

State Laws for Extended School Year under the IDEA*

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One of the special requirements under the Individuals with Disabilities Education Act (IDEA)¹ that the courts initially established² and that the IDEA regulations ultimately codified is the provision for an extended school year (ESY).³ The subsequent stages of the case law, which focused on the successive issues of eligibility of students and appropriateness of the services for ESY relied in part on state laws that exceeded the brief requirements of the IDEA's ESY regulation.⁴

However, the literature lacks a current, concise but comprehensive canvassing of these state ESY laws. The previous published analyses had two limitations that warrant corrective attention: (1) focusing solely on whether the eligibility approach was based on regression-recoupment alone or multiple factors, without differentiating the number of criteria beyond regression-recoupment; and (2) mixing in state guidance documents with state statutes or

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¹ 20 U.S.C. §§ 1415–82 (2018).

² E.g., *Yaris v. Special Sch. Dist. of St. Louis Cnty.*, 728 F.2d 1055, 1056, 16 Ed.Law Rep. 757 (8th Cir. 1984); *Crawford v. Pittman*, 708 F.2d 1028, 1034, 11 Ed.Law Rep. 815 (5th Cir. 1983); *Battle v. Pennsylvania*, 629 F.2d 269, 281 (3d Cir. 1980).

³ 34 C.F.R. § 300.106 (2019):

(a) General. (1) Each public agency must ensure that [ESY] services are available as necessary to provide FAPE, consistent with paragraph (a)(2) of this section.

(2) [ESY] must be provided only if a child's IEP Team determines, on an individual basis, in accordance with [the regulations for IEPs], 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.

(b) Definition. As used in this section, the term extended school year services means special education and related services that—

(1) Are provided to a child with a disability—

(i) Beyond the normal school year of the public agency;

(ii) In accordance with the child's IEP; and

(iii) At no cost to the parents of the child; and

(2) Meet the standards of the SEA.

⁴ E.g., Perry A. Zirkel, *What Are the Criteria for an Appropriate ESY Program?*, 391 Ed. Law Rep. 1 (2021).

regulations, thus blurring the boundary of binding state laws.⁵

The purpose of this brief article is to move to the next step by extending the focus beyond these two eligibility approaches and limiting the basis to state laws.⁶ More specifically, the following table identifies the “state”⁷ law additions to the IDEA regulatory provisions for ESY⁸ in three successive groupings: (1) IEP procedural requirements for student eligibility or program appropriateness⁹; (2) criteria for student eligibility¹⁰; and (3) standards for program appropriateness.¹¹ The entries for the state laws that provide for additions to the IDEA within these three areas or a miscellaneous default category represent four approximate, Likert-type levels: (x) = partial; x = w/o particular detail; X = relatively detailed; and **X** = unusual.¹² The Appendix provides the citations for these applicable state laws.

[INSERT TABLE APPROXIMATELY HERE]

⁵ Meghan M. Burke & Janet R. Decker, *Extended School Year: Legal and Practical Considerations for Educators*, 49 TEACHING EXCEPTIONAL CHILD. 339, 343–44 (2017); Rosemary Queenan, *School’s Out for Summer—But Should It Be?* 44 J.L. & EDUC. 165 (2015).

⁶ The limited exception to statutes or regulations was for formal policies that the state board of education adopted. IDAHO SPECIAL EDUCATION MANUAL, <https://www.sde.idaho.gov/sped/sped-manual/> incorporated by reference by IDAHO ADMIN. CODE r. 08.02.03.004 (2018)); N.C. POLICIES GOVERNING SERVICES FOR STUDENTS WITH DISABILITIES, <http://www.ncpublicschools.org/cc/policy>. For previous examples of this boundary, see Perry A. Zirkel, *State Special Education Laws for Functional Behavioral Assessments and Behavior Intervention Plans*, 36 BEHAVIORAL DISORDERS 262, 265 (2011); Perry A. Zirkel & Lisa B. Thomas, *State Laws for RTI: An Updated Snapshot*, 42 TEACHING EXCEPTIONAL CHILD. 56, 58 (2010).

⁷ “States” is used herein to include the District of Columbia due to this jurisdiction’s extensive litigation activity in special education, starting with one of the two recognized forerunners of the IDEA in *Mills v. Board of Education of District of Columbia*, 348 F. Supp. 866 (D.D.C. 1972).

