THE NEW STANDARD OPERATING PROCEDURES MANUAL: A POWERFUL TOOL FOR CHAPTER LEADERS

Chapter leader Training

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I. Welcome & Introduction
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Initial Referral Process

The special education process begins with a referral for an initial evaluation ("initial referral") to the IEP team. The initial referral can only be made by certain authorized individuals, including the student's parent, the principal of the student's DOE school, or the chairperson of the student's CSE.10

Certain other individuals, including professional members of DOE staff, are authorized to make a "request for referral" for an initial evaluation to the principal or chairperson.

The Initial Referral

DOE Referrals

When the principal/chairperson suspects that a student has a disability by reason of which s/he may require special education programs and/or related services, the school social worker (or the school psychologist in his/her capacity as case manager) sends the parent the PWN: Notice of Referral: Initial and a copy of the Procedural Safeguards Notice.1

Once the Notice of Referral has been sent to the parent, the school/CSE must start the initial consent process.

Parent Referrals

A parent may make an initial referral by submitting a written request for evaluation (a "referral document") to the student's DOE school or CSE. The referral document may be hand delivered or sent by mail, email or fax.

A referral document need not contain "magic words"; a written request for evaluation or consideration for special education is sufficient to constitute an initial referral.

If a parent makes an oral request (by phone or in person) for initial evaluation to a DOE professional, the DOE professional must promptly assist the parent to create an initial referral document that states the request for evaluation and, if communicated by the parent, the reason(s) for the request and any specific assessment(s) being requested. Schools/CSEs must make clear to non-professional staff members who regularly interact with parents that, if a parent makes an oral request (by phone or in person) for evaluation, the staff member must connect the parent with a DOE professional who can promptly assist the parent to create an initial referral document that states the request for evaluation and, if communicated by the parent, the reason(s) for the request and any specific assessment(s) being requested.11

Immediately upon receipt of a referral document by hand, mail, or fax, the school or CSE must stamp the referral document with the current date (or the earlier date on which it was in fact received, if, for example, it arrived by fax and was mislaid).

If the initial referral is in the text of an email, the school/CSE must print the email, including the time and date it was received, and treat the printed email as the referral document. If the initial referral is attached to an email, the school/CSE must print the email, including time and date of receipt, along with the attachment, and treat the printed email and attachment as the referral document.

A DOE staff member who receives a referral document must immediately either open the case in SESIS or convey the referral document to a professional colleague (e.g., the school psychologist or school social worker) who is able to do so. The referral document must be faxed to SESIS by the conclusion of the following business day. When creating the fax cover sheet for the referral document, the date of referral must be recorded as the date the referral document was received by the school/CSE; this date should match the date stamped on the referral document (or the date of the email, if the referral document was received by email).12

The school psychologist, in his/her capacity as case manager, ensures that the school social worker has been notified of the referral. The student will automatically appear on the school's Status of Initial Referrals in Process report in SESIS.

The school social worker or CSE chairperson designee (or the school psychologist in his/her capacity as case manager) sends the parent the PWN: Notice of Referral: Initial and a copy of the Procedural Safeguards Notice within five school days of the date of the referral.

Once the Notice of Referral has been sent to the parent, the school/CSE must start the initial consent process.
Prior to a meeting with the parent to discuss general education interventions, the principal should:

- Using the Parent/Principal Written Agreement to Withdraw an Initial Referral form in SESIS, prepare a draft agreement of potential alternatives to the referral that describes, at minimum:
  - Additional appropriate and available general education support services proposed to be provided;
  - Instructional strategies to be used;
  - Student-centered data to be collected to track progress; and
  - Proposed duration of the services.

- Determine whether an interpreter will be required at the meeting.

The following is a model agenda for the meeting:

1. Introduction of all participants;
2. Overview of the purpose of the meeting, including a description of the process if the referral goes forward;
3. Request for input from the parent on his/her perspective on the student’s functioning in school and at home and his/her reason for the referral;
4. Discussion of the student’s current performance from the school’s perspective, including discussion of any general education interventions that have been initiated and their perceived impact;
5. Sharing and discussion of potential interventions to address the student’s area of need that are available in the school and could be initiated to support the student;
6. The data that will be collected regarding potential interventions;
7. The proposed duration of potential interventions; and
8. A determination of whether an agreement between the parent and principal can be reached on implementing general education interventions, and if so, whether the referral will be withdrawn.

If an alternative agreement is reached:

- Make any needed revisions or amendments to finalize the agreement;

- Determine and memorialize how and when follow-up information will be shared with the parent, and offer the opportunity for a follow-up conference;

- Collect the signature of the parent and principal on the Parent/Principal Written Agreement to Withdraw an Initial Referral form under Case Closing in SESIS; and

- Provide a copy of the agreement to the parent, and to the student, if appropriate.

The parent should not be discouraged from proceeding with the referral. If the parent wishes to proceed, the school social worker obtains parental consent to evaluate and, if possible, conducts the social history at this time. As appropriate, the school should implement general education interventions alongside the evaluation process.

The meeting must be documented in the SESIS Events Log, whether or not an agreement was reached.

**Request for Initial Referral**

A written request that the DOE refer the student for an initial evaluation may be made by:

- A professional staff member of the school the student attends or is eligible to attend;
- A physician;
- A judicial officer;
- A professional staff member of a public agency with responsibility for welfare, health or education of children; or
- A student who is 18 years of age or older, or who is an emancipated minor.

