

Director Check-In

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Executive Order 2020-51

- Outlines in-person supports and services
- Outlines preschool services for children with disabilities

Technical Assistance Documents



[Hot Topic re: EO-51](#)



[Q and A accompanying the Hot Topic](#)



[Additional Q and A on ESS reentry website](#)



[Considerations for determining the need for an IEP meeting](#)



[Virtual remote learning considerations tool](#)



[Sample parent communication form for remote service delivery](#)

Are PEAs required to hold an IEP meeting for every student prior to the beginning of school?

No. An IEP meeting is not required prior to the start of school and the guidance in the Hot Topic is not intended to imply differently. If the student's current IEP continues to provide the student a FAPE, a review/revision would not be necessary outside of the annual review requirement.



The method/mode of instruction is not required to be included in the IEP unless the failure to provide the methodology would prevent a FAPE being delivered to the student. IEP meetings would only be necessary for those students whose needs have changed. If the current IEP can be substantially implemented and services delivered in either a distance learning or in-person environment, then an IEP meeting would not be required.

If the provision of a FAPE to a child requires in-person services, but the parent refuses to bring the student to an in-person site, can the PEA offer services (to the extent possible) in a virtual setting?

Nothing prohibits the provision of virtual services and, in fact, they can be very beneficial to students. However, if the PEA stands ready, willing, and able to provide in-person services, then the PEA has satisfied the required offer of a provision of a FAPE. Please consult your legal counsel for advice in specific student or IEP situations.



Does EO 2020-51 dictate and/or limit the location of in-person special education service delivery options?



Services can be provided to students in any location where it is safe and feasible to do so. It is not required that special education services be delivered in the same space where supervised learning opportunities may be provided as outlined in EO 2020-51. PEAs are encouraged to be creative in how they design in-person special education delivery services.

Will the ADE/ESS monitor PEA decisions to provide services to individual students in either a distance learning or in-person model?



ADE/ESS does not second guess PEA decisions related to the method of instruction for individual students and will not be monitoring the implementation of distance learning or in-person learning. Parents who disagree with the provision of a FAPE for a student retain their procedural safeguards, and the process and procedure for exercising safeguards has not changed.

If a PEA has decided to begin online instruction for all students that continues beyond August 17, is the PEA still required to provide on-site services for students with disabilities, even if it is not providing in-person instruction for all students?

Yes, under EO 2020-51, PEAs must develop a way to deliver in-person services to those students with disabilities who cannot be provided a FAPE in a virtual/distance learning environment. This may be separate from the space where supervised learning opportunities are being provided, as outlined in the EO.



Must the in-person support that is articulated in EO 2020-51 for students with disabilities be provided for the entire school day, every day?

No. The EO does not require full instructional days to resume in-person. If a student is unable to receive a FAPE in a distance learning/virtual environment and needs in-person services to be delivered to receive a FAPE, only those services would be required to be provided in an in-person environment. It is possible that a student would be learning in both virtual and in-person environments, dependent upon the needs of the student and upon the services outlined in the IEP. PEAs are encouraged to be creative in designing in-person instruction so that the safety of both students and staff remains a priority.



Considerations for Determining the Need for an IEP Meeting

THIS IS NOT AN EXHAUSTIVE LIST OF CONSIDERATIONS THAT CAN BE UTILIZED IN DETERMINING WHETHER AN IEP ADDENUM/AMENDMENT OR REVISION MIGHT BE NECESSARY TO PROVIDE A FAPE IN A VIRTUAL ENVIRONMENT			
Can the student's existing IEP be implemented in the virtual environment?	YES	NO	NOTES
Does the student need different or additional accommodations and/or modifications to progress in the virtual learning environment?			
Does the student need explicit or direct instruction in the online platforms utilized in the general education curriculum and in the provision of SDI to be successful?			
Does the student require additional adult support, to be provided virtually (paraprofessional support for example), to allow the student to access curriculum and services online and to make progress?			

