



State of Arizona  
Department of Education



July 2020

**Alert to Special Education Directors and Program Administrators: In-Person Special Education Services Under the Governor's Executive Orders**

The Arizona Department of Education, Exceptional Student Services (ADE/ESS), has been asked a variety of questions by public education agencies (PEAs) about in-person special education services under the recent Executive Orders (EOs) provided by the Governor (EO 2020-41, EO 2020-44, and EO 2020-51). In accordance with the Executive Order 2020-44 (June 29, 2020), PEAs have the opportunity to start school, following their school calendars and utilizing online instruction, before August 17, 2020 upon submission of a Distance Learning Plan (DLP). Additionally, in accordance with the Executive Order 2020-51 (July 23, 2020), students with disabilities whose free appropriate public education (FAPE) needs, as determined by individualized education program (IEP) teams, require in-person support must be provided specially designed instruction as soon as the student has started school, in accordance with the attending school calendar, but beginning no later than August 17, 2020. Services must be provided in accordance with the CDC and DHS public health recommendations. It is important to note that IEP teams determine whether FAPE requires in-person support. FAPE is 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.

NOTE: If a PEA receives a waiver of the in-person instruction requirement from ADE under EO 2020-51, the responsibility to provide FAPE has not been waived and compensatory educational services may be necessary.

For additional information, please visit the [ESS COVID SY 2020 – 2021 Reentry webpage](#) and/or [email the ESS Inbox](#).