or interventions are effective. Progress monitoring involves using brief, reliable measures aligned to specific skills or goals, tracking performance over time, and making instructional adjustments based on observable trends. This approach helps teachers identify students who need additional support, evaluate the impact of instruction or interventions, and ensure students stay on track toward achieving academic or behavioral goals.

Monitoring procedures must be clearly described in the student's IEP and must specify the following:

- how progress will be measured, including the tools, methods, or data sources that will be used
- how often progress will be monitored, with a recommended minimum of every 2 weeks for academic goals and weekly for behavior goals
- who is responsible for collecting and documenting progress data, ensuring clarity in roles across staff
- when instructional changes will be considered, based on the review and analysis of collected data

The data collected through progress monitoring supports the IEP team when making decisions about ESY by clearly identifying any regression or recoupment the student may have experienced during previous school breaks, the presence of emerging or critical skills, the rate of progress the student is making toward achieving IEP goals, and the effectiveness of the special education services and related services being provided.

FAPE

Each BIE-funded school is responsible for ensuring that students who are eligible for special education services receive a FAPE. An important component of this responsibility is the IEP

team's determination of whether ESY services are necessary for a student with a disability to receive FAPE. For some students, interruptions in instruction during periods when school is not typically in session may significantly impact their ability to maintain critical skills or benefit from their educational program.

In these situations, the IEP team must determine whether special education services and/or related services are required beyond the regular school year. ESY services are provided only when they are necessary to ensure the student continues to receive FAPE. When the IEP team determines that ESY services are required, those services must be clearly identified and documented in the student's IEP.

DETERMINING THE NEED FOR ESY SERVICES

ESY services are considered by the IEP team following an individualized, data-driven process that examines whether a student requires specially designed instruction or related services beyond the typical school year to maintain meaningful progress on critical IEP goals. ESY services are not based on disability category, program placement, or the desire for additional learning opportunities. Students who typically require ESY services have demonstrated a need for continued support to prevent substantial regression, sustain emerging skills, or ensure access to FAPE. The IEP team must review multiple factors to determine whether an interruption in special education services and related services would impact the student's ability to benefit from their educational program.

If the student requires ESY services, one or more of the following factors should be clearly justified by data collected and analyzed:

- **Regression and recoupment.** The IEP team determines that a typical school break is likely to result in significant regression in critical life skills and that the student would be unable to recoup those skills within a reasonable period after instruction resumes.
 - **Regression.** A decline in functioning demonstrated by the loss of previously learned skills due to an interruption in educational programming
 - **Recoupment.** The ability to recover or regain previously learned skills following an interruption in educational programming
- **Serious potential for regression.** The IEP team determines that the student has a strong likelihood of significant regression, even if such regression has not yet occurred.
- **Emerging skills or breakthrough opportunities.** The IEP team determines that the student is at a critical point of developing essential skills and that an interruption in instruction would jeopardize progress made during the regular school year.

- **Need for continuous or year-round programming.** The IEP team determines that ongoing, uninterrupted instruction is an integral part of the methodology appropriate for the student, requiring ESY services to maintain educational benefit.
- **Interfering behaviors.** The IEP team determines that
 - the student’s interfering behaviors (e.g., ritualistic, aggressive, or self-injurious actions) significantly limited educational benefit during the school year, and
 - without ESY services, the student is unlikely to receive educational benefit in the upcoming school year.
- **Nature and severity of the student’s disability.** The IEP team determines that the nature or severity of the student’s disability significantly jeopardizes the student’s ability to benefit from their educational program during the regular school year without ESY services.
- **Unique circumstances or other factors.** The IEP team determines that specific circumstances (e.g., home or community dynamics, need for vocational or transition services) would significantly jeopardize the student’s ability to benefit from their educational program during the regular school year without ESY services.

DATA TO REVIEW

The IEP team must collect and review multiple sources of data to determine whether a student requires ESY services. The following data sources are recommended; this is not an exhaustive list:

- **Progress monitoring data.** Trends demonstrating how the student acquires, maintains, and generalizes skills tied to IEP goals, especially those identified as essential or emerging
- **Regression and recoupment data.** Evidence from previous breaks (summer, winter, long weekends) showing whether the student loses skills and how long it takes to regain them
- **Work samples and performance tasks.** Data on the demonstration of skills across time and settings
- **Service provider notes.** Observations from special educators, related service providers, and paraprofessionals documenting consistency, independence, and support needs
- **Attendance and engagement.** Data showing how interruptions (absences, illness, transitions) affect performance
- **Behavioral data.** Data on frequency, duration, and intensity of behaviors that impact learning, especially if behaviors regress quickly without support
- **Communication logs.** Information about how the student communicates across environments and whether consistency is needed to maintain functional communication

