



**EXTENDED SCHOOL YEAR (ESY) SERVICES and COMPENSATORY SERVICES**

<i>Elements (Questions)</i>	<i>Extended School Year (ESY) Services</i>	<i>Compensatory Services</i>	<i>Special Considerations/Family Involvement for ESY Services and Compensatory Services</i>
<b>What is/are.....</b>	<p>ESY services are special education and related services that:</p> <ol style="list-style-type: none"> <li>1. Are beyond the normal school year, in accordance with the IEP, and at no cost to the parents. 34 C.F.R. § 300.106(b)(1).</li> <li>2. Meet the standards of the state educational agency. 34 C.F.R. § 300.106(b)(2).</li> </ol>	<p>Compensatory services are educational services that are awarded to students with disabilities to make up for services that they lost because of a Local Educational Agency's (LEA) failure to provide a Free and Appropriate Education (FAPE) under the Individuals with Disabilities Education Act (IDEA).</p>	<p>The IEP Team is a group of individuals, including the parent, that is responsible for developing, reviewing, or revising an IEP for a child with a disability. 34 C.F.R. § 300.324</p> <p>If the parents cannot participate in a meeting in which a decision is to be made relating to the educational placement of their child, the Local Educational Agency's (LEA) shall use other methods to ensure their participation, including individual or conference telephone calls or video conferencing. 34 C.F.R. § 300.501(c)(3)</p>
<b>When must services be provided....</b>	<p>ESY services are appropriate if the IEP Team determines that services are necessary for the provision of FAPE. 34 C.F.R. § 300.106(a)(2).</p> <p>Services can take place even while instruction is not taking place for all students.</p>	<p>Compensatory services are awarded upon a denial of FAPE. However, not every denial of FAPE requires compensatory education.</p> <p>It is important to understand that compensatory services must not take away from or replace existing special education services.</p>	<p>ESY services and Compensatory services can be an extension of the student's day, taking place before or after the regular school day. Services generally do not take place during a time that would impede on the student's academic or extracurricular instruction. Services can be provided during instructional breaks, but they are not limited to summer or seasonal/holiday breaks. The services can take place on or off campus, but the IEP Team must agree on the location and time.</p>



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<p><b>What factors should IEP Teams consider when making determinations...</b></p>	<p>Each LEA 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, in accordance with §§ 300.320 through 300.324, that the services are necessary for the provision of FAPE to the child. Some ESY considerations as stated in the Georgia Implementation Manual include the following:            “The IEP Team shall consider each child’s need for ESY services annually. The individual needs of the child shall be considered and may include such factors as: the severity of the disability; the age of the child; any transitional needs;            the rate of progress or regression that may limit the child’s ability to achieve IEP goals/objectives; the relative importance of IEP goals at issue; whether the child is at a critical point of instruction, such as emerging skills; and whether any delays or interruptions in services occurred during the school year.            If the need for ESY is determined, the IEP Team must identify which goals in the current IEP are being extended or modified.”</p>	<p>Compensatory services are an appropriate, equitable remedy designed to provide compensation for the failure of an LEA to deliver a Free and Appropriate Education (FAPE). Compensatory services will vary on a case-by-case basis. The decision would depend on how the student is impacted by his/her disability and the LEA’s failure to provide FAPE, instead of a minute-per-minute replacement of services. It is important to understand that compensatory education must not take away from or replace existing special education services. Just as IEPs focus on individual student needs, an individualized approach should also be used when offering compensatory services.</p>	<p>For ESY services, an LEA must NOT:</p> <ol style="list-style-type: none"> <li>1. Limit ESY services to categories of disability. 34 C.F.R. § 300.106(a)(3)(i).</li> <li>2. Unilaterally limit the type, amount, or duration of services. 34 C.F.R. § 300.106(a)(3)(ii).</li> </ol> <p>For ESY services and compensatory services, LEAs must make sure that parents are involved in the decision-making process. It is best to remember that neither of these services can be satisfied by simply enrolling the student in summer school. These services should be considered on an individual basis. An individualized approach should be used when making considerations for these services. Various discussions may include: How is the student’s stamina in relation to participation and additional time? How will this affect the student’s participation in extracurricular activities? Is there existing free time during the school day to provide the services? Should the school day be lengthened? Should the school week be lengthened?</p>