

## INTRODUCTION

This Section provides information regarding mandated membership and participation at the IEP Meeting, the scheduling and coordination of the meeting and administrative considerations for planning the IEP Meeting itself. Sections 6-8 provide additional information regarding considerations and actions that the IEP teams take during the IEP Meeting, as well as issues to be addressed following the development of the student's IEP.

## IEP TEAM PARTICIPANTS

### Requirements and Roles for IEP Team Members

The IEP document is a collaboratively developed plan based on information provided by parents, assessment professionals, instructional personnel, related service providers and, when appropriate, the student. The group responsible for developing the IEP is known as the IEP Team. In New York City, an IEP Team may be located at the student's public school, or in a Committee on Special Education Office.

### IEP Teams Located at the Committee on Special Education Office

The IEP Teams located at the Committee on Special Education Office and directed by the Chairperson are responsible for several groups of students. These IEP Teams are responsible for all students age 5 to 21 years of age who attend a school within the geographic boundaries of the districts served by the CSE office that is a:

- Private school
- Parochial school
- Charter school
- State approved Non-Public School (regardless of home address)

The IEP Teams located at the Committee on Special Education Offices are also responsible for students who **reside** within the geographic boundaries of the districts served by the CSE office and who are:

- Students attending non-public Schools outside of New York City and New York State
- Students who receive home instruction
- Students who are non-attending

New York State refers to IEP Teams as Committees on Special Education (Full Committees), or Subcommittees of the Committee on Special Education (Subcommittees). Membership requirements differ based on whether the IEP is a Full Committee or a Subcommittee. The parent may request a meeting of the Full Committee. (For more information, please refer to "Resolving Conflicts," in Section 6.)

The chart on the following page summarizes the required participants at IEP Meetings:

	SUBCOMMITTEE			
	Annual Review	Initial	Reevaluation	FULL COMMITTEE
<b>Special Education Teacher/Related Service Provider*</b>	must attend	must attend	must attend	must attend
<b>General Education Teacher, if applicable</b>	must attend	must attend	must attend	must attend
<b>Parent</b>	must attend	must attend	must attend	must attend
<b>Student, as appropriate</b>	must attend	must attend	must attend	must attend
<b>District Representative</b>	must attend	must attend	must attend	must attend
<b>School Psychologist</b>	not required	must attend	must attend	must attend
<b>School Social Worker</b>	not required	see below	see below	see below
<b>Parent Member</b>	not required	not required	not required	see below
<b>Physician</b>	not required	not required	not required	see below

\*When the student's only special education service is a related service, the related service provider participates as the student's special education service provider.

### THE SPECIAL EDUCATION TEACHER

At least one special education teacher of the student must participate in the IEP Team meeting. For a student who is being considered for initial placement in special education, a teacher qualified to provide special education in the type of program in which the student may be placed may serve as the student's special education teacher.

### THE GENERAL EDUCATION TEACHER

At least one general education teacher must be a member of the IEP Team if the student is, or may be participating in the general education environment.

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 of the student with a disability must, to the extent appropriate, participate in the development, review and revision of a student's IEP, including assisting in the determination of appropriate positive behavioral interventions and strategies for the student and supplementary aids and services, program modifications or supports for school personnel that will be provided for the student. The goal is to provide the general education teacher with an opportunity for meaningful participation while minimizing the impact on the teacher's other instructional responsibilities.

Keeping in mind that the participating general education teacher must be the student's teacher if the student is currently attending one or more general education classes, general education teacher selection should proceed as follows:

- For students participating in general education classes with supplementary aids and services (i.e., Related Services, Special Education Teacher Support Services, Collaborative Team Teaching) full-time or part-time or who are mainstreamed, the general education teacher or the preschool teacher who attends the IEP meeting must be the student's general education or preschool teacher.
- For students not participating in general education classes with supplementary aids and services or who are not mainstreamed, the general education teacher

or the preschool teacher must be one who is likely to provide general education or preschool instruction for the disabled student being considered for participation in general education classes or participation in age appropriate activities. For preschool students, the general education teacher is an individual qualified by the State Education Department to teach a student of the same age.