**Request for Initial Referral by Professional Staff Members**

To the extent appropriate, interventions, curriculum accommodations, and remedial services should be considered before a professional staff member requests initial referral of a student experiencing difficulties in school, unless the staff member suspects that the student’s difficulties are the result of a disability by reason of which the student may require special education programs and/or related services. Professional staff members are to use their judgment in determining when to request initial referral, and are not to encourage parents to make an initial referral in lieu of requesting referral themselves. Administrators must not discourage professional staff members from requesting initial referrals.
Requests for initial referral initiated by professional staff members must:

- State the reason for the request and include any test results, records, or reports upon which the request is based;
- Describe intervention services, programs, or instructional methodologies used to remediate the student’s performance prior to the request, including any supplementary aids or support services provided or the reason why none were implemented; and
- Describe the extent of parental contact or involvement prior to the request.

The Request for Initial Referral Form is used for this purpose and must be completed in SESIS. This form provides the opportunity to document interventions that were implemented prior to the request and to consider other intervention strategies and options. If the request for referral form is incomplete, the case manager notifies the individual making the request of the need to resubmit the form with all information to avoid delay in processing. Additional documents can be faxed into SESIS as Documents Related to Referral.

If the student is in grade K-5 and is being referred due to a possible learning disability in reading, a description of the strategies and/or interventions used (in accordance with the school’s Rti model) must be included in the intervention strategies section of the request form. Any Rti documents with additional information should also be faxed into SESIS, if available.

Processing the Request for Initial Referral

If not generated in SESIS, the request for initial referral document must be stamped and/or printed as an initial referral document. Upon receipt of a request for initial referral, the principal or chairperson should:

- Consult with the individual who submitted the request for initial referral, as well as other school professionals familiar with the student, to confirm that appropriate alternatives have been considered. These discussions should include a review of the general education supports and services, instructional methodologies and curriculum and classroom accommodations that have been used, as well as those that are available in the school but have not yet been implemented.
- Review any medical information about the student, including vision and hearing tests, if available. If vision tests are not available, the principal or chairperson should confirm whether the student received a vision screening and, if not, the principal or chairperson will comply with the vision screening requirements of Chancellor’s Regulation A-701.
- Consider previous parental involvement and concerns that may have been brought to the school’s attention for the student and/or siblings, and determine whether strategies exist that may be used to engage the parent’s involvement or respond to the parent’s concerns.
- Assess the availability of community-based services that could benefit the student and/or his/her family.
- Consider additional professional development and/or supports that could be provided to the student’s general education teacher(s).

As soon as a determination is made, and no later than 10 school days after receipt of a request for initial referral, the principal/chaiperson must either:

- Make an initial referral; or
- Take ALL of the following steps:
  - Provide the parent with the PWN: Refusal of Request to Conduct Initial Evaluation;
  - Inform the parent of his/her right to make an initial referral;
  - Provide the parent with a copy of the request for initial referral; and
  - Offer the parent an opportunity to have a meeting to discuss the request for initial referral, for the purpose of discussing the concerns raised in the request and, to the extent appropriate, the availability of general education support and intervention services. The meeting should include the principal and the person who made the request for referral; if the request was from a non-DOE person, the parent may invite him/her, and s/he must be allowed to attend the meeting.

If the parent declines the offer of a meeting to discuss the request for initial referral or does not respond after outreach, the principal must, if appropriate, develop a plan for general education interventions, and, either:

- Make an initial referral; or
- Close the case.

Meeting to Discuss Request for Initial Referral

If an initial referral has not been made and the parent accepts the offer of a meeting to discuss the request for referral, the meeting must be scheduled for a mutually agreeable time. The meeting should be scheduled at a time when the school social worker is available so that the social history may be
conducted and consent to evaluate obtained from the parent if the outcome of the meeting is a referral.

Prior to the **meeting to discuss the request for initial referral**, the principal/chairperson should:

- Prepare a **draft agreement** that describes, at minimum:
  - Additional appropriate and available general education support services proposed to be provided;
  - Instructional strategies to be used;
  - Student-centered data to be collected to track progress; and
  - Proposed duration of the services.
- Determine whether an interpreter will be required.
- **Invite the DOE professional who requested the initial referral**, or, if the referral was from a non-DOE person, ask that the parent invite him/her.

The following is a model agenda for the meeting:

1. **Introduction of all participants**;
2. **Overview of the purpose of the meeting, including a description of the process that would follow an initial referral**;
3. **Review of the concerns raised in the request for initial referral and interventions that have been implemented and their impact**;
4. **Request for input from the parent on his/her perspective on the student’s functioning in school and at home**;
5. **Sharing and discussion of potential interventions to address the student’s area of need that are available in the school and could be initiated to support the student**;
6. **The data that will be collected regarding potential interventions**;
7. **The proposed duration of potential interventions**; and
8. **A determination of whether an agreement between the parent and principal can be reached on implementing new interventions**.

If an agreement is reached:

- Make any needed revisions or amendments to finalize the agreement;
- Determine and memorialize how and when follow-up information will be shared with the parent, and offer the opportunity for a follow-up conference;
- Collect the signature of parent and principal on the agreement and fax it into SESIS as a **Document Related to Referral**, titled “**Agreement on General Education Interventions**”; and
- **Provide a copy of the agreement to the parent, to the student (if appropriate), and to the professional staff member who made the request for initial referral (if applicable).**

The meeting must be documented in the **SESIS Events Log**, whether or not an agreement was reached.
General Information & Terms

CSE / IEP team
For all purposes in the DOE and in this document, the term “Committee on Special Education” (CSE) refers to one of the regional offices that manages the special education process for students who are not attending DOE K-12 school programs.

The IEP team is referred to in NYSED regulations and guidance materials as the “Committee on Special Education” (CSE), and an IEP team that is not considering an initial recommendation of a special class, specialized school, State-approved non-public school or home instruction, may be referred to in NYSED regulations as a “Subcommittee on Special Education” (SCSE). For all purposes in the DOE and in this document, “IEP team” is interchangeable with NYSED’s definition of CSE or SCSE, unless specifically noted otherwise.

