

What is Extended School Year and When is it Available?

The Individuals with Disabilities Education Act (the “IDEA”) requires school divisions to provide extended school year (“ESY”) services to a child with a disability if that is necessary for the student to receive a free appropriate public education (“FAPE”).

What is ESY?

ESY services are those provided to a student “beyond the normal school year.” This most commonly involves services provided during the summer. ***ESY, however, is not limited to the summer.*** ESY also can be available during winter break or other breaks during the school year. It may also be available as services provided outside of the school day during the school year – if such services are necessary for the student to receive a FAPE. Just like the student’s IEP, any decision about ESY is an individualized one based upon the student’s unique needs and circumstances.

Is ESY only available during the summer?

Absolutely not! ESY is available throughout the school year depending on the individual student’s unique needs and circumstances.

Federal guidance makes clear that nothing in the IDEA limits the school “from providing ESY services to a child with a disability during times other than the summer, such as before and after regular school hours or during school vacations, if the IEP Team determines that the child requires ESY services during those time periods in order to receive FAPE.” 71 Fed. Reg. 46,582 (2006).

Similarly, Virginia’s IDEA regulations specifically state that the school division “may not . . . Limit the provision of extended school year services to only the summer.” 8 VAC 20-81-100(J)(3)(c).

Is ESY only available on specific dates or for specific hours during the day?

Absolutely not! The determination about ESY services is an individualized one based upon the student’s unique needs and circumstances. It is common during an IEP meeting that school staff will propose ESY services that coincide with a specific period during the summer – often telling parents that ESY is only offered on those dates and during those hours. For some children, those proposed dates and times may be sufficient to provide a FAPE. For other children, the student may require support earlier in the summer, may require support in the weeks before the new school year begins, or perhaps may require services throughout the summer. ***ESY – like the rest of the student’s IEP – must be tailored to meet the specific student’s unique needs and circumstances.***

Is ESY available only for certain types of disabilities?

Absolutely not! ESY can be provided for any disability-related educational need.

Virginia’s IDEA regulations specifically state that the school division “may not . . . Limit extended school year services to particular categories of disability.” 8 VAC 20-81-100(J)(3)(a).

What should I do if my child's school says it only offer ESY on specific dates during the summer?

Advocate for your child's rights! Virginia's IDEA regulations specifically state that the school division "may not . . . Unilaterally limit the type, amount, or duration of [ESY] services." 8 VAC 20-81-100(J)(3)(b).

It is improper for school staff to restrict ESY to those dates and hours without considering the student's individualized needs. Unfortunately, many schools summarily default to the school division's "standard" ESY program dates and hours. Doing so ignores the IDEA's fundamental requirement that the student's special education must be individualized to address the student's unique needs and circumstances. If your child's school does this, it is important to ask how it determined that the proposed dates and times were appropriate based upon an individualized consideration of your child's specific disability-related needs.

What should my child's IEP include if he/she is eligible for ESY?

If the IEP team determines that the student is eligible for ESY, the IEP team needs to discuss the following ESY components:

- Goals – What areas of need will be addressed through ESY? The team needs to develop appropriate goals for those needs and to ensure objective accountability.
- Accommodations – What accommodations and/or modifications are necessary for the child to access an education for ESY? These can be the same or different than accommodations from what the child needs to receive a FAPE during a regular school day. ESY accommodations – like all IEP aspects – must be individualized to each student's unique needs and circumstances. These needs may look different depending on the context of the student's education.
- Services – What special education and/or related services does the child require through ESY? It is typical that the child will receive fewer services through ESY. Nonetheless, that is not always the case.
- Transportation – What are the student's transportation needs to receive ESY? The school division is required to provide transportation if the student requires it to access the ESY services and supports.

Last Updated: April 23, 2025