

Chapter 408 Requirements

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Memo

To: All School Principals

Subject: Chapter 408 During Remote and Blended Learning

Date: September 2020

Welcome to the 2020-2021 school year. We know that the beginning of this school year comes with its own unique set of challenges, including maintaining compliance with requirements related to providing service to students with Individualized Education Programs (IEPs). During remote and blended learning, students with disabilities will receive their IEP recommended special education programs and services, as adapted to the blended and remote instructional models. In that regard, the Special Education Program Adaptations Document (PAD) will be developed for the purpose of aligning a student's instructional needs reflected in their IEP with the adapted programs outlined in the PAD. Related Services and SETSS will also be provided in accordance with a student's IEP, as adapted to the current instructional models in schools.

Note that although the PAD will be the guiding document for provision of programs and services for students with IEPs at this time, IEPs continue to be active and all required processes are still in effect.

Further, ensuring that all those responsible for providing programs and services to students with IEPs are familiar with the full scope of each student's current IEP is important as they develop and implement the PAD.

This memo provides the information principals need to meet the requirements of the Regulations of the New York State Commissioner of Education as amended by Chapter 408 during Blended and Remote Learning. The Chapter 408 process will be completed electronically at this time to accommodate the unique circumstances under which schools are operating. ([NYSED Chapter 408](#))([Open external link](#)). Thank you for your collaboration through this Chapter 408 remote and blended learning interim process as we work together to meet the needs of all students.

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 the IEPs for their students.
- All staff, including paraprofessionals, who are responsible for implementing the IEPs of 3K-12 grade students with disabilities in the school must have an opportunity to review the contents of the IEP with the principal's designee(s), primary provider, or case manager, as required and can request a meeting to review the IEP on an on-going basis at any time.
- Substitute teachers must be given the opportunity to review the IEP of the student(s) with the principal's designee, primary provider, or case manager as required.

Note: The case manager will typically be a student's special education teacher or, the related service provider for a student with related service only.

The Chapter 408 distribution and/or review process must be completed and repeated throughout the year at any time a new IEP is developed, amended and/or 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 and attendance must be recorded for your records.
- During your opening staff meeting, utilize the suggested Chapter 408 PowerPoint slides to ensure all staff are notified of their responsibilities.
- Prior to IEP implementation, ensure staff receive lists of students with IEPs whom they are serving, and send email to all staff servicing students with IEPs, notifying them of their responsibilities. (See Appendix A Email Notification – School Opening Notification Email)
- Your signature on the “Principal Implementation Verification” must be kept as confirmation that the Chapter 408 process, for your school, has been implemented. (See Appendix B- Principal Implementation Verification)
- Throughout the school year, as IEP meetings are held, the school's Chapter 408 distribution/review process must occur each time a new IEP is developed (i.e., after IEP is initially developed, after each IEP meeting, amendment, requested reevaluation, or mandated 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: Teachers/Providers - Chapter 408 Notification & Appendix D – Sample Email Notification: Chapter 408- Notification: Paraprofessionals)
- Establish and publish for all staff your school's Policy and Procedures, during remote and blended learning, regarding the school's ongoing process for Chapter 408 compliance. This should

include your school procedures for notification, ongoing access and review of IEPs for teachers, paraprofessionals, substitute teacher and related service providers.

Principal Responsibilities

- Designate staff member(s) as principal's designee(s), to ensure that all program assigned teachers (general education and special education) and service providers for a student, are informed of a new IEP, or changes to an existing IEP.
 - 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 case manager.
- Monitor your school's procedures, checking in with your designee(s) regularly to assess the process as needed.
- Maintain all emails pertaining to Chapter 408 implementation sent by you, your designee(s), and staff.
 - Doing so will serve to verify that the school has put in place a process to meet Chapter 408 requirements during blended and remote learning.

Reminder: During the 2020-2021 school year blended and remote learning, your signature as Principal will be the only verification required to be kept on file, as confirmation that the Chapter 408 process for your school has been implemented in line with this memo. In addition, emails must be maintained by you, your designee, and staff serving as verification of informing teachers, paraprofessionals, and related service providers of their IEP responsibilities.

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 service,

accommodation, and/or program 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 notification, of the updated IEP.
- When a student is declassified and/or receives accommodations, modifications, and/or other support services, the designee must ensure that all teachers and service providers responsible for implementing these 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 a new IEP has been completed and of their Chapter 408 responsibilities. The sample email notifications should be used (See Appendix C – Sample Email Notification: Teachers/Providers - Chapter 408 Notification & Appendix D – Sample Email Notification: Chapter 408- Notification: Paraprofessionals)
- The principal's designee(s) afford staff providing services to students with IEPs the opportunity to discuss the contents of the IEP, as required, and that all staff responsible for implementing an IEP can request a meeting to review the IEP on an on-going basis.
- The principal's designee(s) must maintain all Chapter 408 related emails and correspondences to verify that the school has put in place a process to meet Chapter 408 requirements.

Special Education Teacher/Related Service Provider Responsibilities

- Upon receipt of a notification email from the principal's designee, case manager, or primary provider, this email will serve as the teachers'/providers' notification that they have been informed of a student's new, updated or amended IEP to review.
- The classroom special education teacher should discuss any changes to a student's IEP with

the classroom and/or IEP-assigned paraprofessional(s) and explain the paraprofessional's role and responsibilities each time a new IEP is completed.

- The general education and/or special education teachers, who did not participate in an IEP meeting, should participate in a discussion of the updated IEP with the principal's designee, student's case manager, or primary provider.

Appendix

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