Days / School Days / Business Days
Throughout this document, the word “days” without modification means calendar days. The term “school day” without modification means a day on which DOE schools are in session for students; when “school days” is used to mean days on which the student’s school is in session (for students attending non-DOE schools), that will be specifically noted. During the months of July and August, “school days” means every day except Saturday, Sunday and legal holidays. A “business day” is any weekday other than a New York State or Federal holiday.

Translation
For parents whose primary language is one of the DOE’s covered languages (currently Arabic, Bengali, Chinese, French, Haitian Creole, Korean, Russian, Spanish and Urdu), translations of most notices are automatically generated in SESIS. If a notice is not available in the parent’s language, the English version of the notice must be accompanied by a notice in the parent’s language stating that the English notice is an important educational document that should be translated, and providing a contact person for any questions. Additionally, upon parental request, the DOE will translate IEPs and evaluation reports. School Language Access Coordinators may also contact their district’s Field Language Access Coordinator for any questions or additional language access related information.

Procedural Safeguards Notice
A copy of the NYSED Procedural Safeguards Notice must be given to parents at least one time a year, and must also be given to parents upon initial referral or parent request for evaluation, upon receipt of a State complaint or due process complaint, and upon parental request. The Procedural Safeguards Notice is available on the DOE Website, under “Statement of Family’s Rights.”

Timelines for Evaluation and Placement
For a school-age student, initial evaluation or requested reevaluation must be completed within 60 days of provision of parental consent (initial) or referral (reevaluation); and “placement” (i.e., provision of all recommended special education programs and related services, including transportation) must be arranged within 60 school days of parental consent (initial) or referral (reevaluation). Timelines for other scenarios (such as students turning 5 years old) and remedies for non-compliance are included in the relevant sections of this document.

Chapter 408 Requirements
Schools must ensure that all of those responsible for implementing IEPs are provided with copies of, or SESIS access to, the IEPs for their students, and understand their responsibilities for the implementation of the IEP, prior to the initiation of the recommended programs, services and supports. This obligation includes those who are responsible for implementing the IEPs of preschool students with disabilities in the school.

IEPs are confidential documents and must be kept in locations not accessible by students or staff members who are not responsible for implementing the IEP. IEPs must be kept in a secure, locked location, including those copies in the possession of teachers and providers.

See the Chapter 408 Memorandum to Principals for more specific information on these obligations; other Chapter 408 materials are available on the Special Populations intranet page.
Triennial Reevaluations

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Reevaluation

A reevaluation must be conducted at least once every three years and when:
- the school/CSE determines that the student’s educational or related service needs warrant a reevaluation, including after improved academic achievement and functional performance; or
- upon request of the parent or the student’s teacher; except that a reevaluation need not take place more frequently than once a year unless the parent and school/CSE agree otherwise.

A reevaluation:
- must be conducted by a multidisciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student’s disability; and
- must be sufficient to determine the student’s individual needs, educational progress and achievement, the student’s ability to participate in instructional programs in regular education and the student’s continuing eligibility for special education.

Information gathered as part of the reevaluation will assist the IEP team in determining the student’s individual needs, educational progress and achievement, ability to participate in instructional programs in general education, and continuing eligibility for special education services.

Mandated Three-Year Reevaluation

A reevaluation must be conducted at least once every three years, except if, upon review of existing data and the student’s needs, the school/CSE and parent agree in writing that a reevaluation would be unnecessary. The IEP meeting following completion of the assessments must be completed within three years of the IEP meeting following the student’s most recent prior evaluation or reevaluation. Schools/CSEs should regularly review the report Advanced Report - Status of 3-Year Mandated Reevaluations in Process in SESIS to ensure that three-year mandated reevaluations are commenced and completed in a timely manner. Schools/CSEs should also regularly review the Status of Annual Reviews report in SESIS, and should conduct the three-year reevaluation by the student’s annual review date.

When a mandated three-year reevaluation is due, the school/CSE, upon review of existing data and the student’s needs, may determine that a reevaluation would be unnecessary. In that case, the school may seek the parent’s agreement to waive the mandated three-year reevaluation. A school/CSE should not routinely seek to waive mandated three-year reevaluations. Any waiver must be based on the individual student’s needs.

If the school/CSE determines that the mandated three-year reevaluation would be unnecessary, the PWN: Request for Waiver of a Mandated Three-Year Reevaluation Form must be completed and sent to the parent. This form must explain the specific reasons for the determination, and that the parent has the right to disagree with the school/CSE. If the parent does not sign and return the form, the reevaluation must be conducted. For more information, see SESIS Guide Waiver of the Mandated Three-Year Reevaluation.

Requested Reevaluation

The school/CSE must conduct a reevaluation when it determines that the student’s educational or related service needs warrant a reevaluation, or upon request of the parent or the student’s teacher; except that only one reevaluation may take place in a school year, unless the parent and school/CSE agree that an additional reevaluation should be conducted.

DOE Requests for Reevaluation

The school/CSE must request a reevaluation when it believes that the student’s educational or related services needs may have changed. This belief may be based on, among other factors, a lack of anticipated progress, or improved academic achievement and functional performance.

A professional staff member may complete a Request for Reevaluation Form in SESIS to request a reevaluation, providing information regarding the student’s current needs.

69 69 Note: If the student’s most recent prior evaluation/reevaluation included limited (or no) assessments (e.g., a requested reevaluation in which only a physical therapy assessment was conducted, for a student receiving a special education program and/or multiple related services), the timeline for the three-year reevaluation should be based on the date of the student’s most recent evaluation/reevaluation that included comprehensive assessments.