⁸ These additions basically align with the 34 C.F.R. § 300.106(b)(2) requirement to “[m]eet the standards of the SEA” in the foundational IDEA regulation. See *supra* 3.

⁹ The corresponding foundation for these procedural requirements is the 34 C.F.R. § 300.106(a)(2) cross reference to the IEP specifications in the IDEA regulations. See *supra* note 3.

¹⁰ The more implicit foundation for the eligibility standards are the more cryptic provisions in 34 C.F.R. § 300.106(a)(1), 300.106(a)(3)(i). See *supra* note 3.

¹¹ The corresponding foundation for the appropriateness standards are the overlapping cryptic provisions in 34 C.F.R. § 300.106(a)(2), 300.106(a)(3)(ii). See *supra* 3.

¹² For previous instances of this approach, see Andrew M.I. Lee & Perry A. Zirkel, *State Laws for Due Process Hearings Under the Individuals with Disabilities Education Act III: The Pre-Hearing Stage*, 41 J. NAT’L ASS’N ADMIN. L. JUDICIARY 1, 9 (2021); Perry A. Zirkel, *State Laws for Due Process Hearings Under the Individuals with Disabilities Education Act II: The Post-Hearing Stage*, 40 J. NAT’L ASS’N ADMIN. L. JUDICIARY 1, 14 (2020); Perry A. Zirkel, *State Laws for Due Process Hearings Under the Individuals With Disabilities Education Act*, 38 J. NAT’L ASS’N ADMIN. L. JUDICIARY 1, 14 (2018).

Findings

The table reveals that thirty-six (71%) of the fifty-one jurisdictions, including the District of Columbia, have one or more binding provisions for ESY beyond the requirements of the applicable IDEA regulation. Moreover, as revealed in the totals for each column, the most frequent focus of these state law additions is for the criteria for determining which children with disabilities are eligible ESY. The states with the most comprehensive additions include Arkansas, Delaware, Louisiana, Mississippi, and West Virginia.

For the first pair of columns, only a limited minority of states add procedural provisions, whether related to the general IEP process or the specific documentation requirements. The twelve state laws that have additions for the IEP process almost all concern the eligibility determination, with the most frequent requirements concerning the timing or notice for this determination. The most stringent examples appear to be Delaware's requirement for eligibility notice in time to resolve dispute by the end of school year¹³ and Pennsylvania's deadlines, which only apply to students with severe disabilities, of February 28 for the eligibility determination meeting and March 31 for the resulting notice. Pennsylvania's timing provision also provides for an expedited hearing regardless of the severity of the child's disabilities to challenge adverse ESY eligibility determinations. The fourteen state laws with additions for documentation in the IEP frequently extend beyond eligibility to services, with the leading examples being Arkansas, Georgia, Mississippi, and West Virginia.

For the second pair of columns, the dominant criterion in terms of frequency of state laws, was regression-recoupment. Of the thirty-one states that addressed eligibility criteria, the only laws that did so partially or implicitly were in Florida and New York, which referred only to

¹³ In comparison, Maryland's similar provision more specifically identifies the opportunity to file for mediation or due process but less stringently refers to filing not resolving the complaint.

“significant” or “substantial” regression; Virginia, which only identified significant jeopardy as an overall criterion that appeared to encompass, whether limited to, regression-recoupment; and Wyoming, which only referred broadly to a multi-factor approach.¹⁴ Conversely, Arkansas and Louisiana provided the most detailed specifications for regression-recoupment. Additionally, with varying degrees of detail, twenty-four of these thirty-one state laws extended the scope for the eligibility determination beyond regression-recoupment. However, the frequency count for the additional criteria, in those states that specify them, is notably imprecise due to the varying terminology, combinations, and overlap with regression-recoupment.¹⁵ Within this limitation, the most common specified additional criterion is the nature and/or degree of the child’s disability, which is identified in approximately eleven state laws. At a relatively distant second level, each accounting for approximately six to eight states depending on interpretation, are critical life skills, emerging (or break through) skills, vocational considerations, and progress.¹⁶

The next pair of columns concern the less frequently addressed issue of the appropriateness of the ESY services that districts provide for the eligible students. For this purpose, only a handful of state laws provide additional reminders, which serve as limited reinforcement, of the individualization criterion that permeates the IDEA¹⁷ undergirds the origination of ESY,¹⁸ and is at least partially codified in the applicable regulation.¹⁹ The more