- For students who have more than one general education teacher, only one of the student's teachers must attend the meeting. Input from all the student's teachers who will not be attending should be obtained and presented at the meeting.
- For students attending non-public school programs and who are participating in general education classes with supplementary aids and services or who are mainstreamed, the student's general education teacher must be invited to participate at the IEP meeting. If the student's general education teacher is unable to participate, the IEP Team must identify a general education teacher to participate at the IEP meeting. The general education teacher identified 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 the student has several teachers, must they all attend?** No, only one of the student's general education and special education teachers must attend. However, it is good practice to encourage all of the student's teachers to provide relevant information regarding the student's functioning, performance, and behavior for use at the IEP Meeting.

## THE PARENT

In New York State parents have long participated in making eligibility and placement decisions about students with disabilities. Under the IDEIA parents must be informed of and provide written consent to initial referrals and new assessments as part of a reevaluation; have their concerns about the education of their child considered during the evaluation; be part of the group that reviews existing evaluation data during any evaluation or re-evaluation of their child and understand the results of evaluations. Additionally, if the IEP Team determines that no additional data is needed to determine continuing eligibility, parents must receive notice of that determination with a statement of the reasons for that decision. Parents have the right to request additional assessments if they disagree with the IEP Team decision. Upon request, parents have the right to be provided with the student's IEP, assessments and evaluations and due process notices in their preferred language or mode of communication. Additionally, parents should be provided with all assessment and evaluations before the IEP Team meeting.

The parent must be invited to participate and efforts must be made to select a mutually agreeable date for the IEP meeting; however, the meeting may proceed without the parent provided that documented appropriate outreach was conducted and attempts were made to arrange a mutually agreed upon date and time for the meeting. If the parents indicate that they will be unable to attend and cannot reschedule, they will be informed that they may participate via telephone conference.

Outreach is defined as:

- At least two attempts at telephone contact at different times of the school day, 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

All contacts with and attempts to contact the parent (including copies of all letters) and the reason for the rescheduled appointment, must be documented on the student contact sheet in the student's special education file.

## **THE STUDENT**

The student may participate when appropriate. Students 14 or older must be invited to participate in IEP meetings where transition planning is or will be part of the IEP.

## **THE DISTRICT REPRESENTATIVE**

The District Representative is a representative of the school district who is:

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

In addition to meeting the qualifications listed above, the district representative will:

- Chair the IEP meeting
- Facilitate open discussion among all participants regarding issues related to eligibility for services and development or revision of the IEP
- Ensure parents are meaningful participants in the IEP process and encourage them to discuss their concerns about the child's education
- Provide information regarding the continuum of services, including supports and services available in the child's current school and those which are available in other schools in the district
- Explain how the law requires children with disabilities to be educated with nondisabled children to the maximum extent appropriate and that the team must consider whether the child can make satisfactory progress in the general education setting with supplementary aids and services before recommending other programs
- Ensure all program and service options are considered
- Build consensus among team members on all issues before the team
- Ensure that the child's IEP includes the supports, services and accommodations the child needs to meet their IEP goals, and provides the child with the opportunity to progress in the grade level curriculum and on New York State and district assessments as appropriate
- In the event that consensus cannot be reached regarding program and service recommendation for a student who is already receiving special education services, ensure that parents are fully informed of their due process rights

The Principal will designate the individual who will serve as the district representative for IEP Meetings held at the school. The Committee on Special Education Chairperson will designate who will serve as the district representative for IEP Meetings held at the Committee on Special Education Office.

The person serving as the district representative may also fulfill the role of another person on the IEP Team (e.g. school psychologist, special education teacher) if they meet all the requirements. In addition, the role of the district representative may also be filled by the Principal, Assistant Principal, Supervisor of Psychologists, Supervisor of Speech Improvement, Administrator of Special Education or Committee on Special Education Chairperson.

### **THE SCHOOL PSYCHOLOGIST**

The school psychologist must participate in subcommittee meetings whenever a new psychological evaluation is reviewed, or a change to a service option with a more intensive staff/student ratio is considered.