Virtual Remote Learning Considerations

<p>STUDENTS WHOSE IEPs CAN BE FULLY IMPLEMENTED IN A VIRTUAL SETTING WITHOUT CHANGE</p>	<p>STUDENTS WHOSE IEPs REQUIRE MINOR ADJUSTMENT OR AMENDMENT TO ACCOMMODATIONS, SUPPORTS OR MODIFICATIONS TO BE SUCCESSFUL IN A VIRTUAL SETTING</p>	<p>STUDENTS WHOSE IEPs MUST BE REVIEWED AND REVISED AS NEEDS HAVE CHANGED AND THE CURRENT IEP CANNOT PROVIDE A FAPE IN A VIRTUAL SETTING</p>
<p>Consider providing information to the parent or guardian about how the existing IEP will be implemented in a virtual setting including who is responsible for collaboration with the general education teacher for accommodations to the general education curriculum</p>	<p>Consider proposing additional support or accommodations that will allow the student to access the general education curriculum online. Identify the person responsible for communicating to the general education teacher the accommodations and modifications that are to be provided in the general</p>	<p>Convene an IEP team as soon as possible to review the student's needs and consider ways in which the student might be able access the general education curriculum and SDI as well as make progress on IEP goals. Consider revising the IEP</p>

Sample Parent Communication Form for Remote Service Delivery

During the period of remote/virtual/online learning [Insert name of district/charter here] is providing you with the following information related to how your child's IEP will be implemented while he/she is learning in a virtual format.

Your child's teacher(s) and service provider(s) are: _____

Contact information: _____

(The below is an example. Each child's information will be different)

Instructional Methods, Content Delivery, and Monitoring Student Learning				
<i>Goal/Service</i>	<i>Educational Delivery Methodologies</i>	<i>Content Provider</i>	<i>Paraprofessional Assistance</i>	<i>Progress Assessment</i>
<i>Basic reading/30 minutes direct instruction daily</i>	<i>Google classroom</i>	<i>Ms. Smith/Teacher</i>	<i>Ms. Apple via Zoom</i>	<i>Ms. Smith monthly via Zoom</i>

Preschool Guidance from EO 2020-51



Alissa Trollinger, Deputy
Associate Superintendent of
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Overview

- Previous EOs did not address preschool for children with disabilities
- EO 2020-51 allows developmental preschools that provide services to children with disabilities to provide in-person services
- Services should be consistent with CDC and ADHS public health recommendations

Q & A for Preschool for Children with Disabilities

Q: Must a PEA provide in-person services for preschool children with disabilities?

A. It depends. IEP team decisions regarding what constitutes a FAPE are determined based on the student's needs as outlined in the IEP and not by the model of preferred instruction, either by the school or the parent.

Q: Is there funding if preschool special education services are provided virtually during the period of building closures?

A. Yes. Preschool special education services that are provided virtually during the period of building closures can be funded through the DLP funding model. However, online/virtual preschool services must provide a student with a FAPE. IEP team decisions regarding what constitutes a FAPE are determined based on the student's needs as outlined in the IEP and not by the model of preferred instruction, either by the school or the parent. It should be noted that regular early childhood programs are already being provided in-person at this time. If an inclusive environment is required by a child's IEP in order to provide a FAPE, the ability to provide an inclusive environment should be considered when determining whether a child should receive services virtually or in-person.

Q: Is there funding if preschool special education services are provided virtually for the entirety of the school year because a parent wants an online platform?

A: Yes. Preschool special education services that are provided virtually during the time in which the Governor's EO 2020-51 is in effect can be funded through the DLP funding model. However, online/virtual preschool services must provide a student with a FAPE. It should be noted that regular early childhood programs are already being provided in-person at this time. If an inclusive environment is required by a child's IEP in order to provide a FAPE, the ability to provide an inclusive environment should be considered when determining whether a child should receive services virtually or in-person.

Q: What is the AzEDS reporting expectation for preschool students with disabilities attending in-person and/or virtually?

A: Attendance for preschool students with disabilities must be recorded and reported accurately into AzEDS for every day of participation, regardless of whether attendance is in-person or virtual. Please contact [ADE School Finance](#) for additional guidance regarding this topic.

Q: If districts offer an online option for preschool students with disabilities, what is the minute/day commitment for funding?

A: The minute/day commitment for funding is outlined in A.R.S. § 15-901(A)(1)(a), which provides that a fractional student includes “a preschool child who is enrolled in a program for preschool children with disabilities of at least three hundred sixty minutes each week that meets at least two hundred sixteen hours over the minimum number of days...” ADE expects minutes to be reported every day in a week that a calendar is submitted for preschool students with disabilities.

Questions

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[Contact your specialist](#)