¹⁴ FL. ADMIN. CODE ANN. r. 6A-6.03028(12) (2021) (“significant regression . . . in critical life skills related to [four specified areas]”); N.Y. COMP. CODES R. & REGS. tit. 8, §200.6(k)(1) (2017) (“need to prevent substantial regression”); 8 VA. ADMIN. CODE 20-81-100(k)(2) (2017) (“because the benefits a child with a disability gains during the regular school year will be significantly jeopardized if [ESY] services are not provided”); 206.002-7 WYO. CODE R. § 5(c)(B) (2017) (“must consider a multi-factor approach in determining whether ESY services are necessary”).

¹⁵ The most difficult term to interpret, due to its varying use, is “significantly jeopardize.” Others that are inconsistently or ambiguously identified in relation to regression recoupment include emerging skills and self-sufficiency.

¹⁶ The Comments column in the Table identifies the number of additional factors for the states with an entry in column D, but the specific wording and distribution of these criteria are too varied to include in this brief overview.

¹⁷ Indeed, this core concept is the “I” in “IDEA.”

¹⁸ See *supra* note 2.

¹⁹ 34 C.F.R. §§ 300.106(a)(2), 300.106(a)(3), 300.106(b)(1)(ii). See *supra* note 3.

frequent but varied entries beyond the individualization standard include approximately five states that express a maintenance standard for appropriateness; a few states that variously provide for LRE consideration;²⁰ even fewer states, led by California, that provide specific minimums or standards for ESY services.

Finally, the Miscellaneous column contains mostly limited and varied entries, including identification of the potential information services for eligibility determinations. Perhaps the most notable entries in this final column are for the provisions in the Arkansas and New Hampshire laws that make explicit that otherwise arguably implicit understanding that ESY eligibility is not limited to the summer break.

Discussion

The rather disperse pattern of state law entries, including a notable minority of states without any additions and rather limited additions for many of the states in the majority, fits the general pattern for various other state laws within the IDEA structure of cooperative federalism.²¹ For ESY, the predominance of state law additions concerning the threshold issue of student eligibility rather than the ultimate issue of the appropriateness of the ESY services reflects the evolution of the case law for this subject, which only appears in the IDEA to the limited and belated extent of the regulations.²²

For the state law entries for ESY eligibility criteria, the originating case law provides a lens for examining the interaction between judicial rulings and state law provisions. The

²⁰ The states identified via the Comments column clarification for column F entries are California, Delaware, Louisiana, and Utah. In contrast, column D identifies the similarly few state laws that provide LRE considerations for eligibility determinations.

²¹ *E.g.*, Zirkel, *supra* note 5 (FBAs and BIPs), Zirkel & Thomas, *supra* note 5 (RTI); *supra* note 11 (due process hearings); Perry A. Zirkel, *Legal Developments for Students with Dyslexia*, 43 LEARNING DISABILITY Q. 127 (2020) (dyslexia); Perry A. Zirkel, *State Laws and Guidance for Complaint Procedures under the Individuals with Disabilities Education Act*, 368 Ed. Law Rep. 24 (2019) (state complaint procedures).

²² *E.g.*, Zirkel, *supra* note 4.

predominant position of regression-recoupment is attributable to its undergirding but imprecise position in the originating appellate case law.²³ Yet, the specific scope and role of regression recoupment varies considerably in the applicable state laws, without any particular congruence with the jurisdictional coverage of the originating circuits. Similarly, the inconsistent and imprecise use of the “significant jeopardy” standard²⁴ may be traced back to its in tandem appearance in the Fifth Circuit’s ESY eligibility ruling in *Alamo Heights Independent School District v. State Board of Education*.²⁵ Yet its varied appearance in state law provisions for ESY is not at all limited to the boundaries of the original or present Fifth Circuit.²⁶ Moreover, seemingly interpreting *Alamo Heights* as expanding regression recoupment beyond retrospective empirical data to predictive professional opinion, the Sixth Circuit upheld the use of this eligibility factor.²⁷ Yet, one of the four states in the Sixth Circuit (Michigan) provides for additional factors,²⁸ and none of them—unlike various states beyond the Sixth Circuit—expressly incorporate the predictive aspect of regression recoupment.²⁹ Finally, a month later the Tenth Circuit’s stretched interpretation of *Alamo Heights* and earlier case law in not only ambiguously stating an alternative aspect of or an additional factor to regression-recoupment,³⁰

²³ E.g., *Crawford v. Pittman*, 708 F.2d 1028, 1032, 11 Ed.Law Rep. 815 (5th Cir. 1983); *Battle v. Pennsylvania*, 629 F.2d 269, 280, 282 (3d Cir. 1980).

