

Advocacy Strategies: Negotiating for ESY Services

If your child needs [Extended School Year Services \(ESY\)](#) but the school does not want to provide these services, you need to learn about the legal requirements for ESY and how to use advocacy strategies to negotiate with the school.

The Parent as Expert

As a parent, you negotiate with the school on your child's behalf. To negotiate successfully, you need information about:

Your child's disability
Your child's rights and your rights & responsibilities
How your child learns and needs to be taught
How to measure and monitor your child's progress

If you have a disagreement about ESY services, **you** need to learn about **your state standards** for ESY.

Do not accept legal advice from school personnel. While school staff may believe what they tell you is true, educators are not legal experts. Most have not read the law, regulations, and current caselaw on legal issues.

Get Your State ESY Manual or Standards

Contact your state department of education ([Directory of State Department of Education](#)) and request **two copies** of your state's ESY Manual or ESY Standards (one for you and one for your child's team).

Tip: This information may be available on the website of your state department of education.

Go through your state's ESY Manual or Standards to learn about the standards your state adopted. Dog-ear or tab pages so you can find relevant information quickly. Mark up your copy with a highlighter.

As you learn about ESY, you will find that most federal courts describe several standards.

In *Daniel Lawyer v. Chesterfield (VA) Board of Education* (E.D. VA 1993), the judge listed several factors that IEP teams should consider when making decisions about ESY:

- * Recoupment in the Fall
- * Window of opportunity to learn emerging skills
- * Child's rate of progress
- * Child's behavioral or physical problems
- * Availability of alternative resources

- * Areas of the child's curriculum that need continuous attention
- * Vocational needs

In [*Reusch v. Fountain*](#), (U.S. MD 1994), the court listed six factors the IEP team should consider in deciding if the child is eligible for ESY:

1. Regression and recoupment - is the child likely to lose critical skills or fail to recover these skills within in a reasonable time
2. Degree of progress toward IEP goals and objectives
3. Emerging skills/breakthrough opportunities - Will a lengthy summer break cause significant problems for a child who is learning a key skill, like reading
4. Interfering Behavior - does the child's behavior interfere with his or her ability to benefit from special education
5. Nature and/or severity of disability
6. Special circumstances that interfere with child's ability to benefit from special education

Meet with Your Child's Team

Schedule a meeting with your child's team to discuss your child's need for ESY. Since preparation is the key to success, you need to prepare for this meeting.

Make several copies of [Standards for Extended School Year](#) by Nissan Bar-Lev for members of your child's team. Since Dr. Bar-Lev is a respected director of special education, your team is more likely to accept what he has written.

You should also bring two copies of your state's ESY Manual or Standards. Give one copy to the team leader. Your copy looks well-read - pages are tabbed or dog-eared and marked up with a highlighter.

Saving Face & the Columbo Strategy

If your child's team has already taken the position that your child does not need ESY services, you need to give them a way to change their position while also **saving face**.

As the parent learned in [How I Got ESY Services After the School Said No](#), it is helpful to ask questions and use the Columbo Strategy.

To learn more about these issues, read [How to Solve Parent-School Problems and Protect Relationships](#).

Read Chapter 4: Learning the Rules of the Game, Chapter 5: Obstacles to Success and Chapter 25: Preparing for Meetings in [Wrightslaw: From Emotions to Advocacy, 2nd Edition](#).

Learn more about [Extended School Year \(ESY\) Services](#)

Learn more about the [parent as expert](#) and [special education advocacy](#).

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