



## ADE/ESS COVID-19 Special Education Webpage and Q&A

As of March 24, 2020, the Arizona Department of Education/Exceptional Student Services (ADE/ESS) has developed its own [COVID-19 webpage devoted to special education](#). In addition to capturing guidance from the U.S. Department of Education and other oversight bodies addressed in our prior client alerts ([HERE](#) and [HERE](#)), the ADE/ESS page includes an Arizona-specific [COVID-19 Special Education Q&A](#) relating to school closures.

### ADE/ESS Q&A HIGHLIGHTS

A few highlights that have not been addressed in previous guidance include the following:

- **Transportation:** To the extent schools elect to, and may safely, provide some special-education-related services at the school location (while offering remote instruction to its general student population), transportation should be provided for students whose IEPs include transportation as a related service.
- **ESY vs. Comp Ed:** Extended school year services are not a substitute for compensatory services, and the two items should be considered separately.
- **Student Packets and SDI:** In order to be considered specially designed instruction (SDI), any work packet provided to a student with disabilities would need to be “individualized” to meet the needs of the particular student, as outlined in his/her IEP. Undifferentiated packets sent out to the class as a whole provide enrichment and practice but are not SDI.
- **Paraprofessional Support:** If paraprofessional support is included in the student’s IEP, but is not required for the student to access the curriculum in the remote environment, it is not necessary to provide paraprofessional support in the student’s home. If paraprofessional support remains needed in the home environment but cannot be provided, schools should issue a PWN and consider compensatory services once school resumes.
- **Access to Internet/Computers:** Schools are required to ensure access to any online platform being offered to provide virtual

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instruction, including internet and/or computer access, if otherwise not available to a student with disabilities.

## ADE/ESS CHECK-IN MEETINGS

ADE/ESS is also hosting weekly “check-in” webinar/meetings, beginning tomorrow (March 26) at 1:30 p.m., and going forward for the duration of the school closure period “or as long as they are needed.” The content of the meeting will be “based on current needs.” The March 26 meeting will cover the recent guidance from OSERS, OSEP, and OCR, as well as ADE/ESS’s new COVID-19 webpage resources. Additionally, questions may be submitted to ADE/ESS via the ESS inbox at: [ESSInbox@azed.gov](mailto:ESSInbox@azed.gov).

## EXECUTIVE ORDER RE TELEHEALTH SERVICES

In related news, Governor Ducey issued today (March 25) an Executive Order regarding an expansion of telemedicine. As it relates to schools, the Order specifically authorizes “telehealth services” to be provided by any Arizona licensed healthcare provider type, including occupational therapists, physical therapists, behavioral health providers, and speech-language pathologists.

Osborn Maledon stands ready to assist you in addressing particular issues relating to students with disabilities in connection with the COVID-19 outbreak or otherwise. David Garner at Osborn Maledon, P.A. may be contacted at: (602) 640-9358 or at [dgarner@omlaw.com](mailto:dgarner@omlaw.com).

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