²⁴ See *supra* note 15.

²⁵ 790 F.2d 1153, 1158, 32 Ed.Law Rep. 445 (5th Cir. 1986):

[I]f a child will experience severe or substantial regression during the summer months in the absence of a summer program, the handicapped child may be entitled to year-round services. The issue is whether the benefits accrued to the child during the regular school year will be significantly jeopardized if he is not provided an educational program during the summer months.

²⁶ See *supra* Table (entries for Arkansas, Arizona, Florida, Maryland, North Carolina, Rhode Island, and Virginia).

²⁷ *Cordrey v. Euckert*, 917 F.3d 1460, 1471–72, 63 Ed.Law Rep. 798 (6th Cir. 1990).

²⁸ See *supra* Table, col. C (Arizona, Arkansas, Mississippi, Montana, North Carolina, Oregon, and Rhode Island).

²⁹ *Id.*, col. C–D (Kentucky, Michigan, Ohio, and Tennessee).

³⁰ *Johnson v. Indep. Sch. Dist. 4*, 921 F.2d 1022, 1028, 64 Ed.Law Rep. 1027 (10th Cir. 1990) (“The analysis of whether the child’s level of achievement would be jeopardized by a summer break in his or her structured educational programming should proceed by applying not only retrospective data, such as past regression and rate of recoupment, but also should include predictive data, based on the opinion of professionals in consultation with the child’s parents as well as circumstantial considerations of the child’s individual situation at home and in his or her neighborhood and community.”).

but also illustratively identifying other criteria, including the child’s disability, progress, vocational needs, and LRE considerations.³¹ Although the six states laws in the Tenth Circuit do not contradict this specification by having either no entry or only generic entry for additional eligibility criteria,³² the choice and terminology of such criteria among the other states does not does not reflect any clear correlation with case law.³³ Indeed, Mississippi’s law expressly refers to the Fifth Circuit’s originating ESY ruling,³⁴ but only to eliminate a list of seven “general misconceptions,”³⁵ all of which the court’s opinion had not at all addressed.

For the criteria for appropriate ESY services, the lens is the reverse. So far the limited state law standards outpace the corresponding development in the case law, thus providing leverage and direction for establishing the factors for determining whether eligible students are receiving appropriate ESY services.³⁶ For example, some states seem to suggest a maintenance-only standard, which is symmetrical with the regression-recoupment eligibility criterion but not the broader multi-factor approach.³⁷ A relatively small cluster of states serve as the potential role of LRE,³⁸ but their provisions are too varied and limited for definitive resolution. Thus, both the state laws and the judicial rulings are rather sparse to date, leaving this issue ripe for wide gap-filling. The most fertile initial issue for policymaking or judicial resolution will be whether the frequent model of ESY programming, which is confined to a fixed and limited number of the

³¹ *Id.* at 1027 (“the degree of impairment and the ability of the child's parents to provide the educational structure at home . . . ; the child's rate of progress, his or her behavioral and physical problems, the availability of alternative resources, the ability of the child to interact with non-handicapped children, the areas of the child's curriculum which need continuous attention, and the child's vocational needs . . . ; and whether the requested service is ‘extraordinary’ to the child's condition, as opposed to an integral part of a program for those with the child's condition”).

³² *See supra* Table, col. D (Colorado, Kansas, New Mexico, Oklahoma, Utah, and Wyoming).

³³ *See supra* note 16 and accompanying text.

³⁴ *Crawford v. Pittman*, 708 F.2d 1028, 11 Ed.Law Rep. 815 (5th Cir. 1983).

³⁵ 7-3 MISS. ADMIN. CODE R. § 74.12(1) (LexisNexis 2018)

³⁶ For the paucity of applicable case law to date, *see* Zirkel, *supra* note 4.

³⁷ *See supra* Table, col. F (Arkansas, Mississippi, Oregon, Utah, Washington, and West Virginia).