100 100 The school/CSE should ensure that the parent is aware of his/her right to refuse the request, and the request should not be sent if a school/CSE is aware that the parent wishes for the three-year evaluation to proceed.

101 101 An additional reevaluation must also be conducted if ordered by a judge or impartial hearing officer.
The IEP team

IEP team Composition

The IEP team members required to attend an IEP meeting differ depending on the type of meeting (e.g., initial, annual/requested review, reevaluation) and the change(s) to IEP recommendations being considered. If there is uncertainty about the change(s) that will be considered at an IEP meeting, all members who reasonably could be required, should attend. **The changes that an IEP team may make are not limited by the type of IEP meeting.**

The IEP team members required for each IEP meeting type are:

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<th></th>
<th>Initial</th>
<th>Annual / Requested Review</th>
<th>Reevaluation (Requested or Three-Year)</th>
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</thead>
<tbody>
<tr>
<td>Parent^</td>
<td>Must be invited</td>
<td>Must be invited</td>
<td>Must be invited</td>
</tr>
<tr>
<td>District Representative</td>
<td>Must attend</td>
<td>Must attend</td>
<td>Must attend</td>
</tr>
<tr>
<td>School Psychologist</td>
<td>Must attend</td>
<td>See below</td>
<td>Must attend</td>
</tr>
<tr>
<td>Special Education Teacher</td>
<td>Must attend(^6)</td>
<td>Must attend unless student is receiving related services only</td>
<td>Must attend unless student is receiving related services only</td>
</tr>
<tr>
<td>Related Service Provider</td>
<td>Should attend whenever possible</td>
<td>See below</td>
<td></td>
</tr>
<tr>
<td>General Education Teacher</td>
<td>Must participate, if student is or may be participating in the general education environment</td>
<td>Must participate, if student is or may be participating in the general education environment</td>
<td>Must participate, if student is or may be participating in the general education environment</td>
</tr>
<tr>
<td>Parent Member</td>
<td>Must attend if requested by parent with at least 72 hours’ notice</td>
<td>Must attend if requested by parent with at least 72 hours’ notice(^6)</td>
<td>Must attend if requested by parent with at least 72 hours’ notice</td>
</tr>
<tr>
<td>Physician</td>
<td>Must attend if requested by parent with at least 72 hours’ notice</td>
<td>Must attend if requested by parent with at least 72 hours’ notice(^6)</td>
<td>Must attend if requested by parent with at least 72 hours’ notice</td>
</tr>
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\(^6\) Exception: A reevaluation must be initiated before an IEP team may declassify a student.

\(^7\) Any individual may be invited to the IEP meeting on the basis of the parent’s determination that the individual has special expertise or knowledge of the student.

\(^8\) For an initial IEP meeting at which recommendation of a special education program will not be considered (e.g., for a student whose evaluation indicates only physical impairment), a related service provider serves in this role.

\(^9\) The meeting must proceed even if the parent member or physician’s participation is not secured, EXCEPT if the IEP team will consider a new recommendation of special class or home instruction or a change to a student’s current special class recommendation (other than 12:1/12:1+1 to 15:1 for a student articulating to high school).

\(^10\) See footnote 9, above.
## Members Required at All IEP Meetings

### The Parent

The parent’s role on the IEP team is to provide information on the student’s development and characteristics, and to participate in the decision-making process for eligibility and IEP recommendations.

### Ensuring Parent’s Presence

The parent must be invited to participate in every IEP meeting, and efforts must be made to select a mutually agreeable date for the IEP meeting, when the parent and the mandatory IEP team members can participate. The school must send the **Notice of IEP Meeting** to the parent at least 7 calendar days in advance of the meeting. The school should also provide the parent with all assessment and reports before the IEP meeting by mailing them at least 7 calendar days before the IEP meeting is scheduled to be held.

If the parent requests that the meeting be rescheduled, a mutually agreeable date and time must be set. This request should be documented in the Events Log in SESIS. If the parent indicates inability to attend and cannot reschedule, the parent must be invited to participate in the meeting via telephone.

The IEP team must make appropriate outreach to confirm the attendance of the parent at the IEP meeting:

- At least two attempts at telephone contact at different times of the school day/evening, if the parent has a telephone; and
- A follow-up letter sent to the parent by mail, and sent home with the student if the parent does not have a telephone or if voicemail could not be left.

Attempts must be documented in the **ESIS Events Log**, by including the phone number called and addresses used and describing any conversations. If, and only if, efforts were made to arrange a mutually agreed upon date and time for the meeting, and appropriate outreach was conducted and documented in the **ESIS Events Log**, the meeting may proceed without the parent.

### Parent Preparation for IEP Meeting

In preparation for any IEP meeting, the parent should be invited and encouraged to:

1. Communicate with DOE staff about the date and time for the IEP Meeting;
2. Review the current IEP and any assessment data (sent to the parent at least 7 calendar days in advance of the meeting);
3. Provide DOE staff with any independent evaluations the parent would like to be reviewed and considered by the IEP team;
4. Review the most recent progress reports from teachers and related service providers;
5. Notify the DOE staff if additional information (e.g., reports and evaluations) or specific accommodations (e.g., interpreter, accessible site) are needed;
6. Determine whether other family members or persons with knowledge or special expertise regarding the student should be invited to attend the conference, and if so notify the rest of the IEP team in advance; and
7. Tell the school/CSE about any changes to the IEP the parent would like the IEP team to consider, as additional members may need to participate to consider certain changes (e.g., if a parent of a student recommended for ICT wants a self-contained setting to be considered, the psychologist must participate; or if a parent of a student in a general education program with related services wants to have SETSS added, a special education teacher must participate).\(^{42}\)

### Recording the IEP Meeting

A parent may request permission to make an audio recording of an IEP meeting, by writing to the principal or chairperson at least 1 business day before the IEP meeting. If the parent will make an audio recording of the IEP meeting, the school/CSE will also make an audio recording of the meeting.

