



To: All School Principals
From: Division of Students with Disabilities and English Language Learners
Subject: Chapter 408
Date: August 2013

Introduction

As we continue our joint commitment to *A Shared Path to Success* for all students, including students with disabilities, the value of a student's Individualized Education Program (IEP) for enabling us to know and serve a student well remains at the center of our work. This year we will focus on ensuring access to the Common Core in the LRE, high quality IEPs, positive behavior supports and transition planning. Careful implementation of a well written IEP, that fully considers a student's unique needs, is a key part of this work. Toward that end, we must ensure that all professional staff who have the responsibility for providing services to a student are given the opportunity to understand that student's IEP and how it relates to their role in supporting that student's achievement.

The purpose of this memo is to inform schools of their obligation to ensure that those responsible for implementing IEPs are provided with copies of, or SESIS access to the IEPs for their students and understand their responsibilities in the implementation of the IEP prior to its implementation, in compliance with Section 4402(7) of the New York State Education Law, as amended by Chapter 408 of the Laws of 2002 ("Chapter 408"). The following policy outlines how New York City schools should meet these obligations.

1. Implementation

The principal shall designate an individual or individuals to ensure that appropriate staff is informed of their responsibility relating to implementation of each student's IEP in accordance with the following parameters. The principal's designee(s) must be an employee of the NYCDOE with familiarity of the contents of the student's IEP (such as the IEP teacher, school psychologist or a special education teacher). The assigned individual will be responsible for tracking compliance with this policy, as set forth in sections 2 and 3 below.

In order to provide flexibility to address workload responsibilities, timeliness, unique needs of the student, and other issues, more than one individual can be designated. For example, the principal may designate the special education teacher to inform their paraprofessional(s), 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.

Informing Staff: At the beginning of each term, all identified staff must be informed of their Chapter 408 designee. Prior to its implementation, all identified staff must be given the opportunity to meet with the designee to discuss the IEP, and must be allowed access to follow up with the designee as questions arise. This process must be followed any time an IEP is amended or a new one is created.

2. Distribution/Access

Every teacher and related service provider responsible for implementing a service, accommodation and/or program modification on a student's IEP must receive a copy of, or SESIS access to the IEP, prior to the implementation of a student's IEP. The principal must ensure that all teachers and related service providers providing services to the student have access to SESIS. If the staff member has not received training in how to access an IEP in SESIS, the principal must ensure that training is provided. The determination of which teachers must be provided the IEP should be made at the IEP meeting for each student. The distribution process must be completed and repeated throughout the year at any time a new IEP is developed or amended. This process must also be followed for newly attending students.

In addition:

- 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;

3. Tracking

Schools should use sample forms referenced below to assist with Chapter 408 Compliance. These forms are posted on the NYCDOE intranet at <http://intranet.nycboe.net/SpecialPopulations/Chapter408>. These forms must be kept on file in the student's confidential file. It is also strongly recommended that a master binder be maintained by the principal's designee, in the event of a requested review by the New York State Education Department.

- A *Verification Report* (Attachment 1) must be completed to track overall compliance with this distribution process.
- The *IEP Distribution and Review Sheet* (Attachment 2) must be completed for each student to track distribution and implementation of the IEPs.

The *IEP Review- Paraprofessionals Sheet* (Attachment 3) must be completed for each student to track review and implementation responsibilities of the paraprofessional in regard to the contents of the IEPs.

4. Confidentiality

As always, student IEPs remain confidential in accordance with the following parameters:

- IEPs are not disclosed to any other person(s) consistent with the school district's policy for ensuring confidentiality of student records.
- IEPs must be kept in a secure locked location, including those copies in the possession of teachers and providers.
- 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.
- 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.