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Chapter 408 Requirements

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Memo

To: All School Principals
Subject: Chapter 408
Date: August 2021

Welcome to the 2021-2022 school year. As we return to full-time, in-person learning, we must ensure that students with IEPs are receiving their recommended special education programs and services and that all staff responsible for serving them understand their role in implementing students' IEPs.

This memo provides the information principals need to meet the requirements of the Regulations of the New York State Commissioner of Education ("Chapter 408") during the 2021-2022 school year. As conducted during the 2020-2021 school year, the Chapter 408 process will continue to be completed electronically during the 2021-2022 school year.

Thank you for your collaboration through this process as we work together to meet the needs of all students.

Chapter 408 Requirements

Schools must ensure that:

- All teachers and related service providers responsible for implementing IEPs, including DOE-contracted and independent providers, have access to SESIS to view their students' IEPs.
- All staff, including paraprofessionals, who are responsible for implementing students' IEPs (for all students with IEPs in grades 3K-12) must have an opportunity to review the contents of the IEP with the principal's designee(s) or IEP case



manager, and can request a meeting to review the IEP on an ongoing basis.

- Substitute teachers must be given the opportunity to review students' IEPs with the principal's designee or case manager.

Note: The IEP case manager is usually a student's special education teacher (or, for a student whose only special education service is a related service, the related service provider).

This IEP distribution and/or review process must be completed and repeated throughout the year at any time an IEP is developed or amended, and/or whenever a new teacher, related service provider, or paraprofessional is assigned to the student.

Required Opening School Year Procedures

- Chapter 408 must be included on your school's opening staff meeting agenda. Staff attendance must be recorded and kept for your records.
- During your opening staff meeting, use the suggested Chapter 408 slides to ensure all staff are notified of their responsibilities. (See Appendix E – Chapter 408 Requirements 2021-22 School Year – School Presentation)
- Prior to IEP implementation, ensure staff receive lists of students with IEPs whom they are serving, and send emails to all staff supporting students with IEPs, notifying them of their responsibilities. (See Appendix A – Email Notification: "School Opening Notification Memo")
- The paraprofessionals will have their role and responsibilities for implementing the IEP explained to them by the teacher (or provider if Related Service only or SETSS.)
- Your signature on the "Principal Implementation Verification" must be kept as confirmation that the Chapter 408 process has been implemented. (See Appendix B – Principal Implementation Verification)
- Throughout the school year, as IEP meetings are held, the school's IEP distribution/review process must occur each time an IEP is developed or amended (i.e., after IEP is initially developed, after each IEP meeting, amendment, requested reevaluation, or three-year reevaluation), and an updated notification email should be sent to appropriate staff prior to the implementation of the new IEP. (See Appendix C – Sample Email Notification: Chapter 408 Notification: Teachers / Related Service Providers; Appendix D – Sample Email Notification: Chapter 408 Notification: Paraprofessionals)
- Establish and publish for all staff your school's Chapter 408 Policy and Procedures during the 2021-2022 school year. These policies and procedures should include your school's procedures for email notification as well as ongoing access to and/or review of IEPs for teachers, related service providers, paraprofessionals, and substitute teachers.

Principal Responsibilities

- Designate staff member(s) as principal's designee(s), to ensure that all student's teachers (general education and special education) and providers, are informed any time an IEP is developed or amended.
- The principal's designee(s) must be a school staff member whose role is aligned with IEP processes, such as the special education liaison, assistant principal, or the student's IEP case manager.
- Monitor your school's procedures, checking in with your designee(s) regularly to assess the process.
- Maintain all email correspondence related to Chapter 408 implementation sent by you, your designee(s), and staff. This will serve to verify that the school has put in place a process to meet Chapter 408 requirements.

Reminder: During the 2021-2022 school year, your signature as Principal will serve as the verification required to be kept on file, confirming that your school's Chapter 408 process has been implemented in line with this memo.

Principal's Designee Responsibilities

- The principal's designee(s) must ensure that every teacher (general education and special education) and related service provider responsible for implementing a program, service, accommodation, and/or modification on a student's IEP has SESIS access to the student's IEP prior to implementation.








- At each IEP meeting, the IEP team should determine which teacher(s) and related service provider(s) must have SESIS access to the student's IEP, and ensure that they are informed, by email, of the updated IEP.
- When a student is declassified, the designee must ensure that all teachers and service providers responsible for implementing any declassification accommodations, modifications, and/or other support services have access to the student's IEP in which the declassified determination was made.
- The principal's designee(s) must follow the school's process for notifying staff members that an IEP has been developed or amended, and of their Chapter 408 responsibilities. The sample notifications in Appendix C (Sample Email Notification: Chapter 408 Notification: Teachers / Related Service Providers) and Appendix D (Sample Email Notification: Chapter 408 Notification: Paraprofessional) should be used. These notifications may be sent by email.
- The principal's designee(s) must give any staff responsible for implementing an IEP the opportunity to discuss the contents of the IEP. All staff responsible for implementing an IEP must be able to request a meeting to review the IEP, on an ongoing basis.
- The principal's designee(s) must maintain all Chapter 408-related correspondence to verify that the school has a process in place to meet Chapter 408 requirements.

Special Education Teacher/Related Service Provider Responsibilities

- The Chapter 408 notification email serves as the teacher's/provider's notification that they are responsible for serving a student with an IEP or a student's IEP was developed or amended and they must review it.
- The student's teacher, related service provider, or principal's designee must inform all classroom and/or IEP-assigned paraprofessional(s) serving a student with an IEP of their role and responsibilities with respect to implementing the IEP when the paraprofessional is assigned to the student and/or each time the IEP is developed or amended.
- The general education and/or special education teachers who did not participate in the IEP meeting, should participate in a discussion of the new or amended IEP with the principal's designee or case manager.

Appendix

- [Appendix A - School Opening IEP Provider Sample Email Notification](#) 
- [Appendix B - Principal Implementation Verification](#) 
- [Appendix C - Teachers/Providers Sample Email Notification](#) 
- [Appendix D - Paraprofessionals Sample Email Notification](#) 
- [Appendix E - Guidance Deck](#) 

Related Links

<u>Chapter 408</u>
<u>Checklist for Organizing Resources</u>
<u>Accessibility</u>
<u>Variances</u>
<u>Bilingual Special Education</u>
<u>Multi-Tiered System of Supports</u>



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