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QUESTIONS AND ANSWERS ON SPECIAL EDUCATION MEETING NOTICES AND RELATED REQUIREMENTS

September 2010
Updated May 2011

The following questions and answers address some of the important issues raised by requests for clarification of the federal and State requirements for meeting notice and the State model forms for Meeting Notice. This document will periodically be updated with additional questions and answers and, if appropriate, existing questions and answers will be amended as needed. This guidance does not impose any requirements beyond those required under applicable law and regulations. This document supersedes any previously issued guidance on this topic.

If you have questions regarding meeting notice, you may submit them to the following mailbox: speced@nysed.gov.

A. MEETING NOTICE FORM

1. **Where does the meeting notice form identify whether the meeting is a Committee on Special Education (CSE) or Subcommittee meeting?**

The CSE meeting notice offers two drop-down options to identify the type of meeting as either a CSE meeting or a Subcommittee meeting. This drop-down box appears in the first full paragraph of the notice as a text box. When you click on the text box, the drop-down options will appear.

2. **On the Committee on Preschool Special Education (CPSE) notice, where does the name of the additional parent member go in the letter?**

The name of the additional parent member is to be included in the chart listing names and titles of the persons who will attend the meeting.

3. **Can we modify the font size, margins, font style, etc. on the meeting Notice form?**

The content of the meeting notice may not be modified. However, font style, font size and margins may be modified.

4. **In the “Purpose of the Meeting Section” could we make the language more concise than the examples...such as annual review, review initial evaluation, reevaluation, requested review, CPSE transition, etc.?**

Yes.

5. **Can we put on the notice, 1st notice, 2nd notice, 3rd notice for our records?**

Yes.

6. **May a district add additional information to the meeting notice?**

Yes. A school district could add text information, as appropriate, to the meeting notice provided that the content of information in the New York State Education Department (NYSED) form template is not modified or deleted.

7. **If the individualized education program (IEP) to be reviewed at the CSE meeting is not an IEP to be in effect when the student turns age 15 and thereafter, can the section of the meeting notice requiring identification of other agencies invited to assist in transition planning and services be deleted?**

No. In this case, “not applicable” should be inserted in this section of the meeting notice.

8. **Must the meeting notice be translated into the native language of the parent?**

There is no federal or State requirement that meeting notice be translated into the native language of the parent. However, in order to ensure parent participation in the Committee meeting, the district should take reasonable steps to ensure that the parent understands the meeting notice, which could include providing the written notice translated in the language the parent understands. NYSED has translated the meeting notices into several languages to assist school districts to provide meeting notices to parents in their native language.

9. **The row at the bottom of the page regarding post-secondary goals and transition services is one long box. Can I reformat it to have the two columns the same as the box above – “Name and Title”? (Added 4/11)**

No. The format of the meeting notice form may not be altered. This section of the Meeting Notice form must identify the name of the agency being requested to send a representative to the meeting if post-secondary goals and transition services will be considered at the meeting; the name of the individual representing the agency is not identified on the form.

10. **Can the signature line be removed? (Added 5/11)**

No. The meeting notice is in letter format to provide the parent with the name of the individual sending the form to the parent. However, we would allow the district to omit the “Sincerely” on the form.

11. **Can the title of meeting notice in NYC be changed to “IEP Meeting Notice” rather than Meeting Notice – CSE or CPSE? In NYC, the vast majority of people**

No. It is important that parents and staff understand that a meeting is a CSE or CSE Subcommittee meeting. NYC must use the same terms as the rest of the State is using in the meeting notice. It is permissible to enclose a second letter with the meeting notice that explains the transition to a new term, however, this second letter should not impact the language on the actual meeting notice.

B. IDENTIFYING INDIVIDUALS WHO WILL ATTEND THE MEETING

- 1. The meeting notice requires that individuals who will be in attendance at the meeting be identified by name and title. Does this mean the same as “expected to attend” the meeting?**

Yes. Federal regulations require that meeting notice inform parents of who will be in attendance at the meeting.

- 2. Does the requirement to identify those who will attend by name and title only apply to mandated members of the CSE?**

The district must notify the parent of any individual who will be in attendance at the meeting, to the extent known by the school district.

