

Compensatory Education and Extended School Year Services FAQs

Developed by the Governor's Council on Disabilities and Special Education,
Disability Law Center of Alaska, and the Stone Soup Group (May 2020)

Many students with special education needs are not receiving services due to school closures, quarantines, and illness due to the COVID-19 pandemic. Parents may be worried and confused about how and when school districts will "make up for" the education services in the Individualized Education Plan (IEP). Parents or guardians may hear terms such as Compensatory Education or Extended School Year services. This guide clarifies the terms and answers frequently asked questions about special education services.

Important Terms:

Compensatory Education The Individuals with Disabilities Education Act (IDEA) contains protections for any "change of placement" (including school closures) that exceed 10 days in which the school district does not provide IEP services. It is called compensatory education.

With school closures, many students with IEPs that require services specifically deliverable only in school environments will be entitled to additional services that should be provided at a later time as compensatory education.

Extended School Year (ESY) services are special education or related services (such as speech or occupational therapy) provided above and beyond the normal school year. The IEP team determines if ESY services are needed.

ESY services are not the same as:

- summer school
- compensatory services
- enrichment programs
- make-up work

Frequently Asked Questions

1. What if a school district doesn't offer "summer school"?

Extended School Year education is not "summer school"; therefore, school districts cannot refuse to consider ESY programs because districts do not offer "summer school" to all children. ESY services must be available to provide a Free Appropriate Public Education (FAPE) to eligible students.

2. At what point does a school district decide whether or not a child with special education needs is eligible for ESY services?

At least once annually the child's IEP team must consider the need for extended school year education and record its determination on the IEP. A Team's determination regarding the need for ESY must be made on an individual basis.

3. What does the IDEA mean by "regression" and "recoupment"?

All children "regress"--lose progress, forget, revert to previous behavior--to some extent during prolonged absence from school. It must be determined whether a child's regression would likely be substantial, and

whether the child would require a greater than usual time to "recoup"-- to get back to the level the child had achieved before a break in service.

A child's difficulties with "recoupment" is an aspect of "significant regression". Specifically, significant regression and recoupment consist of the following inter-related elements:

(1) the loss of performance levels that were attained before a school closure,

(2) the child's limited learning rate, which lengthens the amount of time the child requires to review and/or relearn previously attained objectives, and

(3) the fact that the time for that child to accomplish such recoupment is greater than the period of time the school district allows all other children for review and/or relearning.

Regression and recoupment are often used to determine if a student qualifies for ESY services.

4. What other criteria should an IEP team consider in making a determination for ESY programming?

Any decision regarding needed ESY programming must take into account the child's history of significant regression and limited recoupment capability. In other words, a child's IEP team must look backward and forward when considering the need for ESY programming.

In addition to significant regression and/or limited recoupment, the team should consider the following criteria:

- the degree of the child's impairment
- the parents' ability to provide structure at home
- the child's rate of progress
- the child's specific behavior and/or physical problems
- the availability of alternative resources
- the child's ability to interact with non-disabled children
- the specific curricular areas in which the child needs continuing attention
- the vocational and transition needs of the child
- whether the service requested is "extraordinary" rather than usual in consideration of the child's condition.

Only when all factors are considered together by the child's Team can a determination be made as to how much service will be appropriate.

5. May the IEP team "wait and see" if a child experiences substantial regression during a break in service before it determines whether ESY services should be proposed?

No. The child's Team must not put off a determination to offer ESY programming until the end of a break in service, or school closure. The IEP team must consider the need for such services as soon as is reasonably possible; anticipating whether substantial regression will occur during school closures and whether problems with recoupment will occur in the absence of ESY services.

6. What does ESY Programming look like?

ESY programs should be a continuation of the education benefits provided during the regular school year and should be consistent with the child's IEP goals and objectives. However, ESY doesn't necessarily have to be the same services delivered at the same frequency as provided during the regular school year.

ESY programs may include special education and/or related services and must be specified on the IEP. ESY services are used to avoid substantial regression, or recoup loss of skills, or prevent greater dependence as an adult. ESY services may differ from services for the regular school year.

7. Which children are eligible for extended school year programs?

ESY programs may not be limited to children with special education needs in certain program types (e.g., segregated classrooms or life skills classrooms) or to children in certain eligibility categories. Decisions about ESY programs must be made on an individual basis, taking into consideration the unique needs of the child.

8. Must ESY services described in an IEP be provided at no cost to the child's parent(s)?

Yes.

9. May "recreation programs" be considered extended year programs?

Federal special education regulations under the Individuals with Disabilities Education Act (IDEA) do provide for "recreation programs" as related services. Therefore, an ESY program may consist of, or include, a recreation program. As with all special education services, educational goal(s) and objectives for a recreation program must be included in a child's IEP.

10. Should ESY programming be considered by an IEP team even if there is no previous record of substantial regression over other breaks or prolonged absences?

Yes, even when there is no previous record of a child's substantial regression after a significant break in service, a Team should still consider the need for an ESY after an extended school closure.

11. How does a school district document a child's regression or recoupment?

Special education service providers use measurable data and subjective information about a child's ability to learn, relearn and meet the goals and objective in the IEP. The information gathered is used to determine the likelihood of substantial regression.

12. Are ESY programs also to be provided in the Least Restrictive Environment (LRE)?

Yes. As in regular school year placements, the principles of LRE apply to the provision of ESY services.

13. I think my child may need ESY services, what should I do?

As a parent/guardian, you are an important member of the IEP team, and you have the ability to request a meeting to discuss the contents of the IEP, including ESY services. [Sample meeting request letter](#).

14. I have further questions about ESY services and compensatory education. Where do I go?

Stone Soup Group –

provides information and training to parents about special education services.

More information is available [here](#).

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