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## INFORMATION BULLETIN

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### **COPIES OF INDIVIDUALIZED EDUCATION PROGRAMS (IEPs) TO TEACHERS AND OTHER SCHOOL PERSONNEL**

The individualized education program (IEP) of a student with a disability describes the recommended programs, services and accommodations that must be provided to enable the student to benefit from an appropriate education. School personnel with responsibility for implementing a student's IEP must have this information readily available to them.

Section 4402 of New York State Education Law, as amended by Chapter 408 of the Laws of 2002, requires school districts to provide each general education teacher, special education teacher, related service provider, and other service provider who is responsible for the implementation of a preschool or school-age student's IEP with a **COPY** of the IEP **PRIOR TO** the implementation of the educational program. Part 200 of the Regulations of the Commissioner of Education clarifies that a paraprofessional must have an opportunity to review the IEP, prior to its implementation, and have ongoing access to a copy provided to the special education teacher under whose direction the paraprofessional works.

In February 2003, the Board of Regents adopted a revised amendment to Part 200 of the Commissioner's Regulations relating to the provision of copies of individualized education programs (IEPs) to implement Chapter 408. The revised Regulations incorporate changes that address concerns raised by NYSUT regarding certain provisions of the Regulations that were adopted by the Regents in December 2002. These changes clarify the intent of the legislation, as well as reduce the paperwork burden that is imposed on school districts resulting from Chapter 408.

This bulletin provides a highlight of the changes to the revised Regulation and describes issues local leaders should consider concerning a school district's policy and procedures to implement these requirements. Appended to this Bulletin is a document in a question and answer format developed by the State Education Department (SED). This document incorporates NYSUT's suggested changes to an earlier draft. Chapter 408 of the Laws of 2002 and the implementing sections of Part 200 of the Regulations are attached to the SED document.

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### **HIGHLIGHTS OF CHANGES TO REGULATIONS**

- The December 2002 regulation excluded paraprofessionals from the group of individuals eligible to receive a copy of the student's IEP. The revised amendment was changed to require school districts to provide each paraprofessional and each other provider who has IEP implementation responsibilities with the opportunity to review a copy of the IEP, prior to its implementation, and to have ongoing access to a copy of the IEP. This copy should be the one provided to the student's special education teacher or the teacher or related service provider under whose direction the paraprofessional or other provider works.
- The December 2002 regulation defined "other service provider" as an institution rather than an individual. The revised rules clarified that "other service provider" means an individual, rather than an entity, such as another school district, BOCES or private school.
- The December 2002 regulation was not clear in regard to the rights of support staff to be informed of appropriate information about students with disabilities related to the support staff's assigned duties. The revised rule clarifies that support persons must be informed of their responsibilities to implement the recommendations on a student's IEP.

### ***Collective Bargaining and Other Implementation Issues***

- ❑ The regulations allow the Chairperson of the CSE to designate one or more individuals who will be responsible to inform school personnel of their IEP implementation responsibilities. As required by the Taylor Law, all assignments must be consistent with the essential character of the job of the person assigned. If the duty to inform other school personnel of their IEP implementation responsibilities is additional work and not inherently part of the employee's regular duties, then the school district must bargain the impact of this work assignment at the request of the union representing the school personnel. Local Leaders should determine if such assignments are inconsistent with the current duties of members of the collective bargaining unit.
- ❑ Copies of a student's IEP may be provided in a paper format, electronically, or both. Local Leaders should work with administrators who should ensure that technology and training is available to school staff, if IEPs are provided in an electronic format.
- ❑ School districts must establish a process to determine which general education teachers, paraprofessionals and other providers and support staff will receive a copy of the IEP and school personnel who will be informed of their responsibilities in relation to a student's IEP. Local Leaders should work with administrators to ensure teachers and other school personnel are involved in developing this process.
- ❑ School districts must establish procedures to ensure ongoing confidentiality of the IEP and that copies of students' IEP are retrieved or destroyed when such professionals are no longer responsible to implement a student's IEP. Local Leaders should work with administrators to ensure teachers and other school personnel are appropriately trained in regard to safeguarding confidential records consistent with the Family Educational Rights and Privacy Act.
- ❑ Some teachers and paraprofessionals may need training to carry out a specific IEP implementation responsibility. Local Leaders should work with administrators and other staff to ensure that school personnel are appropriately prepared to carry out their specific responsibilities.
- ❑ Support staff, such as bus drivers, must be informed of their responsibilities relevant to their assigned duties that result in direct contact with the student. Local Leaders should work with school administrators to ensure bus drivers and other school related professionals receive timely information affecting their contact with these students.