



# Bureau of Special Education

Connecticut State Department of Education | May 20, 2020

## Guidance for Extended School Year (ESY) Services during the COVID-19 Pandemic

*This is a working document, which may be updated frequently due to the rapidly changing response to this pandemic emergency and ongoing state and federal guidance updates.*

### Introduction

School districts must provide a free and appropriate public education (FAPE) consistent with the need to protect the health and safety of students, as well as those individuals providing education, specialized instruction, and related services to these students. Present exceptional circumstances may affect how special education and related services are provided. School districts may not be able to provide all services, including ESY services, in the same manner that they are typically provided. Federal disability law allows for flexibility in determining how to meet the individualized needs of students receiving special education services.

The Bureau of Special Education (BSE) continues to recommend frequent communication between school district staff and parents/guardians regarding the provision of FAPE during this time to promote a shared understanding of the school district's approach to providing special education and related services and the student's ability to receive these services.

It is important to distinguish special education ESY from summer school, summer programming, and summer day camps. ESY means special education and related services that are provided to a student with a disability beyond the school district's normal school year, in accordance with the student's individualized education program (IEP), and at no cost to the parent.

The ESY eligibility process should not be utilized to determine whether or to what extent recovery services<sup>1</sup> may be needed.

### Eligibility Determination

An individualized determination regarding each student's eligibility for ESY services must be considered annually. The Connecticut standard for determining if a child is eligible to receive ESY services includes both regression/recoupment criteria and nonregression criteria. More detail regarding the federal requirements and the state eligibility criteria can be found in the following BSE topic brief: [https://portal.ct.gov/-/media/SDE/Special-Education/Topic\\_Brief\\_ESY.pdf?la=en](https://portal.ct.gov/-/media/SDE/Special-Education/Topic_Brief_ESY.pdf?la=en).

For students who have already been determined eligible for ESY, the school district should, to the greatest extent possible, provide the ESY services identified in the student's IEP. For students who have not yet been determined eligible for ESY, data collected from the beginning of the 2019-20 school year up until the March school closure should be used to inform the eligibility determination. If current circumstances prevent access to the data/information typically used in the determination process, school district staff with firsthand knowledge of the student's functioning while in school will need to work with the parent to make the determination using any relevant information that is readily accessible.

---

<sup>1</sup> The term "recovery services" is defined as services provided to a student to remediate lost skills due to school closure.

During the summer months, school districts may provide continued educational opportunities and/or recovery services to students with disabilities regardless of their ESY eligibility. The Connecticut State Department of Education will be releasing resources and materials to support summer learning opportunities for all students in the near future.

### Process and Documentation

Typically, a student's eligibility for ESY services is determined at a planning and placement team (PPT) meeting held in early spring. Currently, PPT meetings are being held telephonically/virtually. In cases where there is mutual agreement about ESY, the school district and parent have the flexibility to document the decision by updating the student's IEP through an amendment (*Form ED634 Agreement to Change an Individualized Education Program Without Convening a Planning and Placement Team Meeting*). For students who qualify for ESY services, school district staff with firsthand knowledge of the student's in-school functioning should provide recommendations on the student's ESY services to the parent before the amendment is completed.

Timely communication with the parent regarding the outcome of the ESY determinations including required prior written notice and other documentation will allow the parent to exercise their due process rights if there is a disagreement with the PPT's decision.

Consistent with the guidance in the April 24, 2020, memorandum, the BSE recommends documenting ESY services in the IEP for implementation in a regular school building and as if schools were operating normally, including the specific services, start/end dates, and site(s). ESY services should be provided to the student to the greatest extent possible within the parameters of public health and safety requirements.

School districts should document services provided over the summer in a continued educational opportunity plan as the school district has done prior to the end of the current school year. A summary of the student's progress must be provided to the parent at the conclusion of ESY.

### Provision of Services

All members of our school communities need to consider what is reasonable, appropriate, and equitable under the current circumstances and public health restrictions. In addition to the potential challenge of securing the necessary staff and personal protective equipment to provide comprehensive in-person ESY services, local restrictions and/or guidance from other state agencies may impact a school district's ability to provide ESY services as designed. Moreover, parents and students may have concerns or issues related to transportation, classroom instruction and safety requirements. As a result, ESY services may need to be delivered virtually or as a hybrid of in-person and virtual services. Districts should collaborate with contracted service providers to determine the best option for delivering ESY services to eligible students receiving special education services in out of district placements.

PPTs face many challenges related to planning for ESY. Solutions to these issues require flexibility, ongoing communication, and adjustments as conditions change. As the State's response to the pandemic emergency continues to evolve, school districts should provide regular updates to parents regarding the provision of ESY services.