

Students

MOUNT PLEASANT COTTAGE SCHOOL UNION FREE SCHOOL DISTRICT**SUBJECT: GUIDELINES FOR PROVIDING COPIES OF STUDENTS' INDIVIDUALIZED EDUCATION PROGRAMS (IEPs) AND INFORMING SCHOOL PERSONNEL OF IEP RESPONSIBILITIES****Factors/Issues to Consider in the Development of Administrative Practices and Procedures**

School District administrators and other personnel, as applicable, should consider the following issues as they relate to the development of administrative practices and procedures to ensure copies of students' individualized education programs (IEPs) (including amendments) are provided and appropriate school personnel informed of their IEP implementation responsibilities:

- 1) Copies of a student's IEP will be provided in electronic format, paper format or both.
- 2) The process (e.g., at the CSE meeting) used to determine for each student which general education teachers, special education teachers, related service providers and other service providers have responsibility to implement the recommendations on a student's IEP. For purposes of implementing regulatory requirements, "*other service provider*" means a representative of another public school district, charter school, Board of Cooperative Educational Services (BOCES), child care institution school, Special Act school district, State-supported school, approved private in-state or out-of-state school, and an approved preschool provider where the student receives or will receive IEP services.
- 3) The factors (e.g., administrative, supervisory, timelines) or procedures (e.g., documentation, timelines) the Chairperson of the CSE or Subcommittee should consider in the designation of the professional employee(s) of the School District who will inform the teachers and others of their IEP implementation responsibilities.
- 4) The procedures that will be used to ensure *supplementary school personnel (i.e., a teaching assistant or a teacher aide* as defined in Commissioner's Regulations) and each other provider responsible for assisting in the implementation of a student's IEP have an opportunity to review the IEP (including amendments), prior to its implementation, and have ongoing access to a copy provided to the special education teachers or related service providers.
- 5) The documentation the District will use to maintain a record of the personnel who have received IEP copies for each student.
- 6) The training and information the School District will provide to school personnel to ensure the confidentiality of such information in all formats.
- 7) The procedures that will be followed to ensure that copies of students' IEPs are stored in secure locations and retrieved or destroyed when such professionals are no longer responsible for implementing a student's IEP.

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SUBJECT: GUIDELINES FOR PROVIDING COPIES OF STUDENTS' INDIVIDUALIZED EDUCATION PROGRAMS (IEPs) AND INFORMING SCHOOL PERSONNEL OF IEP RESPONSIBILITIES (Cont'd.)**Confidentiality Requirements**

In accordance with the confidentiality requirements in the Individuals with Disabilities Education Act (IDEA) and the Family Educational Rights and Privacy Act (FERPA), any copy in any format of a student's IEP must remain confidential and shall not be disclosed to any other person other than the parent of such student, except in accordance with federal and state laws and/or regulations.

Under FERPA, school districts may disclose personally identifiable information in a student's education records, including the student's IEP, to school personnel with "legitimate educational interests." An IEP contains important instructional information that teachers, related service providers, supplementary school personnel and others need to know to implement the IEP. An IEP often also contains sensitive personal information about the student. As paper or electronic copies of IEPs are provided and individuals are informed of their IEP implementation responsibilities, school personnel must take steps to protect the student's right to confidentiality.

Consistent with the federal confidentiality requirements, the School District must minimally:

- 1) Protect the confidentiality of the IEPs provided to teachers and others at access, collection, storage, disclosure and instructions stages;
- 2) Designate the official at the District who retains responsibility to ensure the confidentiality of the IEPs;
- 3) Ensure that all persons collecting or using the IEPs receive training or instruction regarding FERPA requirements;
- 4) Ensure that the teachers, related service providers and other service providers who the District determines to have a legitimate educational interest and who receive or have access to a copy of the IEP do not disclose personally identifiable information from the IEP of a student without consent of the parent; and
- 5) Upon request, provide the parents with a list of the types and locations of education records, including the IEPs, collected, maintained or used by the School District.

Providing Copies of IEPs

- 1) A copy of an IEP can be provided in electronic format. An electronic copy of an IEP could be a copy provided on a computer disk, an encrypted flash drive, or in a computer file that provides

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the means to either print the document or to readily reference it on an ongoing basis. The format of the copy must be considered by the teacher, related service provider or other service provider to be his/her copy to which he/she can readily refer to implement the student's IEP. To ensure confidentiality, security systems must be implemented to prevent unauthorized internal and external access to the student's IEP when copies are transmitted and/or provided electronically.

