



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



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PUBLIC INSTRUCTION

August 21, 2008

TO: Local and Intermediate School District Superintendents
Public School Academy Administrators
Local and Intermediate Directors of Special Education
Special Education Advisory Committee

FROM: Sally Vaughn, Ph.D. *Sally*
Deputy Superintendent/Chief Academic Officer

SUBJECT: Standards for Extended School Year Services in Michigan

On August 12, 2008 the State Board of Education approved Standards for Extended School Year (ESY) Services in Michigan (Standards). A Guidance document is also available to assist with the implementation of the Standards. The Standards and the Guidance documents are found on the Department website at http://www.michigan.gov/mde/0,1607,7-140-6530_6598-198486--,00.html.

The Individuals with Disabilities Education Act (IDEA) implementing regulations at §300.106(b)(2) require that states have ESY Standards. These regulations do not create new legal standards but instead codify well established case law in the area and reflect longstanding interpretation of the IDEA by the courts and the United States Department of Education that the right of an individual child with a disability to receive ESY services is based on the child's entitlement to a Free Appropriate Public Education.

These federal regulations and the Standards require that the need for ESY services must be considered for every student with a disability at each Individualized Education Program Team meeting. Federal law specifies that the need for ESY services must be determined individually and shall not be provided or denied based solely upon the category of disability or program placement.

The new Standards will be integrated into the Administrative Rules for Special Education as part of a new rule set. Notice of the period of public comment is expected to be made in the fall with public hearings scheduled during November and December.

The Department will be working with intermediate districts/educational service agencies, grantees, and advocacy organizations to assure that guidance on these standards is disseminated and accessible.

School districts are expected to begin using the Standards immediately. Should you have any questions, please contact Bob Hove, Special Education and Early Intervention Services, HoveR@michigan.gov or 517 373-1691.

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