### Parent Participation in IEP Meeting

During the IEP meeting, the parent should be invited and encouraged to:

- Share comments on the student’s strengths, abilities and needs;
- Consider desired educational goals for the student to reach by the end of the year; and
- Discuss the student’s development and characteristics and participate in the decision-making process for eligibility and IEP recommendations (including but not limited to program, related services, and placement).
Case Manager and District Representative

Case manager and district representative are roles performed by DOE professionals, rather than permanent titles. In many cases, the same DOE professional will perform both roles.

The Case Manager
The school psychologist typically serves as the case manager when s/he is a required member of the IEP team.43 The special education teacher (or, for a student whose only special education service is a related service, the related service provider) typically serves as the case manager when the school psychologist will not be a required member of the IEP team.

The case manager is responsible for ensuring that the evaluation and placement processes are completed within the required timelines. Issues that may put the timely completion of an evaluation or placement process in jeopardy must be reported to the supervisor of school psychologists. If the supervisor is unable to facilitate timely completion of the process, the issue must be escalated to a manager for further assistance in completing the evaluation process within the timelines.

In addition, when the case manager will serve as the district representative, or when a district representative has not been selected in advance of the IEP meeting, the case manager prepares for the IEP meeting as noted.

District Representative Qualifications
The individual selected to serve as the district representative in any IEP meeting must be knowledgeable about the SOPM and meet the following qualifications:

- Qualified to provide or supervise the provision of special education;
- Knowledgeable about the general education curriculum; and
- Knowledgeable about the availability of DOE resources.

Considerations when Selecting the District Representative
The district representative is typically chosen by the principal or CSE chairperson.44

- For an IEP meeting in a non-specialized school, the district representative should be an individual who has a high degree of familiarity with the school’s services and curricula. This may be a school psychologist, school social worker, or other experienced special educator. If the IEP team is likely to consider a specialized school (e.g., a District 75 or NYSED-approved non-public school) or a specialized program (e.g., ASD Nest, ASD Horizon, ACES, or bilingual special education), the district representative should be the school psychologist or a knowledgeable person from outside the school, such as the supervisor of school psychologists.

- For an IEP meeting in a District 75 or District 79 school, the district representative should be an administrator or educator with a high degree of knowledge regarding the school’s services and curricula (and those available outside the school, for students in programs that are typically of limited duration).

As much as possible, the district representative should be a person with whom the family has a positive relationship. When the relationship between the parent and the school is strained, a person outside the school should be considered to serve as the district representative. This should also be considered when the student’s IEP-recommended services are not having their desired impact and the student is making less progress than expected, or when the IEP team members do not have extensive experience with complex disabilities, behaviors or assessments that will be considered. If an IEP team reconvenes due to parent concerns arising from the first IEP meeting, choosing a different district representative should be considered.

The principal/chairperson may not select a district representative or identify him/herself as district representative for the purpose of ensuring a particular recommendation or discouraging IEP team members from expressing their opinions on the student’s needs.
Special Education Teacher Participation

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- For an annual or reevaluation IEP meeting, consider preparing draft goals (however, a complete discussion of all issues, including annual goals, must occur at the IEP meeting, including considering input from parent);
- Compiling data on levels of English language proficiency for a student from a non-English language background; and
- Consulting with general educators (including bilingual or ENL teacher, if applicable, and cluster or specialty teachers), other special education providers including paraprofessionals and related service providers, and the parent as needed, to ascertain the student’s needs in all instructional areas.

When the special education teacher is not a mandatory member of the IEP team, the above preparation is best practice to ensure an effective IEP meeting and quality IEP.

See Related Service Provider Preparation for the IEP Meeting for information on preparing for the IEP Meeting when the related service provider is a mandatory member.

Special Education Teacher Mandatory Participation in the IEP Meeting
If the student has more than one special education teacher, it is good practice to request that all of the student’s teachers provide relevant information regarding the student’s functioning, performance, and behavior for use at the IEP meeting, either through participation in the meeting or in writing. If such information is provided in writing, it must be provided to the parent prior to the IEP meeting.

At all times during the IEP meeting, at least one of the student’s current special education teachers must be in attendance. Though it is not required that any one of the student’s current special education teachers attend the entire IEP meeting, the special education teacher with the most knowledge of the student should do so whenever possible.

The special education teacher should assist the team in using the assessment results to determine eligibility for special education services and to develop specific IEP recommendations and goals.

The special education teacher may serve as the district representative for IEP meetings that do not include the school psychologist, as long as the special education teacher is qualified to do so. (See above on the role of the district representative.) For students whose only special education service is a related service, a related service provider may also serve as the district representative, if s/he is a DOE employee (i.e., not a contracted or independent provider) and is otherwise qualified to do so. (See above on the role of the district representative.) See Related Service Provider on mandatory participation of the related service provider.

Individual to Interpret Instructional Implications
There must be present at every IEP meeting an individual who is able to interpret the instructional implications of assessments. This individual must be able to describe how the assessment results relate to the instruction that will be offered to the student and assist the team in determining the instructional modifications, strategies, and/or interventions that may be required. This role is typically fulfilled by an individual serving another role on the IEP team (e.g., school psychologist, special education teacher, general education teacher, district representative, related service provider for a student whose only special education service is a related service).

