* The State Board of Education has illustrated changes to the original text in the following manner: text originally proposed to be added is underlined; text proposed to be deleted is displayed in ~~strikeout~~.

#  Title 5. EDUCATIONDivision 1. California Department of Education

## Chapter 3. Individuals with Exceptional NeedsSubchapter 1. Special Education

### Article 4. Instructional Planning and Individualized Education Plant

#### § 3043. Extended School Year.

Extended school year services shall be provided, in accordance with 34 *C.F.R.* section 300.106, 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 disabilities 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 disabling condition. The lack of clear evidence of such factors may not be used to deny an individual an extended school year program if the IEP team determines the need for such a program and includes extended school year in the IEP pursuant to subdivision (e).

 (a) Extended year special education and related services shall be provided by a school district, SELPA, 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

 (2) Are individuals with exceptional needs whose IEPs specify an extended year program as determined by the IEP team.

 (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.

 (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.~~

 ~~(i) This section shall 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.~~

NOTE: Authority cited: Section 56100, Education Code. Reference: Section~~s 37600, 41976.5 and~~ 56345, *Education Code*; and 34 *C.F.R*. Section 300.106.

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