

Extended School Year During the Pandemic

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With only about two months left in the 2019-2020 academic year, it's time for public schools to start planning for Extended School Year (ESY) services that are offered to certain students with disabilities over the summer.

COVID-19 building closures interrupted in-person instruction for all Pennsylvania school children on March 13. Continuity of Education plans are in place for Pennsylvania school districts until the end of this year's academic calendar, and some colleges have already determined that [remote instruction will continue after summer break](#).

As explained in a previous alert, future services may need to be provided to some students with disabilities as a result of building closures. These future services are separate from ESY, and a determination about future services cannot be made during the period of Continuity of Education. In contrast, ESY eligibility determinations can be made during the period of Continuity of Education and should remain separate from decisions regarding potential future services.

ESY may look different this summer due to COVID-19 building closures, but ESY eligibility determinations, which are based on established criteria, should largely look the same. That's because ESY is likely not the proper vehicle to address the impacts of the pandemic.

The loss of learning that occurs over the summer [has been referred to as the "summer slide,"](#) and [losses are more pronounced](#) in some students. While all students are likely impacted by the summer slide to some degree, the negative educational impacts of a break in education may be extraordinarily severe for some children with disabilities. If that determination is made about a particular student, federal law requires that schools provide special education and related services beyond the 180-day academic calendar for that student to receive a free, appropriate public education (FAPE).

The purpose of ESY is to combat the sometimes exaggerated impacts of the summer slide on certain eligible students. The COVID-19 building closures have created what we are calling a "pandemic predicament," an interruption of in-person instruction during the normal school year that immediately precedes the scheduled interruption for summer break.

Preliminary estimates about the combined impact this longer than usual disruption of in-person instruction are bleak. A recent study estimates that, compared to a normal school year, [students will lose an additional 30% of learning gains](#). Another projects that students will [maintain 70% of learning gains in reading](#) but only 50% of learning gains in math in comparison to a typical school year.

This summer, ESY may need to be delivered using methods other than in-person instruction because of the possibility of continued school building closures. In-person instruction in school buildings is prohibited under at least the first two phases of Pennsylvania's three-step plan to reopen the state. Therefore, schools should begin to create strategies for delivering ESY remotely.

From a general planning perspective, schools should answer the following questions when planning their summer program:

- What does FAPE look like for any student, disabled or non-disabled, in the Continuity of Education context?
- What data exists about student progress prior to March 13? What data and information has been collected throughout the Continuity of Education period?
- If ESY is necessary to provide FAPE, what does ESY delivery look like?

In addition, ESY eligibility determinations may be more complicated because of the period of building closure. ESY eligibility and programming decisions should be individualized based on data about student progress in light of the child's circumstances, but should not be based on factors specific to COVID-19. A student is not eligible for ESY merely because the receipt of educational services over the summer is likely to provide some educational benefit. If a child's educational program is providing FAPE in the Continuity of Education context, then the child is not eligible for ESY.

The Pennsylvania Department of Education's Bureau of Special Education's [guide to extended school year services](#) provides an overview of ESY for IEP team members, including parents or caregivers and school representatives. Importantly, ESY is not the same as "summer school" or "summer camp," and it is not means for providing educational benefits beyond what is required for the provision of FAPE.

We will continue to update you on guidance of ESY and the reopening of brick-and-mortar schools as the regulations continue to change. If you have any questions, please feel free to reach out to any of the [Barley Snyder Education Practice Group](#).

This video is a part of a webinar presented on April 28 at a meeting of the Lincoln Intermediate Unit #12's Special Education Committee.

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