



Chapter 408 Requirements 2021 – 2022

Chapter 408 – New York State Regulatory Requirements

Chapter 408 requires schools to ensure that each

- general education teacher
- special education teacher
- related service provider
- paraprofessional
- other providers and support staff

be informed, ***prior to the implementation of the IEP***, of their responsibility to implement the recommendations on the student's IEP, including with respect to providing specific accommodations, program modifications, supports and/or services for the student.

Note: *Students with IEPs will be served in alignment with their IEP recommendations, and all IEP processes will continue during the 2021-2022 school year.*

Chapter 408 – Requirements

Schools must ensure that all those responsible for implementing IEPs:

Are provided with SESIS access to their students' IEPs. This access must be provided to:

- > Teachers (general education and special education)
- > Related service providers

Understand their responsibilities for implementing the IEP, *prior to* the initiation of IEP-recommended programs, supports, and services.

The following staff must understand these responsibilities:

- > Teachers (general education and special education)
- > Related service providers
- > Substitute teachers
- > Paraprofessionals
- > Other providers and support staff serving a student

Providers must have an opportunity to review the contents of the IEP with the principal's designee or student's IEP case manager and may request a meeting to review the IEP on an ongoing basis.

Chapter 408 Protocol

At the start of school year:

- Your participation in this information session will be reflected on this meeting's agenda attendance sheet.
- All staff will acknowledge receiving a list of your assigned students with IEPs by responding to an email sent after this meeting (see below).
- The email you will receive and your reply to the email will verify that you acknowledge your Chapter 408 responsibilities.

Throughout the school year:

Emails will be sent out to all staff responsible for implementing a student's IEP whenever a new student with an IEP is assigned to them, or an IEP is developed or amended, including after:

- Initial IEP
- Annual or requested review
- Amendment
- Requested reevaluation
- Three-year reevaluation

This notification will be emailed to you by your principal's designee or the student's IEP case manager.

Your reply to that email will verify that you acknowledge your Chapter 408 responsibilities.

Chapter 408 Ongoing Process

- The special education teacher, general education teacher, paraprofessional, and related service provider will receive an email from the principal's designee or student's IEP case manager whenever a new student with an IEP is assigned to them, or the student's IEP is developed or amended.
- The special education teacher, general education teacher, and related service provider will discuss the updated IEP with the principal's designee, student's case manager or primary provider and may request a meeting to review the IEP on an ongoing basis.
- Any time a student's IEP is developed or amended, the student's special education teacher, related service only provider, or SETSS only provider, will review the IEP before implementation with all classroom and IEP-assigned paraprofessionals to explain their role and responsibilities with respect to implementing the IEP.

Appendix A

School Opening IEP Provider Notification Chapter 408

General Education Teachers, Special Education Teachers, Paraprofessionals, and Related Service Providers

Upon receiving this email and the list of your assigned students with IEPs, please reply*, verifying the following:

General education teachers, special education teachers, and related service providers

- You have been informed, prior to implementation of the IEP, of your responsibility to implement the recommendations on the student's IEP, including with respect to providing the accommodations, program modifications, supports, and/or services set out on the IEP. Students with IEPs will be served in alignment with their IEPs, and all IEP processes will continue throughout the 2021-2022 school year.
- You have been provided with your list of students with IEPs, for which you are assigned, and have been provided with SESIS access to these students' IEPs.
- You have been informed that the contents of a student's IEP must be reviewed with all paraprofessionals who provide service to the student, when they are first assigned to serve the student and any time a student's IEP is updated or amended. This applies to all classroom and IEP-assigned paraprofessionals.
- You have been informed that you must ensure that all paraprofessionals who work under your direction understand a student's needs in relation to the paraprofessionals' role and responsibilities, and you must review the IEP with them upon request, on an ongoing basis.

Paraprofessionals

- You have been informed of your student(s) with IEPs, to whom you are assigned by the classroom special education teacher or case manager
- You have been informed of the staff member who will support you in reviewing the IEP content to understand the student's needs in relation to your role and responsibilities.

All staff responsible for implementing IEPs

- You have been informed that you have an opportunity to review the contents of the IEP with the principal's designee(s) or the student's IEP case manager and can request a meeting to review the IEP on an ongoing basis.
- You have been informed that student IEPs must remain confidential and should not be disclosed to any other person(s) consistent with DOE policy regarding confidentiality of student records.
- You have been informed that you may request a hard copy of your student(s) IEPs. IEPs must be kept in a secure locked location, determined in consultation with the schools' designee.