³⁸ *See supra* note 20 and accompanying text.

weeks during the summer due to practical considerations, violates the core individualization principle of the IDEA.³⁹

The one clear-cut conclusion is that ESY, especially but not exclusively the appropriateness issue, merits more careful legal attention both in state laws and in judicial rulings. The time is overdue for extended systematic consideration.

³⁹ See *supra* notes 17–19 and accompanying text.

Appendix: Citations for State Law Additions to the IDEA for ESY

AL	ALA. ADMIN. CODE r. 290-8-9-.05(9) (2013)
AZ	ARIZ. REV. STAT. ANN. § 15-881 (2020)
AR	005 ARK. CODE R. §§ 18.19-19.03 – 18.19-19.08 (2021)
CA	CAL. EDUC. CODE § 3043 (West 2017)
CT	CONN. AGENCIES REGS. § 10-76d-3 (2018)
DE	14 DEL. ADMIN. CODE § 923(6) (2017)
DC	D.C. MUN. REGS. tit. 5-E, § 3017 (2018)
FL	FL. ADMIN. CODE ANN. r. 6A-6.03028(12) (2021)
GA	GA. COMP. R. & REGS. 160-4-7-.06(18)(c) (2018)
ID	IDAHO SPECIAL EDUCATION MANUAL, https://www.sde.idaho.gov/sped/sped-manual/ (2018)
IL	105 ILL. COMP. STAT. 5 § 14-8.02f (b) (2018); ILL. ADMIN. CODE tit. 23, § 226.230(a)(4) (2018)
IN	511 IND. ADMIN. CODE 7-43-2(e) (2020)
LA	LA. ADMIN. CODE tit. 28, §§ 701 – 709 (2017)
ME	05-71-101 ME. CODE R. § X(2)(A)(7) (LexisNexis 2018)
MD	MD. CODE REGS. 13A.05.01.07(B)(2), 13A.05.01.08(B)(2), 13A.05.01.11(B) (2020)
MA	603 MASS. CODE REGS. 28.05(4)(d) (2019)
MI	MICH. ADMIN. CODE r. 340.1721e(1)-(2) (2020)
MN	MINN. R. 3525.0755 (2018)
MS	7-3 MISS. ADMIN. CODE R. § 74.12 (LexisNexis 2018)
MT	MONT. ADMIN. R. 10.16.3324 (2017)
NH	N.H. CODE ADMIN. R. ANN. EDUC. 1110.01 (2020)
NJ	N.J. ADMIN. CODE § 1:6A:14-4.3(c) (2018)
NM	N.M. CODE R. § 6.31.2.11(B)(5)(a) (LexisNexis 2020)
NY	N.Y. COMP. CODES R. & REGS. tit. 8, §§ 200.1(eee), 200.6(k)(1), 200.16(i)(3)(v) (2017)
NC	N.C. 1501-2.4 (2021), http://www.ncpublicschools.org/ec/policy
OH	OHIO ADMIN. CODE 3301-51-02(G) (2019)
OR	OR. ADMIN. R. 581-015-2065 (2019)
PA	22 PA. CODE § 14.132 (2021)
RI	200 R.I. CODE R. § 20-30-6.5.1(F) (LexisNexis 2019)
SD	S.D. ADMIN. R. 24:05:25:26 (2019)
TX	19 TEX. ADMIN. CODE §§ 89.1055(c), (e)(1), 89.1065 (2020)
UT	UTAH ADMIN. CODE R277-751-4 (2019)
VA	8 VA. ADMIN. CODE 20-81-100(k) (2017)
VT	7-1 VT. CODE R. § 5:2363.7(h) (2017)
WA	WASH. ADMIN. CODE § 392-172A-02020 (2018)
WV	W.V. CODE R. § 126-16-5-1(H) (2019)
WY	206.002-7 WYO. CODE R. § 5(c) (2017)