- **Parent input.** Observations about how the student responds to breaks at home, including disruption in skills, routines, self-help, communication, or behavior changes.
- **Historical ESY data.** Evidence from previous ESY services provided and the student's outcomes

IEP GOALS

ESY services must be aligned with the student's current IEP goals, and the specific skills the IEP team determines are critical to maintain during breaks in instruction. The purpose of ESY is not to introduce new learning objectives or develop new IEP goals but to support the maintenance of essential skills and the continuation of progress on existing goals when an interruption in services could result in significant regression or loss of educational benefit. When determining ESY services, the IEP team identifies which IEP goals or skill areas require continued instruction or support during the break and ensures that the ESY services are designed to address those identified needs. The selected goals should reflect the areas where data indicate the student is most at risk of regression or where continued instruction is necessary to maintain meaningful progress toward the outcomes identified in the student's current IEP.

A student who does not meet all IEP goals does not automatically require ESY services. ESY services are not a remedy for incomplete progress or a way to "catch up" on goals that were not met during the regular school year. Instead, ESY services are required only when the interruption of services provided during the regular school year would prevent the student from maintaining meaningful progress on critical skills or would jeopardize the student receiving FAPE.

LOCATION OF SERVICES

ESY services may be delivered in a variety of settings and formats, provided that the services are individualized and aligned with the student's IEP goals. ESY services are not a one-size-fits-all summer program. Instead, ESY services consist of the specific special education and related services a student requires to maintain meaningful progress on IEP goals and continue to benefit from the general education curriculum in order to receive FAPE. The following are common instructional settings in which ESY services may be provided.

- **School-based ESY classrooms.** Instruction provided in designated ESY sites, often grouped by age or instructional needs (Many districts operate centralized ESY centers.)
- **Community-based settings.** Services delivered in community locations when aligned with functional or transition goals (e.g., job sites, community living skills environments)

- **Home-based instruction.** Direct services provided in the home when medically necessary, when the student cannot access a school site, or when the IEP team determines home instruction is the least restrictive environment (LRE) for ESY
- **Hybrid models.** A combination of in-person and home-based practice, often used for students with emerging skills or specific therapeutic needs

LEAST RESTRICTIVE ENVIRONMENT

LRE for ESY services requires the IEP team to consider where the student can receive ESY services with the maximum appropriate access to nondisabled peers, given the nature of ESY services. However, “while ESY services must be provided in the LRE, a school is not required to create new programs as a means of providing ESY services in integrated settings if the school does not provide services at that time for its non-disabled student” (*Federal Register*, Vol. 64, no. 48, 1999, p. 12577).

IEP teams should consider the following when making a decision about ESY services:

- ESY services must be delivered in the setting that is appropriate for maintaining the targeted skills, not necessarily the student’s school-year placement.
- IEP teams must consider less restrictive options first, including opportunities for interaction with nondisabled peers when appropriate.
- A more restrictive setting for ESY services is appropriate only when the student’s needs cannot be met in a less restrictive environment.

A school is allowed to provide ESY services for a student in a noneducational setting if the student’s IEP team determines that the student could receive necessary ESY services in that setting. For example, a student could receive needed physical therapy services during a community recreational program, or a student could receive needed vocational training in a summer job experience with job coach support. The IEP team, in making the decision about ESY services, must take all of the student’s needs into account.

SERVICES IN THE HOME

A home setting may be the most appropriate environment for some students receiving ESY services. The decision to provide ESY services in the home depends on several factors, including the parent’s willingness to participate, the family’s availability during scheduled service times, and the complexity of the services the student requires. In some situations, a special educator or related service provider may deliver services in the home while modeling strategies or activities that families can continue between sessions to support the student’s progress toward IEP goals.

Collaboration between school staff and families is essential to ensure ESY services are coordinated and effective. Partnering with families can be particularly valuable during school breaks, helping to reduce the likelihood of significant regression and support the maintenance of critical skills.