Members Who May Be Required at an IEP Meeting

School Psychologist
The school psychologist must participate in all IEP meetings resulting from initial evaluations, requested reevaluations, and three-year reevaluations; any IEP meeting at which a new psychological assessment is reviewed; at annual and requested reviews as per above; and at any IEP meeting upon request of the parent. Adequate notice should be given to the school psychologist who is requested to attend an annual or requested review meeting.

The student’s teacher(s) / related service provider(s) should also consider including the school psychologist when the student’s IEP-recommended services are not having their desired impact and the student is making less progress than anticipated.

School Psychologist Preparation for the IEP Meeting
In advance of the IEP meeting, the school psychologist should prepare by:

- Reviewing any relevant progress or assessment reports, including any provided by the parent;
- Discussing the student’s progress with his/her teachers and related service providers; and
General Education Teacher Participation

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- Preparing to serve in the role of the district representative, if applicable.

School Psychologist Participation in the IEP Meeting
In addition to performing the role of the district representative if applicable, the school psychologist:
- reviews and interprets assessments; and
- provides information regarding the supports that may be available to the parent in the community.

General Education Teacher
At least one of the student’s general education teachers must be a member of the IEP team if the student is or may be participating in the general education environment (including if the student is or may be recommended for ICT). If general education teacher participation is required, a general education teacher must be present for the entire duration of the meeting.

The general education teacher is expected to present information about the student’s performance in the general education class and to help the IEP team make decisions about participation in the general education curriculum and other school activities. The general education teacher must, to the extent appropriate, participate in the development of the student’s IEP, including assisting in the determination of appropriate positive behavioral interventions and supports and other strategies for the student, and supplementary aids and services, program modifications and supports for school personnel.

Selection of the general education teacher(s) is guided by the following factors and requirements, with the goal of providing the teacher(s) an opportunity for meaningful participation while minimizing the impact on his/her instructional responsibilities.

- For a student participating in general education, at least one of the student’s general education teachers must attend the IEP meeting.
  - For a student who has more than one general education teacher, at all times during the meeting, at least one must be present. It is not necessary for more than one to be present at any time during the meeting, or for any one to attend the entire meeting.
  - All of the student’s teachers should provide relevant information regarding the student’s functioning, performance, and behavior for use at the IEP meeting, either through participation in the meeting or in writing. If such information is provided in writing, it must be provided to the parent prior to the IEP meeting.

51 For a student who is turning 5, the General Education Teacher may be the student’s preschool teacher.

- For a student who is not participating in general education but is being considered for participation in general education, the general education teacher must be qualified to teach the student and must have knowledge of curricular adaptations and the range of available general and special education supports and services appropriate to the age and grade level of the student; if possible, the teacher should be the one who would teach the student if the IEP team recommends participation in general education.

- For a student attending a private/religious school program and participating in general education, at least one of the student’s general education teachers must be invited to participate at the IEP meeting, and the IEP team should identify a DOE general education teacher to participate in the IEP meeting. The general education teacher identified must be qualified to teach the student and must have knowledge of curricular adaptations and the range of available general and special education supports and services appropriate to the age and grade level of the student.

General Education Teacher Preparation for the IEP Meeting
In advance of the IEP meeting, the general education teacher should prepare by:
- Compiling samples of student work, anecdotal records, and other information helpful in determining the student’s potential for learning, rate of learning, and need for specialized instruction, including periodic assessments or progress monitoring from Rti, if applicable;
- Identifying instructional and classroom management strategies that have been successful with the student;
- Observing the student’s learning preferences in the general education classroom;
- Listing or identifying special factors that may impede the student’s learning;
- Compiling information related to the student’s attendance and class participation; and
- Considering positive intervention strategies for improving the student’s behavior, as necessary, as well as supplementary aids and services, and program modifications and supports for school personnel that may be necessary for the student to benefit from instruction.
Amending IEP Without a Meeting

In limited circumstances, an IEP may be changed (“amended”) without an IEP meeting.

An IEP may not be amended without an IEP meeting for:

- changes to the IEP that require the participation of the school psychologist on the IEP Team;
- changes to the student’s program recommendation. ⁴⁰⁴

The amendment process may begin with a request from the school/CSE or from the parent. In either case, no amendment to the IEP without an IEP meeting may be made without the parent’s written consent to the amendment.

Before an IEP can be amended without an IEP meeting, the proposed change(s) must be described on the PWN: Waiver of IEP Meeting to Amend IEP form. This form must clearly and specifically describe all proposed change(s), in language understandable to the parent. The PWN: Waiver of IEP Meeting to Amend IEP must be sent to the parent, and a member of the IEP team must discuss the proposed change(s) with the parent to ensure that the parent understands the proposed change(s) in full. See SESIS Guide Amending an IEP with Waiver of IEP Meeting for more information.

If the parent does not understand the proposed change(s), does not agree with or does not respond to the proposed change(s), or wishes to discuss them with the IEP team, the changes cannot be made without an IEP meeting.

If the parent agrees to the changes and returns the signed Waiver of IEP Meeting to Amend IEP, the signed Waiver of IEP Meeting to Amend IEP must be faxed into SESIS, and the agreed upon change(s) are made to the IEP in SESIS. As at the conclusion of an IEP meeting, the IEP and PWN: Recommendation must be issued to the parent within 10 business days, and all relevant teachers, related service providers and administrators must be notified of the change(s) made to the IEP and informed of any new implementation responsibilities.

An amendment to the IEP without a meeting does not change the date by which the student’s next annual review IEP meeting must be conducted.