Table: State Law Additions to the IDEA’s Specifications for ESY⁴⁰

	A	B	C	D	E	F	G	Comments
State	Procedure		Eligibility Criteria		Program Criteria		Misc.	
	IEP Process	Documentation	Regression/Recoupment	Other Factors	Individualized	Other		
AL			x	(x)				C,D-one of the criteria
AZ			X	x				C-incl. predictive data; D-“significantly jeopardized” + LRE consideration
AR		X	X	x		x	X	B-which goals etc. in the program; C-detail, incl. predictive & merging skills aspects + “guideline” periods; D-overlapping “significantly jeopardized” std.; F-for maintenance; G-may include holiday breaks
CA		x	x	(x)		X		B-services in IEP; C-IEP team discretion; D-IEP team discretion; F-same stds., scope & quality as school-year program exc. for integration + min. of 20 instructional days & same day length as summer school
CT	X							A-in time for parent to challenge eligibility or program
DE	X		X	X		X	x	A-eligibility notice in time to resolve dispute by end of school year; C-presumptively incl. predictive data; D-3+; F-incl. reading if not beginning reader by age 7 + documented LRE consideration but not including nondisabled peers for LRE; G-incl. transportation
DC	X		x	x				A-min. of 3 mos. progress data or equivalent for eligibility; D-impact on attained or emerging critical skills

⁴⁰ The scope of jurisdictions extends to the District of Columbia.

FL	x	x	(X)	X				A-at least annually; B-services in IEP; C-detail for regression but no mention of recoupment; D-2 (incl. “substantially jeopardize”) + illustrative others (incl. LRE)
GA		X					x	B-which goals & services, start/end dates, service provider & location; G-incl. transportation
ID		x	x	x	x	x	x	B-specific services; D-2; E-based on individual needs, not available programs; F-for emergence and maintenance of specific IEP goals; G- info sources for eligibility determination
IL	x	X						A-prior written notice; B-eligibility & services
IN		(x)						B-only for transition from Part C if birthday during summer and child is eligible for ESY
LA	x	X	X	X	x	X		A-determination after Jan. 1 unless sufficient data + notification; B-for performance/progress + ESY form; C-detailed specifications; D-detailed other two (CPI+ SC); E-not same duration; F-extension to maintain FAPE + flexible scope of goals, including possible new one + continued LRE consideration & location option for LRE
ME			x	x			x	D-disability + progress; G-info sources for eligibility determination
MD	X		x	X				A-at least annual notice + meetings in time for opportunity to file for due process hearing; D-4+ & overall “significantly jeopardized”
MA		x	x					B-daily duration of services and reason
MI	x	X	x	x	x			A-at least annually + notice in time for plans for delivery; B-eligibility + services; D-disability + critical stage or area per goal; E-full consideration of unique needs
MN	x		x	X				A-annually; D-self-sufficiency/critical skill+8 other examples

MS	x	X	X			x	x	A-at least annually; B-time specifics and services in IEP; C-detailed incl. predictive + 10 wks. w. occurrences for critical skills; F-for maintenance; G-info sources for eligibility determination + “nots” oddly attributed to <i>Crawford v. Pittman</i> (5th Cir. 1983)
MT			x					C-incl. predictive
NH					x		X	E-not predetermined design; G-not limited to summer + monitored at least weekly
NJ			x	x				D-“all relevant factors” (w/o specification)
NM							x	G-required consideration for students with autism based on specified areas
NY			(x)	x		X		C-regression alone; D-specified disability placements; F-min. of 30 school days during July and August
NC			x	x				C-including predictive; D-seemingly overlapping “significantly jeopardized” and “emerging critical skill acquisition (‘window of opportunity’)”
OH			x					
OR			x	(x)		x		C-incl. predictive; D-implicit in “must include”; F-for maintenance, not new skills
PA	X		x	X			x	A-at each IEP mtg. + no later than Feb. 28, with notice by Mar. 31, for students w. severe disabilities + expedited due process hearing regardless of severity; D-4; G-info sources for eligibility determination
RI			x	X		x	x	C-incl. predictive and “significantly jeopardized” for progress; D-8+; F-focused on severely impacted goals; G-data sources for eligibility determination
SD		x	x		x			A-in ESY IEP; E-length & duration
TX			X			x	x	D-incl. max. of 8 wks. for recoupment + w. occurrences for critical skills; F-must identify IEP

								goals that ESY will address; G-required consideration for students with autism based on specified areas
UT			x	(x)		x		D-“not exclusively”; F-in LRE + primary goal of maintenance + certified tchrs. & paraprofessionals
VA			(x)				x	D-“significantly jeopardized” gains; G-incl. transportation
VT		x	x	x				B-services; D-3
WA			x	X		x		F-for maintenance; D-3+
WV	x	X	x	X	x	x		A-annual notice; B-duration, hrs./wk., & location of services; D-4+; F-for maintenance
WY			(x)	x				D-multi-factor approach (w/o specified factors)
Totals	12	14	31	24	5	13	14	