- 3. If a parent notifies the district that he/she will bring a parent advocate to the CPSE/CSE meeting, does the district have to include the name of the parent advocate on the notice of meeting and send an invitation to the parent advocate?**

No.

- 4. If a school administrator (e.g., superintendent, director of special education, building principal) wishes to observe a Committee meeting for supervisory reasons only and is not participating in the meeting, must the meeting notice identify that individual by name and title?**

No. However, the role of supervisory personnel in the meeting should be explained to the parent prior to the start of the meeting and the individual should not otherwise participate in the discussions and recommendations developed at the meeting.

- 5. Does the meeting notice need to identify the representative of a participating agency invited to attend the meeting for purposes of transition planning?**

No. The meeting notice must identify the name of the agency invited to send a representative. If the name of the individual who will attend is known to the district, this information could, but is not required to, be identified on meeting notice.

6. **When inviting non-mandated members of the CSE, is it allowable to include only the title, but not the name of the individual?**

No. The notice must inform the parent of the name and title of those persons who will attend the meeting.

7. **Does the Individuals with Disabilities Education Act (IDEA) require the name of the CSE committee member in addition to the title?**

The requirement for meeting notice to include the name of the individual is not in federal law or regulation. Federal regulations requires that the parent be notified as to who will be in attendance at the meeting. State regulations interpret this requirement to mean the name and title of the individual [8 NYCRR section 200.5(c)].

8. **What steps can the district take in providing the name and title when the district does not know the name of, for example, the CPSE evaluator or the county representative or municipal representative who will be attending?**

The district should, to the extent this information is known to them, identify attendees by name and title. When it is not possible to do, the district should identify the individual by title.

9. **Are the parent(s) of the student to be discussed mandated members of the Committee and should they be listed in the notice? (Added 4/11)**

Yes. The meeting notice must indicate all members of the CPSE or CSE who will attend the meeting, including the parent(s) of the student.

10. **If, after a meeting notice has been provided to a parent, a school district decides that an additional individual will attend the meeting, can the district call the parent to inform him/her that an additional individual will be attending the meeting? (Added 4/11)**

A last minute call informing a parent that an additional individual will be attending the meeting is no substitute for proper written meeting notice. However, meeting notice, including a revised meeting notice, may be provided to the parent in situations in which the district and parent agree to a meeting that will occur within five days (8 NYCRR §200.5(c)).

11. **The sample Subcommittee Meeting Notice form indicates that it is allowable to list the name of one individual that will attend the meeting but if that individual is not available, a different individual is listed as attending. In the sample form, the English teacher, Mr. Santiago, is listed as attending the meeting. Below his name, the Math teacher, Mr. Smith, is listed as attending if Mr. Santiago is not available. (Added 5/11)**

- a. **Can this substitution, if one person is not available, be made and documented on the form for other members of the Subcommittee who are listed to attend?**

- b. **Does this ability to indicate that an alternative individual might attend the meeting apply to the CPSE and CSE as well as the Subcommittee?**
- c. **This appears to conflict with guidance provided by SED that the meeting notice must identify who will attend. Should districts be using this more flexible listing of meeting attendees?**

By including an alternate attendee, the district is identifying who will attend (e.g., if Mrs. Jones is not able to attend, Mr. Smith will attend). A district may, but is not required, to complete its meeting notice forms in this manner. This could apply to any member of the CSE/CPSE or Subcommittee as long as the alternate attendees meet the requirements for the members of the Committee.

C. PURPOSE OF THE MEETING

- 1. **The Meeting Notice refers to CSE, Subcommittee, and CPSE meetings. What do we do when the district has a review with the Manifestation Team? Do we list this as a CSE meeting?**

When the district convenes a meeting of a Manifestation Team, it must provide written notice to the parent that includes much, but not all of the same information as included in meeting notice. Because the State's meeting notice forms were developed expressly for CPSE and CSE/Subcommittee meetings, school districts should develop their own form for Manifestation Review meeting notice that informs the parent of the purpose of the meeting, the names of the individuals expected to attend and informs the parent of his or her right to have relevant members of the CSE participate at the parent's request.