ESY SERVICE PROVIDERS

ESY services can be provided by the following:

- certified or licensed special education teachers and related service providers
- trained and supervised paraprofessionals, with oversight by special educators
- appropriate personnel from community-based agencies (e.g., job coach)
- other providers, based on the unique needs of the student

RELATED SERVICES

The IEP team can determine if the student requires related services as part of ESY services. Related services may be necessary for preventing significant regression, maintaining specific skills, and ensuring the student receives FAPE during breaks in instruction. It is important to remember that the IEP team must make decisions about ESY services that are individualized and tied directly to the student's IEP goals and data.

DOCUMENTING ESY DECISIONS

During the IEP meeting, the team must complete the ESY Information and ESY Determination pages of the IEP to document the decision regarding ESY services. Refer to the [BIE IEP Manual](#) for guidance on completing the form.

ADDITIONAL FACTORS TO CONSIDER

A range of case law and administrative hearing decisions related to ESY services and FAPE highlight the following additional factors that IEP teams may need to consider:

- **Behavioral and physical needs.** The student may require continued services to address behavioral or physical challenges that are necessary to ensure meaningful educational benefit.
- **Opportunities for interaction with nondisabled peers.** The student may need ongoing opportunities to interact with peers without disabilities in order to maintain progress toward their IEP goals. **Vocational and secondary transition needs.** The student may require uninterrupted transition or vocational services to maintain progress toward postschool outcomes; for example, a student who has recently begun a supported employment placement may be at risk of losing the position without continued ESY transition services.

SUMMER SCHOOL

ESY services and summer school are separate and distinct programs. While a student may participate in both, a school's summer school program cannot, by itself, meet the requirements for ESY services. ESY services must be individualized and designed to address the student's specific needs, such as maintaining critical skills, supporting emerging skills, or providing necessary behavioral supports.

Students may participate in summer school while also receiving ESY services when appropriate. Decisions about a student's participation in summer school should be based on the same criteria used for general education students and should not be limited solely because the student receives special education services.

PARENTS REFUSING SERVICES

A parent can refuse ESY services, but their refusal does not change the school's obligation to offer ESY when the IEP team determines it is necessary for the student to receive FAPE. The IEP team should document when the parent/adult student does not provide consent for ESY services. Similarly, the service provider should document whether the parent or student refuses to participate in ESY services after consent has been provided.

MISTAKES TO AVOID

Common mistakes IEP teams make when considering ESY services include the following:

- not addressing ESY as a full IEP team decision or failing to discuss it annually for every student with an IEP
- confusing ESY with summer school, leading to incorrect assumptions about purpose, eligibility, or service delivery
- not identifying, collecting, analyzing, or documenting the data needed to make an informed ESY determination
- overlooking ESY eligibility for some students, rather than considering it for all students with IEPs
- focusing only on academics and failing to consider all relevant educational needs, including behavior/social-emotional skills, transition skills, communication, mobility, and daily living skills
- designing ESY services that are program-driven rather than individualized, instead of basing services on each student's specific needs and risk of regression
- failing to document progress made during ESY and not summarizing outcomes at the end of the ESY period

- making ESY decisions too late, which can limit service planning, staffing, and parent participation
- not providing adequate staff training on ESY requirements, decision-making criteria, and documentation expectations

APPENDICES

APPENDIX A. STEPS IN EXTENDED SCHOOL YEAR: A GUIDE FOR IEP TEAMS

The IEP team must consider whether a student requires ESY services for each student with an IEP at least once a year, typically at the annual IEP meeting. This table provides a summary of the information provided throughout this document.

Step	Activities
<p>Step 1: Collect information about the student’s progress, paying particular attention to performance following breaks in the school schedule.</p>	<p>Sources may include the following:</p> <ul style="list-style-type: none"> • Progress monitoring data. Trends demonstrating how the student acquires, maintains, and generalizes skills tied to IEP goals, especially those identified as essential or emerging • Regression and recoupment data. Evidence from previous breaks (summer, winter, long weekends) showing whether the student loses skills and how long it takes to regain them • Work samples and performance tasks. Data on the demonstration of skills across time and settings • Service provider notes. Observations from special educators, related service providers, and paraprofessionals documenting consistency, independence, and support needs • Attendance and engagement. Data showing how interruptions (absences, illness, transitions) affect performance • Behavioral data. Data on frequency, duration, and intensity of behaviors that impact learning, especially if behaviors regress quickly without support • Communication logs. Information about how the student communicates across environments and whether consistency is needed to maintain functional communication • Parent input. Observations about how the student responds to breaks at home, including disruption in skills, routines, self-help, communication, or behavior changes • Historical ESY data. Evidence from previous ESY services provided and the student’s outcomes
<p>Step 2: Review the data and make an ESY eligibility determination during an IEP team meeting.</p>	<ul style="list-style-type: none"> • Document the ESY determination within the IEP, noting the names of documents or type of information reviewed by the team to make the determination. This information must be documented in the ESY section of the student’s IEP. • In addition to the documentation in the ESY section of the IEP, state in IEP meeting notes the particular goal(s) that will be emphasized during the ESY services.

