

## **Chapter 408**

### **Providing Copies of IEPs to Teachers and Related Services Providers and Informing School Personnel of Their IEP Implementation Responsibilities**

The IEP describes the school's obligation to provide specially designed instruction, related and other support services to students with disabilities. In order for students to achieve the full benefit of the IEP planning process, school personnel with responsibility for implementing the IEPs of students with disabilities must understand their responsibilities and have students' IEPs readily available to them. State Education Law and the Regulations of the Commissioner of Education were recently amended to require that this occur.

Accordingly, the principal shall implement procedures to ensure that

1. Each general education teacher, special education teacher and related service provider who is responsible for implementing the student's IEP is provided a paper or electronic copy of the IEP to prior to implementation of such IEP.
  - a. Every teacher responsible for implementing a service, accommodation and/or program modification on a student's IEP must receive a copy of the IEP.
  - b. The determination of which teachers must be provided a copy of the IEP should be made at the IEP meeting for such student.
  - c. Teachers of declassified students who continue to receive accommodations, modifications and/or other support services must receive a copy of the student's last IEP.
2. Each paraprofessional responsible for assisting in the implementation of a student's IEP is provided the opportunity to review a copy of the student's IEP prior to implementation of such program.
3. Each paraprofessional responsible for assisting in the implementation of a student's IEP has ongoing access to a copy of the IEP. Such copy may be
  - a. the copy provided to the student's special education teacher;
  - b. the copy provided to the teacher or related service provider under whose direction the paraprofessional or teacher's aide works; or
  - c. a copy maintained in another location in the school building that is readily accessible to the paraprofessional.
4. Each general education teacher, special education teacher, related service provider, paraprofessional, and other support staff has been informed, prior to implementation of the IEP, of his or her responsibility to implement the recommendations on the student's IEP, including the responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP.
  - a. The principal shall designate an individual who is an employee of the NYCDOE and who is familiar with the contents of the student's IEP, such as the Instructional Support Specialists, a school psychologist or a teacher, to ensure that appropriate staff is so informed.
  - b. Any teachers and/or related service providers who were present at the meeting at which the IEP was finalized shall be assumed to be familiar with the contents of the IEP and of their specific duties in implementing the IEP.

- c. In order to provide flexibility to address administrative, supervisory, timeliness, workload responsibilities, unique needs of the student and other issues, more than one individual can be designated. For example, the principal could designate the special education teacher to inform paraprofessionals, the school psychologist to inform related service providers, him or herself to inform general education teachers, and/or related service providers to inform paraprofessionals who assist in the implementation of a related service.
5. A copy of the IEP is provided at no cost to the student's parents.
  - a. If the IEP is finalized at a school level IEP meeting, the student's parents shall be provided a copy at the conclusion of the meeting.
  - b. If the IEP is finalized at the Regional Committee on Special Education, the Regional Chairperson is responsible for ensuring that a copy of the student's IEP is provided to the student's parents *and* the principal of the school that the student attends.
6. Student IEPs remain confidential and are not disclosed to any other person(s) consistent with the school district's policy for ensuring confidentiality of student records.
  - a. All persons who receive copies of IEPs or have access to IEPs must be instructed regarding their legal obligation to maintain the confidentiality of student records.
  - b. Personally identifiable information in a student's education records, including the student's IEP, may be disclosed to school personnel with "legitimate educational interests."
  - c. School personnel responsible for implementing a student's IEP have a "legitimate educational interest" in accessing the IEPs of the students they serve.
  - d. Teachers and related service providers who receive a copy of a student's IEP shall not disclose personally identifiable information from the IEP without consent of the parent.