The school psychologist must participate in all Full Committee reviews.

### **THE SCHOOL SOCIAL WORKER**

The school social worker may participate in a Subcommittee or Full Committee IEP Meeting if he/she is involved in any aspect of the evaluation process.

### **THE PARENT MEMBER**

The parent member must participate in all Full Committee Reviews. The IEP Team must inform the parent(s) of his/her right to have a parent member participate at the IEP Meeting itself. Parents must also be informed of their right to decline the participation of the parent member. If the parent opts to decline his/her right for the participation of a parent member, this must be documented in writing in the student's special education file.

### **THE SCHOOL PHYSICIAN**

A school physician is also a required participant if the parent, member of the school, or IEP Team member at the school/Committee on Special Education Office makes a request for a physician to attend at least seventy-two (72) hours prior to the IEP meeting. Schools should contact the Integrated Service Center to request a school physician to attend an IEP Team meeting.

### **INDIVIDUAL TO INTERPRET INSTRUCTIONAL IMPLICATIONS**

The individual who interprets the instructional implications of the evaluation results may also be a member of the IEP Team who is also fulfilling another role. The individual who interprets the instructional implications must be able to talk about how the evaluation results will impact on the instruction provided to the student and assist the team in determining what instructional modifications, strategies or interventions may be required. This role can be filled by the special or general education teacher, the district representative, or the school psychologist.

### **THE RELATED SERVICE PROVIDER**

When the student's only special education service is a related service, the related service provider participates as the student's special education service provider. If the "related services only" student is served by a non-Department of Education employee (e.g., contractor, independent provider, etc.), the school psychologist is responsible for conducting the Annual Review with all required participants. The principal or designee should provide the names of students who fall into this category to the school psychologist.

If the Related Service Provider cannot attend the meeting, s/he must submit a progress report indicating the student's current level of performance, progress toward meeting the related service annual goals, proposed annual goals (and short-term objectives if applicable) and recommendations for continuation or termination of the services and changes in frequency, duration, group size, and language. Related Service providers must be given notice of the need for a progress report at least 15 days in advance of the upcoming review. If modifications of related service recommendations are being considered, all attempts should be made to ensure the participation of the Related Service provider.

## ADDITIONAL MEMBERS

An interpreter is required to attend the IEP Team meeting if the parent's preferred language or mode of communication is other than English.

The following individuals may also be invited to participate in IEP meetings:

- Any school personnel with contributions to make to the decision making process
- At the discretion of the parent or the district, any individual with special expertise or knowledge of the student
- Assessment professionals or service providers involved in conducting the assessment or providing service to the student who are not employed by the Department of Education
- If a purpose of the IEP meeting is to consider the need for transition services, the student and a representative of the agencies likely to be responsible for providing or paying for transition services **must** be invited. If the student does not attend, the team must ensure that the student's preferences and interests are considered. If an agency invited to send a representative to a meeting does not do so, steps to involve the agency in the planning of any transition services must be taken
- If the students whose vision or hearing loss require additional consideration, a teacher of the Deaf and Hearing Impaired and/or Teacher of the Blind or Partially Sighted must attend the IEP meeting

## DETERMINING IEP TEAM COMPOSITION FOR THE INITIAL IEP TEAM MEETING

All initial cases culminate with an IEP Team Meeting configured as a Subcommittee or Full Committee. For students attending public school, both types of meetings are held at the school the student attends and are arranged and conducted by the school psychologist.

For non-attending students and students attending non-public schools and charter schools, the IEP Team staff assigned to Committee on Special Education Office arranges and conducts the meeting. Every effort should be made to hold the meeting at the school the student attends to facilitate the attendance of the student's teachers.

A Subcommittee may make all decisions for initial cases **except** for the following, which require a meeting of the Full Committee.

- Special Class (full-time or part-time)
- Special Class in a Specialized Public School (D. 75)
- Defer to CBST for Assistance
- Home Instruction



For initial referrals of students who are English Language Learners one professional team member must be bilingual.