- 2) A summarized version of an IEP cannot be provided to teachers and other providers as a basis for compliance with Education Law Section 4402(7) and implementing Commissioner's Regulations.
- 3) *Each teacher who is specifically responsible for implementing a service, accommodation and/or program modification to a student with a disability in accordance with the student's IEP must be provided a copy of the student's IEP (including amendments).* This may include any or all of the student's general education subject area teachers. However, the District is not required to provide a copy of a student's IEP to a general education teacher if that teacher is not required to implement a service, accommodation and/or program modification on the student's IEP. *The determination of those teachers who will need to have a copy of the student's confidential IEP should be made on a case-by-case basis.* It is recommended that this determination be made at the CSE meeting for each student.
- 4) With regard to "other service providers" (as defined above), the District must ensure that there is no delay in the implementation of the IEP and, therefore, must provide a copy of the student's IEP to the representative of the other service provider prior to the student's enrollment.
- 5) When a District student is placed by the CSE outside the District (e.g., in an approved private school, BOCES, preschool program, or out-of-state residential program), the District must provide one copy (paper or digital format) of the student's IEP, prior to implementation, to such programs. It is then the responsibility of these other service providers to implement the IEP requirements of Section 200.4 of Commissioner's Regulations, including providing copies of the IEP to teachers and related service providers with IEP implementation responsibility, providing ongoing access to the IEP by supplementary school personnel and other providers responsible for the implementation of the IEP, and informing all individuals of their specific IEP implementation responsibilities.

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- 6) Supplementary school personnel (i.e., teaching assistants and teacher aides) who have IEP implementation responsibilities for the student **must**, prior to implementation, **have the opportunity to review** the student's IEP (including amendments) and **be informed** of his/her specific IEP responsibilities by the professional staff person designated by the Chairperson of the CSE or Subcommittee prior to the implementation of the IEP. In addition, the supplementary school personnel **must have ongoing access** to a copy of the IEP, which may be the IEP copy provided to the teacher or related service provider under whose direction the supplementary school personnel work. The District *may, at its discretion, provide a copy* of the IEP to supplementary school personnel.
- 7) If special transportation is listed on the IEP, the bus driver - as a support staff - *must be informed* of his/her specific IEP implementation responsibilities relevant to his/her assigned duties that results in direct contact with that student. However, the District is *not required to provide a copy* of the student's IEP.
- 8) The District shall provide the special education teachers and related service providers who are responsible to provide IEP programs and services to a student with a disability enrolled in a nonpublic school program with IEP copies and ensure supplementary school personnel and other providers with IEP implementation responsibilities have access to a copy of the IEP. *The nonpublic school receives a copy of the student's school record and, for a student with a disability, a copy of the IEP would be included in the school record.*
- 9) When the CSE recommends that a student be declassified and continue to receive accommodations, modifications and/or other support services, such recommendation must be documented on the student's last IEP, which must be made available to teachers and other service providers consistent with Education Law Section 4402(7) and implementing Commissioner's Regulations.
- 10) When a student's IEP has been revised during the school year, the District must disseminate copies of the revised IEP in accordance with law, regulatory requirements, and established administrative practices and procedures.

Informing School Personnel of IEP Responsibilities

- 1) The Chairperson of the CSE or Subcommittee must designate one or, as appropriate, more than one professional staff person who will be responsible to inform school personnel of their IEP implementation responsibilities. This designation should be made on a student-by-student basis,

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based on who has knowledge of the student's disability and education program. In selecting the professional staff person(s), the Chairperson could select him/herself for this responsibility, another administrator, or a teacher, related service provider or other professional.

Commissioner's Regulations allow more than one individual to be designated, thereby providing flexibility to address administrative, supervisory, timeliness, workload responsibilities, unique needs of the student and other issues. For example, the Chairperson could designate the special education teacher to inform teaching assistants and teacher aides, the school psychologist to inform related service providers, the School Principal to inform the regular education teachers and auxiliary school personnel, and the Director of Special Education to inform transportation personnel.

- 2) Disseminating copies of the student's IEP, as appropriate, is one step to ensure the recommendations of the Committee for the student will be implemented. However, each individual with responsibility to provide a program, service, accommodation, modification or support must also be directly informed of his/her specific responsibilities. This *includes* the student's special education teachers, related service providers, regular education teachers, and other service providers who must receive copies of the IEP; teaching assistants and teacher aides who have IEP implementation responsibilities for the student and who must have the opportunity to review the student's IEP and have ongoing access to a copy of the IEP; as well as other school support personnel (e.g., bus drivers, cafeteria workers) who will have direct contact with the student based on his/her assigned duties and will have a responsibility to provide a service, accommodation and/or program modifications for the student in accordance with the IEP.
- 3) If designated school personnel are informed of their IEP implementation responsibilities in a written format and it contains confidential student information, appropriate safeguards shall be implemented to ensure the confidentiality of that information.
- 4) Administration shall implement procedures to document who and how professional staff and others were informed of their IEP implementation responsibilities to the extent it demonstrates compliance with Board of Education policy.