Step	Activities
<p>Step 3: If the IEP team cannot make a determination about ESY services at that meeting, identify what additional data is needed and establish a plan for collecting it.</p>	<ul style="list-style-type: none"> • Identify any additional data needed for the ESY decision, establish a time frame for collecting it, and document this in the IEP and meeting notes. • Specify who is responsible for collecting the data, and record this in the meeting notes. • Establish an end point for ESY data collection, and note the anticipated date for the IEP team to reconvene to determine ESY eligibility. <ul style="list-style-type: none"> ▪ Teams are encouraged to reconvene early in the spring or well before any extended break to allow adequate time for planning. • If the student is found eligible, identify which existing IEP goal(s) will be addressed through ESY services. • Document the ESY determination and services in an IEP amendment.
<p>Step 4: Provide parents with prior written notice summarizing the ESY determination or the plan for gathering additional information.</p>	<p>Give prior written notice when</p> <ul style="list-style-type: none"> • a student has been determined to be eligible for ESY and • ESY services are not warranted at this time.
<p>Step 5: Once eligibility is established, the IEP team documents the ESY services plan.</p>	<p>Develop a detailed program description, noting the following:</p> <ul style="list-style-type: none"> • ESY service(s) to be provided • service provider(s) • location • frequency and duration • start and end date • transportation information, if applicable
<p>Step 6: Monitor the student's progress throughout ESY services to ensure the plan is implemented as intended.</p>	<ul style="list-style-type: none"> • All service providers must also maintain service logs for all ESY services provided. • Progress reports for each IEP goal addressed during ESY services must be completed and shared with the parent.

APPENDIX B. ESY DISCUSSION GUIDE

The following questions are designed to guide IEP teams in making ESY decisions that are individualized, based on data, and aligned with IDEA requirements.

REGRESSION AND RECOUPMENT

- What evidence do we have to demonstrate that the student lost essential skills following previous breaks (e.g., winter, spring, summer), and how long did it take to recoup them?
- Are the skills at risk essential for the student's access, independence, safety, or ability to make progress on IEP goals?
- Based on past patterns, is the student likely to require more time to recoup skills than is reasonable once school resumes?

EMERGING SKILLS OR BREAKTHROUGH OPPORTUNITIES

- Which essential skill is the student currently on the verge of acquiring, and what evidence shows that they are at a breakthrough point?
- How would an interruption in instruction affect the student's momentum or ability to master these emerging skills?
- Would ESY services help the student solidify or generalize these skills in ways that cannot be achieved if instruction pauses?

NEED FOR CONTINUOUS OR YEAR-ROUND PROGRAMMING

- Does the student's instructional methodology (e.g., intensive Applied Behavior Analysis, structured literacy, sensory-motor programming) rely on continuous, year-round implementation to be effective?
- What evidence shows that breaks in instruction significantly reduce the effectiveness of the student's program?
- Would the student lose educational benefit without ongoing, uninterrupted instruction aligned with their current methodology?

INTERFERING BEHAVIORS

- Which interfering behaviors (e.g., aggression, self-injury, ritualistic behaviors) significantly limited the student's educational benefit during the school year?
- What data indicate that these behaviors are likely to intensify or reemerge after a break without continued support?
- Would ESY services help maintain behavioral stability necessary for the student to benefit from their educational program next year? If so, how?

NATURE AND SEVERITY OF THE DISABILITY

- How does the student's disability impact their ability to maintain essential skills during breaks in instruction?
- Are there critical skills that, due to the severity of the disability, require ongoing reinforcement to prevent substantial loss?
- Would the student's access to FAPE be compromised if instruction pauses for an extended period?

UNIQUE CIRCUMSTANCES OR OTHER FACTORS

- Are there home, community, medical, or environmental circumstances that would significantly jeopardize the student's ability to maintain skills without ESY?
- Does the student require continued vocational, transition, or functional skill development that cannot be paused without negative impact?
- Are there documented factors (e.g., inconsistent attendance due to medical needs, family instability) that increase the risk of regression during breaks?