



State of Arizona  
Department of Education



July 2020

### **Alert to Special Education Directors and Program Administrators: Executive Order 2020-44 Related to “School Days” and Special Education Timelines**

The Arizona Department of Education, Exceptional Student Services (ADE/ESS), has been asked a variety of questions by public education agencies (PEAs) around “school days” under the [Executive Order 2020-44](#) issued by the Governor on June 29, 2020. In accordance with this Executive Order, PEAs have the opportunity to start school following their school calendars and using online instruction, before August 17, 2020, upon submission of a Distance Learning Plan (DLP).

Should a PEA start school following its school calendar and using online instruction as outlined in the Executive Order, school is deemed to be in session for the entire PEA (not just the school sites using DLP models), and “school days” are counted for the entire PEA. This will impact a variety of timelines related to special education obligations for PEAs, some which are outlined below.

#### **Evaluations/Reevaluations**

- Parent request for an evaluation: Per Arizona Administrative Code (A.A.C.) R7-2-402, if the parent requests the evaluation, the PEA must, within a reasonable amount of time not to exceed *15 school days* from the date it receives a parent’s written request for an evaluation, either begin the evaluation by reviewing existing data, or provide prior written notice refusing to conduct the requested evaluation.

#### **Individualized Education Programs (IEPs)**

- Parent request for an IEP meeting: Per A.A.C. R7-2-402, when a parent requests an IEP meeting, the meeting shall take place within *45 school days* of the receipt of the request at a mutually agreed upon date and time.

## **Child Find**

- Child Find: Per A.A.C. R7-2-402, identification (screening of all students to identify any potential disability) shall be completed within *45 calendar days after entry* of each preschool or kindergarten student and any student enrolling without appropriate records of screening, evaluation, and progress in school.

## **Open Corrective Action Plans (CAPs)**

- CAP timeline: During the previously mandated school closure, ADE/ESS paused the 60-day corrective action timeline for PEAs with open 60-day correction. Once the PEA begins school, this 60-day timeline will no longer be suspended to ensure corrective action items deemed to be prohibitive of a free and appropriate public education (FAPE) will be corrected in a timely manner as soon as a PEA resumes school.
- CAP enforcement: During the previously mandated closure, ADE/ESS paused enforcement actions related to the inability to meet corrective action timelines associated with PEA monitoring activities (i.e., one-year timeline, 60-day timeline, SSIP noncompletion, etc.). Once the PEA begins school, these enforcement actions may again be necessary, dependent on the efforts PEAs have made to come into compliance with the timelines during and after the closure.

ADE/ESS encourages PEAs to review all of their obligations under the Individuals with Disabilities Education Act (IDEA), as there have been no waivers in whole or in part under previous and current Executive Orders or Federal waivers at this time. This includes, but is not limited to: initial evaluation timelines, In-by-3 timelines, IEP review timelines, and child find requirements.

For additional information, please contact your PEA's [Program Support and Monitoring specialist](#).