

# Special Education Frequently Asked Questions

## **1. What is the difference between the School Implementation Team (SIT) and the school's Committee on Special Education (CSE) [known as the IEP team]?**

The IEP team (which includes the parent) is responsible for developing IEPs. The SIT is a critical structure to facilitate the strategic planning and guidance necessary to ensure the school community is prepared to serve all students. It is responsible, in part, for the timely implementation of IEP mandates. The broad responsibility of the SIT is to develop and carry out an appropriate and effective implementation plan specific to a school's community.

## **2. Can a school decide to offer a specific service such as integrated co-teaching or special class services, only in particular subjects (such as only locally determined "core" classes) or for a set number of periods? Can budget, availability of staff, and space limitations be considered when recommending special education instructional and related services?**

No. All recommendations on a student's IEP, including the subjects and number of periods for ICT, must be determined by, and designed to address, his/her individual needs. IEP recommendations must not be based on the services currently offered in a school, budget, availability of staff or space limitations, if those services do not meet the student's needs in his/her Least Restrictive Environment. School leadership should work closely with borough field support centers should there be need for additional resources.

## **3. Who must participate in an IEP meeting?**

Participation requirements differ based on the purpose of the meeting; refer to the SOPM at page 63. When a general education teacher is a required participant in an IEP team meeting, he or she must be present for the entirety of the meeting unless the teacher is excused from all or part of the meeting through written parental consent at least 5 days prior to the meeting. The same rule applies for special education teachers who are required participants.

## **4. How does the IEP team arrive at appropriate service recommendations? Can someone other than a mandated IEP team member make program and support service recommendations?**

All special education program and service recommendations are made by the IEP team during the IEP meeting. All members of the IEP team, mandated or not, may participate in the meeting in full. IEP teams are expected to reach their decision through a consensus building process. This does not mean that all members of the IEP team must agree, but rather that they have, through careful review of all information and perspectives, developed recommendations that are appropriate for the student. If the IEP team cannot reach consensus on the recommended program and services, the District Representative makes the final determination.

## **5. When is it appropriate to amend an IEP after the annual review without an IEP team meeting?**

In general, only minor changes in the IEP should be made without an IEP team meeting. Before an IEP can be amended without an IEP meeting, the IEP team must clearly describe all proposed changes on the Waiver of IEP Meeting to Amend IEP form (in SESIS), which must include a clear description of all proposed changes, and send the form to the parent. Additionally, the IEP team designee must discuss with the parent any and all changes that are

being considered. If the parent does not agree to the proposed changes, the changes cannot be made without an IEP team meeting. Refer to the SOPM pages 72 - 73 for more information.

**6. When students are recommended for special class or ICT for less than the full school day, how should they be programmed for the remaining periods?**

As noted in the December 9, 2015 Principals' Weekly, for all subjects for which a student's IEP does not recommend special education services, the student must receive instruction in a general education class with his/her peers who do not have disabilities.

**7. How do you functionally group students?**

For special class, SETSS, ICT, and related services, students with disabilities must be grouped by similarity of individual needs, so that the provider may address the needs of each student in the group. Each student's characteristics in the following areas must be considered: academic achievement, functional performance and learning characteristics; social development; physical development; management needs. Students with different disability classifications may be grouped together.

**8. What are the required components of a successful ICT program?**

ICT is an instructional model that allows students with disabilities to be educated with age-appropriate peers without disabilities in the general education classroom with the support of a special education teacher to deliver specially designed instruction and accommodate and modify instruction, as needed. One general education and one special education teacher share accountability for the planning, delivery of instruction, and assessment for all students. Teachers collaboratively plan, prepare, and facilitate lessons, activities, and projects. Co-teachers must be provided regular common planning time during the work day (i.e., time dedicated for Professional Development; time dedicated for Other Professional Work; professional activity assignments; and prep periods). They should also participate together in professional development to learn the various models of co-teaching and the appropriate uses and limitations of each model. ICT may be provided full-time, for less than the entire day, or on an individual subject basis, as set out in IEP recommendations based on each student's individual need.

**9. What does it mean when an ICT class is "out of compliance"?**

In New York City, the maximum number of students with disabilities in an ICT class may not exceed 40% of the total class register. State regulations limit the total number of students with disabilities in an ICT class to 12. The 40% limit and total of 12 includes any student with a disability in the class, regardless of IEP recommendation. NYSED allows one additional student with a disability to be added to a particular period or class (for a total of 13) after the start of the school year when it receives notification within 10 days of the student joining the class. The 13th student may be added only when the Special Education Office at Central has approved the placement and notified NYSED. See further information.

**10. What is Chapter 408 and what does it require?**

Chapter 408 refers to state law and corresponding regulations requiring that: (1) each provider responsible for implementing a student's IEP (including general and special education teachers, related service providers, and other service providers), be provided with electronic access to, or a copy of, the student's IEP prior to the IEP's implementation; (2) the student's IEP remain confidential; and (3) each staff member responsible for implementing

the student's IEP (including the paraprofessional) is informed of his or her specific responsibilities in order to ensure proper implementation. Each paraprofessional must have the ongoing opportunity to review a copy of the student's IEP. See more information.

**11. Are mandated providers, including special education and general education teachers in ICT classes, allowed to cover other duties during provision of service time?**

No. As noted in the April 28, 2015 Principals' Weekly, professionals who are obligated to provide services as mandated on IEPs (including special education teachers, general education teachers in ICT classes, related service providers, and paraprofessionals) must serve each student as mandated and may not be assigned to other duties (such as exam scoring or coverage/proctoring for other classes) that would prevent them from doing so, except in extraordinary circumstances. Substitute coverage for both general and special education teachers must be arranged when being asked to score exams.

**12. What is the timeline for completing initial evaluations, requested reevaluations and three-year mandated reviews?**

The DOE has 60 calendar days to evaluate a child after receiving parent consent and 60 school days from consent to evaluate to provide the placement recommended in the initial IEP. If the child is receiving special education services, the DOE must provide the recommended placement within 60 school days of the referral for reevaluation. Please refer to the SOPM beginning at page 46.

**13. Can staff members request that a child be initially evaluated?**

A teacher, or other professional staff member, may request that a child be evaluated by completing the Request for Referral form (in SESIS). After receiving the request, the principal must take one of two actions within 10 school days: (1) request parental consent to evaluate or (2) provide the parent with a copy of the request and offer the parent the opportunity to discuss the request with the building administrator and the professional staff member who requested the referral. For more information please refer to the SOPM at page 25.

**14. Can staff members request a reevaluation?**

A student's teacher or related service provider may make a referral for a reevaluation. Please refer to the SOPM at page 30.

**15. Are there any limits on a parent's right to refer their child for evaluation?**

No. Parents may request an initial evaluation at any time (including prior to or during the implementation of Response to Intervention strategies) to determine if their child is eligible for special education services, unless the student has received a high school diploma or turned 21 prior to September 1 of the school year in question.