This electronic distribution/review process will occur every time a new IEP is developed (i.e., after IEP is initially developed and after each annual or requested review, amendment, requested reevaluation, or three-year reevaluation), and a new email notification will be provided at that time.

Note: This Chapter 408 notification email and your email response/acknowledgement*, will serve as confirmation of the Chapter 408 required verification.

*** I am responding via email to verify, that I understand the above requirements, including my role and responsibilities, as per the required Chapter 408 regulations.**

Name: _____

Role: _____ Special Education Teacher _____ General Education Teacher _____ Related Service Provider _____ Paraprofessional

Appendix C – Email Notification

Chapter 408 Notification – Teachers / Related Service Providers

To: (Teacher(s) names/ Provider(s) names)

From:

Date:

Re: Chapter 408 Notification

Student Name:

ID #:

Date of IEP:

The student above has a new or amended IEP. Please review the updated IEP in SESIS. If you have questions or trouble accessing SESIS, let me know so that I can assist you.

In addition, special education classroom teachers must ensure that any paraprofessionals, whether classroom or IEP-assigned paraprofessionals, who serve the student are informed of the content of the updated IEP and their responsibilities for implementing the IEP.

Chapter 408 requires that you have an opportunity to discuss the updated IEP. Please send me an email so we can schedule a mutually convenient time to discuss the IEP.

Note: Reply to this email to verify that:

- You have been informed, prior to implementation of the IEP, of your 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 mandates.
- You have SESIS access to the IEP for the student listed above.
- You have been informed that the contents of the IEP must be reviewed with all paraprofessionals who provide service to the student. This includes all classroom and IEP-assigned paraprofessionals.
- You have been informed that you must ensure that all paraprofessionals who work under your direction understand the needs of the student(s) as it relates to their role as paraprofessionals, and you must review the IEP with them on an ongoing basis.
- You have been informed that you may request a hard copy of your student(s) IEP.
 - You have been informed that student IEPs must remain confidential and should not be disclosed to any other person(s) consistent with DOE policy for ensuring confidentiality of student records.
 - IEPs must be kept in a secure locked location, determined in consultation with the schools' designee.

This distribution/review process must occur each time a new IEP is developed (i.e., after IEP is initially developed and after IEP meetings, amendments, requested reevaluations, or mandated three-year reevaluations and whenever a student with an IEP is newly attending the school), and a new notification email must be completed at that time.

***Note: Your individual email response/verification on this Chapter 408 form (see below) is required. Please reply to this email, to your schools' designee, verifying that you have been informed of your Chapter 408 responsibilities.**

I am responding via email to verify, that I understand the above requirements, including my role and responsibilities, as per Chapter 408 regulations.

Name: _____ **Role:** Special Education Teacher, General Education Teacher, Related Service Provider

Appendix D – Email Notification

Chapter 408 Notification: Paraprofessionals

To: Paraprofessional(s) (name): _____

From: _____ Date: _____

Re: Chapter 408 Notification

Student Name: _____ ID #: _____ Date of IEP: _____

Paraprofessional Assignment - check appropriate boxes:

- Classroom Paraprofessional
- Behavior Support Paraprofessional
- Health Paraprofessional
- Toileting Paraprofessional
- Orientation/Mobility Paraprofessional
- Alternate Placement Paraprofessional
- Transportation Paraprofessional
- Other (specify): _____

The student above has a new or amended IEP. You have an opportunity to review and discuss the IEP. Upon receiving this email notification, please contact the student's teacher, related service provider, or principal's designee to arrange a mutually convenient time to discuss the IEP and your responsibilities for implementing it.

This process must occur when you are first assigned a student with an IEP and each time a new IEP is developed (i.e., after IEP is initially developed and after each annual or requested review, amendment, requested reevaluation, or three-year reevaluation and whenever a student with an IEP is newly attending the school). A new notification email will be sent to you and a response/verification must be completed by you each time.

***Note: Your individual signature on Chapter 408 forms will not be required during the 2021-2022 school year. By replying to this email, you are verifying that you've been informed of your role and responsibilities for Chapter 408.**

I, (Paraprofessional's Name) _____ verify, that I understand the above requirements, including my role and responsibilities, as per NYSED Chapter 408 regulations.

Chapter 408

(Principal may use this slide to individualize any information for this Chapter 408 presentation in alignment to your school's procedures)

Based on your school's Chapter 408 system, suggestions for this slide should include:

- Identifying School Designee(s)
- School's process for determining case management
- Determining your school's process for email notifications and record keeping systems