

EXTENDED SCHOOL YEAR FISCAL RESPONSIBILITY

The District whose offer of FAPE included ESY shall pay all costs associated with ESY.

These rules do not apply to schools which are operating a continuous school program pursuant to Chapter 5 (commencing with Section 37600) of Part 22, Division 3, Title 2 of the Education Code.

Section 300.106 of Title 34 of the Code of Federal Regulations states:

- (1) Each public agency shall ensure that extended school year services are available as necessary to provide FAPE;
- (2) Extended school year services must be provided only if a child's IEP team determines, on an individual basis, in accordance with Sections 300.340-300.350, that the services are necessary for the provision of FAPE to the child;
- (3) In implementing the requirements of this section, a public agency may not - (i) Limit extended school year services to particular categories of disability; or (ii) Unilaterally limit the type, amount or duration of those services.

Extended School Year services shall be provided for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. Such individuals shall have handicaps which are likely to continue indefinitely or for a prolonged period, and interruption of the pupil's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her handicapping condition. The lack of clear evidence of such factors may not be used to deny an individual an extended school year program if the individualized education program team determines the need for such program and includes extended school year in the individualized education program.

Per law:

(A) Extended year special education and related services shall be provided by a school district, Charter School, Special Education Local Plan Area, or county office offering programs during the regular academic year;

(B) Individuals with exceptional needs who may require an extended school year are those who:

- (1) Are placed in special classes or centers, or
- (2) Are individuals with exceptional needs whose individualized education programs specify an extended year program as determined by the Individualized Education Program (IEP) team.

Shasta County Special Education Local Plan Area
Extended School Year Fiscal Responsibility Policy

(C) The term “extended year” as used in this section means the period of time between the close of one academic year and the beginning of the succeeding academic year. The term “academic year” as used in this section means that portion of the school year during which the regular day school is maintained, which period must include not less than the number of days required to entitle the district, special education services region, or county office to apportionments of State funds.

(D) An extended year program shall be provided for a minimum of 20 instructional days, including holidays, unless a waiver has been granted by the State Board of Education for fewer days.

(E) An extended year program, when needed, as determined by the IEP team, shall be included in the pupil's IEP.

(F) In order to qualify for average daily attendance revenue for extended year pupils, all of the following conditions must be met:

(1) Extended year special education shall be the same length of time as the school day for pupils of the same age level attending summer school in the district in which the extended year program is provided, but not less than the minimum school day for that age unless otherwise specified in the IEP to meet a pupil's unique needs.

(2) The special education and related services offered during the extended year period are comparable in standards, scope and quality to the special education program offered during the regular academic year.

(G) If during the regular academic year an individual's IEP specifies integration in the regular classroom, a public education agency is not required to meet that component of the IEP if no regular summer school programs are being offered by that agency.

Legal References:

EDUCATION CODE

37600, 419765.5 AND 56345; 34 Section 56100(a) and (j)

CALIFORNIA CODE OF REGULATIONS

Title 5, Section 3043

FEDERAL REFERENCE

C.F.R. 300.34, CCR 3043 CFR PART 300, SECTION 300.309