

**Board of Education Policy**

**INDIVIDUALIZED EDUCATION PROGRAM DISTRIBUTION**

---

The School District shall provide regular and special education teachers, related service providers and other service providers, who are responsible for the implementation of a student’s Individualized Education Program (“IEP”) with either a paper copy of such student’s IEP, or electronic access to such IEP in accordance with the requirements of Subdivision 7 of Section 4402 of the Education Law.

**District’s Responsibility to Provide IEP Copies**

Prior to the implementation of such program, and as soon as practicable after a meeting of the Committee on Special Education or Committee on Preschool Special Education, the Director of Pupil Personnel, Committee on Special Education or Committee on Pre-school Special Education Chairperson, case manager or other appropriate persons shall: (i) transmit a copy of the IEP to the teachers, related services providers, or other service providers with responsibility for implementing services to such student under the IEP; (ii) provide with the IEP a statement explaining the IEP is a confidential document and re-disclosure can only be made under certain circumstances which are provided for in FERPA, the “Buckley Amendment”, and the Individuals with Disabilities Act (“IDEA”)

The term “other service provider,” shall mean a representative of another public school district, charter school, BOCES program, 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 and where the district has made the placement. The district will ensure that there is no delay in the implementation of the IEP.

The school district will provide a copy of the student’s IEP, prior to implementation, to any program outside the district into which the district’s CSE places a child. It will then be the responsibility of these outside service providers to implement the IEP requirements, including providing copies of the IEP to teachers and related service providers with IEP implementation responsibility, providing ongoing access to the IEP by paraprofessionals and other providers responsible for the implementation of the IEP and informing all individuals of their specific IEP implementation responsibilities.

A paraprofessional, i.e.: teacher aide, teacher assistant or other provider responsible for assisting in IEP implementation, who has IEP implementation responsibilities for the student must, prior to implementation, have the opportunity to review the student’s IEP and be informed of his or her specific IEP responsibilities by the professional staff person designated by the chairperson of the CSE/CPSE prior to the implementation of the IEP. Further, the paraprofessional 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 paraprofessional works.

**Board of Education Policy**

**INDIVIDUALIZED EDUCATION PROGRAM DISTRIBUTION**

---

**Students Attending Private Schools**

If a parent makes a request for services, in writing for dual enrollment services, by June 1<sup>st</sup> of the preceding year and April 1<sup>st</sup> of the current year, and the parent submits such written request for services within 30 days after such student is identified, an Individual Education Services Program (IESP) shall be developed by the CSE based on the student's needs with the same contents as an IEP. If a student is parentally-placed in a private elementary or secondary school that is not located in the student's school district of residence, parental consent, or consent of a student 18 years or older, must be obtained before any personally identifiable information about the student, including the child's IESP, is released between officials in the district where the private school is located and officials in the parent's district of residence.

**IEP Copies**

Copies of an IEP will be provided in electronic or paper format. All IEP copies will be provided to individuals according to this policy.

An electronic copy of an IEP could be a copy provided on a computer disc or in a computer file that provides the means to either print the document or to readily reference it on an ongoing basis. Each teacher, related service provider or other service provider must be given his or her own individual copy by which he or she can readily refer to implement the student's IEP. A security system will be implemented to prevent unauthorized internal and external access to the student's IEP when copies are transmitted and/or provided electronically.

Further, if a student's IEP is revised during the school year, the district will disseminate copies of the student's IEP to teachers and service providers consistent with Chapter 408 and the implementing sections of Part 200 of the Regulations with this policy.

**Declassification**

If a CSE recommends that a student be declassified and continue to receive accommodations, modifications and/or other support services, such recommendation will be documented on the student's *last* IEP. Further, the student's IEP will be provided to teachers and other service providers consistent with Chapter 408 and the implementing sections of Part 200 of the Regulations and this policy.

**Confidentiality of IEPs**

Any copy of a student's IEP provided pursuant to this policy shall remain confidential and shall not be redisclosed to any other person, in compliance with federal and state laws and regulations, including the Individuals with Disabilities Education Act and the Family Educational Rights and Privacy Act ("FERPA"). The school district may disclose personally identifiable information in a student's education records, including the student's IEP, to school personnel with "legitimate educational interests."

**Board of Education Policy**

**INDIVIDUALIZED EDUCATION PROGRAM DISTRIBUTION**

---

Consistent with FERPA, the school district will, at a minimum:

- Protect the confidentiality of the IEP’s provided to teachers and other at collection, storage, disclosure and destruction stages;
- Ensure that all persons collecting or using the IEP’s receive training or instruction regarding FERPA requirements;
- Ensure that the teachers, related service providers and other service providers who the district determines to have a legitimate educational interest and who receive a copy of the IEP are informed about their respective obligations to maintain confidentiality of the particular students records, do not disclose personally identifiable information from the IEP of a student without consent of the parent and return copies of the IEP at the end of each school year or upon issuance of a revised or updated IEP; and upon request, provide the parents with a list of the types and locations of education records, including the IEP’s collected, maintained or used by the school district.

In addition, the CSE Chair shall designate one, or as appropriate more than one, professional employee of the school district with knowledge of the student’s disability and education program who shall, prior to the implementation of the IEP, inform each teacher, related service provider, assistant and support staff person of his or her responsibility relating to the implementation of the IEP and of the specific accommodations, modifications, supports and goals and objectives that must be provided for the student in accordance with the IEP. The designation of a professional employee will be made on a case-by-case basis, based on who has knowledge of the student’s disability and education program. The chairperson could select him/herself for this responsibility, another administrator, or a teacher, related service provider or other professional. the professional employee so designated shall also be charged with informing each teacher, related service provider, assistant and support staff person of the obligation to maintain the confidentiality of the IEP.

**Reference:** Education Law §4402(7) 8 NYCRR §§200.2; 200.4

**Adopted:** 06/24/2009

**Reviewed:** 01/28/2015 11/14/2018 12/13/2023

**Revised:** 02/25/2015 12/12/2018 01/24/2024