⁴⁰⁴ If a school/CSE believes an amendment without an IEP meeting is urgently needed for a change to the student’s program recommendation or a change to the IEP that would require the participation of the school psychologist at the IEP meeting, guidance should be sought from the supervisor of psychologists or chairperson on how to proceed.
As required by Chapter 408, designating for each student one or, as appropriate, more than one DOE professional with knowledge of the student’s disability and IEP to inform the student’s general education teacher(s), special education teacher(s), related service provider(s), paraprofessional(s), and other relevant staff, prior to the implementation of any new or changed IEP recommendations, of each individual’s responsibility to implement the relevant IEP recommendations, including the responsibility to provide, as applicable, specific accommodations, program modifications, supports and/or services.

At the conclusion of the IEP meeting, the case manager is responsible for ensuring that the completed attendance sheet is faxed into SESIS (noting any IEP team members who participated by phone) and that:

- the IEP is finalized and a copy is handed to the parent; or, if that is not possible,
- the Recommended Special Education Programs and Services page of the draft IEP is completed, printed and handed to the parent, AND within 10 business days the IEP is finalized and issued to the parent.

Upon request of the parent, the IEP must be translated into the parent’s preferred language.

When the IEP is finalized and issued to the parent, the case manager creates and issues to the parent the PWN: Recommendation. The PWN: Recommendation advises the parent of his/her right to visit a program similar to that being recommended, and must include an up-to-date contact name and phone number so that a site visit may be arranged. See School Location Letters and Initial Consent for the Provision of Special Education Services for additional steps for initial cases and recommendations that require a new school placement.

Resolving Conflicts at the IEP Meeting
The IEP process can be a stressful event for a family. In order to foster a positive relationship, all participants should keep in mind that the IEP team is meeting for a common purpose: the student. DOE staff are reminded that the parent is a member of the IEP team and has the right to contribute in a meaningful way.

If tension or disagreements arise, the district representative should consider calling for a break and considering approaches to redirect the meeting back to respectful, open discussion that can result in consensus if possible.

If the IEP team does not reach consensus, the district representative must decide whether to finalize the IEP or postpone its development until further discussion has occurred. For example, the district representative may suggest that the meeting continue on a different date with the supervisor of school psychologists or other outside professional serving as the district representative. If the district representative finalizes the IEP recommendation despite the lack of consensus, the parent must be informed of his/her option to request an additional IEP meeting, mediation, or an impartial hearing.

If any DOE professional member of the IEP team is concerned that a recommendation has been made for reasons other than its appropriateness for the student’s needs (as determined through consideration of the information available to the IEP team), the professional should contact his/ her supervisor or the administrator of special education.

Special Education Teacher (or Related Service Provider)
At least one of the student’s special education teachers must participate in the IEP meeting. A special education teacher’s participation is required for the duration of the meeting. For initial referrals, this role is filled by a special education teacher qualified to teach a program in which the student may be placed. For a student recommended for related services only, one of the student’s related service providers serves in this role.

Special Education Teacher Preparation for IEP Meeting
The special education teacher prepares for the IEP meeting by:
- Reviewing any new assessment materials or provider reports;
- Identifying instructional and classroom management strategies that have been successful with the student;
- Considering special factors that have impeded or may impede the student’s learning;
- Identifying the student’s strengths and interests;
- Considering the student’s education needs in relation to the general education curriculum;
- Sharing information regarding the school’s grading and;

Only IEP team members who were actually present in the IEP meeting or participated in the IEP meeting by phone may sign or be noted on the attendance page. IEP team members who only participated for a portion of the meeting must sign the attendance sheet.

This may be the school’s IEP Teacher (if applicable).

In addition, for an initial IEP meeting at which recommendation of a special education program will not be considered (e.g., for a student whose evaluation indicates only physical impairment), a related service provider may serve in this role.
IEP Paraprofessionals

- Accommodations and/or adaptations to the manner in which content is presented (e.g., Universal Design for Learning or Assistive Technology)
- Accommodations and/or adaptations to how students demonstrate learning and/or how progress is measured

For assistance with services/ accommodations/modifications not listed above, contact your ASE / D75 Liaison / chairperson.

Special Considerations: IEP-Assigned Paraprofessionals

NYSED guidance has been issued summarizing new regulatory requirements regarding recommending paraprofessionals (one-to-one aides). Schools/CSEs may refer to that guidance, in addition to the below, when considering a recommendation for an IEP-Assigned Paraprofessional.

The IEP must clearly document the need and purpose of any IEP-assigned paraprofessional as well as a process for progress monitoring. The determination that a paraprofessional is appropriate for a student must be based upon a documented need identified in the Present Levels of Performance. When appropriate, the IEP should include goals that, when achieved, will result in increased student independence and the reduction or elimination of the need for the IEP-assigned paraprofessional. The IEP team should discuss the process for progress-monitoring the purpose of IEP-assigned paraprofessionals.

Whenever an IEP-assigned paraprofessional is being recommended, the IEP team must determine the level of service required. This includes consideration of the intensity of service, i.e., the specific times/activities for which an IEP-assigned paraprofessional is required, as well as the ratio of students to staff. The Management Needs section of the student’s IEP must make clear the circumstances during the school day, including related services and non-academic settings such as lunch and transitions, for which the student requires the support of the paraprofessional.

The IEP must specify the type of and responsibilities for a paraprofessional. The following are the functions that a paraprofessional may serve:

- Behavior Support
- Health
- Toileting
- Orientation and Mobility

The IEP team must consider and recommend on the IEP the training that the paraprofessional will receive in order to serve the student appropriately. For example, when a health paraprofessional is recommended, the IEP could note that the school nurse will provide training to the paraprofessional on the student’s health needs in the Supports for School Personnel section of the IEP.

Behavior Support Paraprofessional

If the IEP team is considering a Behavior Support Paraprofessional (also known as a Crisis Management Paraprofessional) because the student’s behaviors impede the learning of that student or others, the IEP team must first ensure that the student has received a Functional Behavior Assessment (FBA) and has a Behavioral Intervention Plan (BIP) in place. If not, an FBA should be conducted and, as appropriate, a BIP created. If the student already has a BIP, the BIP should be reviewed to determine whether it can be modified so as to provide sufficient behavioral support. Only if the student presents with serious behavior problems that cannot be addressed through a BIP implemented with fidelity (as well as the provision of alternative general education and special education supports and services) should a behavior support paraprofessional be recommended. The Behavior Support Paraprofessional must be trained in behavior management generally and specifically on how to implement and monitor the student’s BIP with fidelity. The paraprofessional’s training needs should be specified in the Supports for School Personnel section of the IEP.

Health Paraprofessional

A Health Paraprofessional may be recommended when a student’s medical or functional status (e.g., severe orthopedic impairments; multiple sensory deficits; inability to perform self-care activities such as toilet, dressing; uncontrolled seizure disorders) prevent the student from participating in and benefiting from school-based activities with less intensive supports, including school-based nurses, related service providers and programmatic paraprofessionals.

The IEP team may recommend health paraprofessional services without a referral to the Central Nursing Office only if there is no indication that the student has a medical condition that may require urgent care.

A 1:1 health paraprofessional may be recommended to provide a student with assistance in activities of daily living (often including transfers from wheelchair to adaptive equipment, ambulation assistance, oral feeding, observing food intake, dressing, managing orthotics and use of assistive communication or writing devices).

A 1:1 health paraprofessional may also be recommended to monitor the
student for specific signs and symptoms related to the student’s health or medical condition; to notify the school nurse when indicated; and/or to bring the student to the school nurse at the appropriate times for treatment or medications needed. A 1:1 health paraprofessional may be trained to administer an EpiPen or use Vagus Nerve Stimulation (VNS). A referral for non-1:1 skilled nursing – in addition to a 1:1 health paraprofessional – is required if a student requires a health professional for the above reasons or if the student has any other medical condition that may require urgent care.

A 1:1 health paraprofessional may require instruction or training in performing these tasks safely. When appropriate, such training may be provided by the school nurse or the Borough Nursing Director. Such training needs should be specified in the Supports for School Personnel section of the IEP.

For support in safely serving students with mobility needs, including safely transferring students into or out of wheelchairs or adaptive equipment, the OT/PT Managers should be consulted and will support as needed.

Toileting Paraprofessional

Toileting Paraprofessional is a specific category of Health Paraprofessional. The IEP team may recommend paraprofessional services to provide either toilet training or toileting assistance.

Toilet training is a short-term instructional service that prepares a student for independence in toileting and may be recommended when a student has demonstrated all of the following:

- An inability to remain continent with regard to bodily functioning (e.g., wetting, soiling) during the school day and the physiological ability to do so;
- The cognitive ability to respond to a specific behavioral change program that schedules toileting and leads to independent toileting; and
- The physical ability to complete toileting tasks independently after receiving training.

Toileting assistance is appropriate for students who:

- Require help in transferring to or using toilets, commodes, or potties;
- Cannot adjust their clothing or complete related personal hygiene routines; and/or
- Cannot become continent due to physical or cognitive status and require assistance for diaper changing, etc.

Toileting assistance is generally programmatic in self-contained classes in specialized schools (i.e., D75). Where toileting assistance is programmatic, it need not be recommended as a Supplemental Aid/Service on the student’s IEP. However, it should be included elsewhere in the IEP, including in the Present Levels of Performance, Annual Goals and Short-Term Objectives and Benchmarks (as appropriate), and Management Needs.

An IEP-assigned Toileting Paraprofessional may be recommended if that is the only paraprofessional assistance that the student requires (i.e. if the student does not require a health paraprofessional, behavior support paraprofessional, or orientation and mobility paraprofessional) and if the staffing ratio within the student’s primary program is insufficient to meet this need. A student with multiple health related needs, including toileting issues that warrant an IEP-assigned paraprofessional, should be recommended for a Health Paraprofessional (i.e., no separate Toileting Paraprofessional recommendation is required and the Health Paraprofessional should also provide the toilet training or toilet assistance). IEP teams should review the guidance document Consideration for Recommending Toileting Assistance.

Orientation and Mobility Paraprofessional

Orientation and Mobility instruction is designed for students with visual impairments. Orientation and Mobility Paraprofessionals are mandated for select visually impaired students who receive Orientation and Mobility instruction. They are only recommended for students who are assessed to be “unsafe independent travelers” in the school. These paraprofessionals have had specialized training in order to work with those students who are blind or severely visually impaired and are not to be recommended for students who do not meet that criteria. Specialized training needs should be documented and specified in the “Supports for School Personnel” section of the IEP.

Assistive Technology Devices and/or Services

The IEP must describe any assistive technology devices and/or services necessary for the student to benefit from instruction, including whether the assistive technology device is required to be used in the student’s classroom, home or in other settings in order for the student to receive meaningful educational benefit.

- **Assistive technology device** means any item, piece of equipment, or product system – whether acquired commercially off the shelf, modified or customized – that is used to increase, maintain or improve the functional capabilities of a student with a disability. Assistive technology devices can range from “low technology” items like pencil grips or paper
SOPM Web Link:
http://schools.nyc.gov/NR/rdonlyres/5F3A5562-563C-4870-871F-BB9156EEE60B/0/03062009SOPM.pdf

SOPM Intranet Link:
http://intranet.nycboe.net/SpecialPopulations/SpecialEd/KeyDocuments/default.htm
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