- 2. **If three (3) purposes are noted on the meeting notice and a fourth one comes up after the notice is sent, can either the parents or school district refuse to discuss it?**

Meeting notice informs the parent of the purpose of the meeting and the names and titles of individuals who will attend the meeting and participate in discussion related to the purpose(s) stated on the notice. If an unanticipated topic is introduced during the meeting that does not relate to the purpose(s) of the meeting as identified on the notice, the Committee may decide whether to discuss it at that meeting or that there is a compelling reason to schedule another meeting to discuss the other matter(s).

D. MANNER AND TIMELINE TO PROVIDE THE PARENT WITH MEETING NOTICE

- 1. **If the parent and school agree to waive the five-day notice, what impact does this have on county attendance and requirement to provide county with notice?**

Parents cannot "waive" his/her right to five-day notice. However, a parent and district can agree to a meeting date within five days, which would make it impossible for the parent to receive the notice five days in advance of the meeting and for this reason, State regulations provide an exception to the five-day requirement. In agreeing to a

meeting to be conducted within five days, the school district must consider its obligation to invite the municipality representative to the meeting.

- 2. If there is a snow day on the day of a scheduled meeting, can you have a meeting on the next day? Or, do you need to wait five (5) days?**

If a scheduled meeting is cancelled, it must be rescheduled. In rescheduling the meeting, the parent and district could agree to a meeting within five days. Otherwise, the district must provide the parent with appropriate advance notice of the rescheduled meeting to ensure the parent has the opportunity to participate in the meeting.

- 3. For Meeting Notice, the PowerPoint slide says five calendar day for notification but attachment 3 Meeting Notice Questions and Answers states five days for notification. Can you clarify if it is calendar or school days?**

For purposes of meeting notice, "days" means calendar days.

- 4. Is there a State vetted or model form for a five-day waiver regarding meeting notices when the five-day timeline will not be met and is agreed upon by the parent due to suspension issues, etc.?**

No. When a parent and school district agree to a meeting that will occur within five days, or when the purpose of the meeting is to meet the timelines related to suspension or removal of a student for disciplinary reasons, the meeting notice may be provided to the parent less than five days prior to the meeting. There is not a different meeting notice form for use when a meeting occurs within five days.

- 5. There is guidance that indicates that meeting notices can be delivered via email. Can you clarify why for CPSE; meeting notice must be via postage/mail?**

Section 4410(3)(a) of New York State (NYS) Education Law requires that meeting notice for a preschool child be provided in writing by first class mail, postage prepaid, facsimile or personal service. However, federal regulations and section 200.5(c) of the Regulations of the Commissioner of Education states that a parent may elect to receive the notice of meetings by an electronic mail (e-mail) communication if the school district makes such option available. Therefore, unless the parent of a preschool child elects to receive the meeting notice by e-mail, the district must provide the meeting notice to the parent by first class mail, postage prepaid, facsimile or personal service.

- 6. Is it required that the meeting notice be provided in the native language of the parent?**

There is no federal or State requirement that meeting notice be provided in the native language of the parent. However, in order for a parent to be informed of the meeting, the district must take steps to ensure that the parent understands the meeting notice.

7. **In the meeting notice training power point, slide number 11 states “If meeting notices are sent by e-mail, the district must ensure that they maintain copies of the dated electronic mail communication to the parent.” Can those copies be an electronic folder of correspondence or do they have to be paper copies? (Added 5/11)**

A district must maintain a copy of the meeting notice in order to document that the notice was provided to the parent. If a district provides notice of meetings to parents by electronic mail (e-mail) communication, it may maintain either paper or electronic copies of such notice.

8. **In reviewing your Q&A related to Special Education Forms document, I noted that there was a statement regarding notices that have been translated into several languages, however, I have been unable to find them. Could you please direct me to a web site where they can be found or the department that I could direct my question to? (Added 5/11)**

Spanish, Russian, Haitian Creole, Chinese and Korean translations of the meeting notice form are available in word format on the Department’s website: <http://www.nysed.gov/special-education/meeting-notice-relating-special-education>

E. REQUIRED ATTENDANCE AT COMMITTEE MEETINGS

1. **What happens if one or more of the individuals listed on meeting notice cannot attend?**

If one or more of the members of the Committee, pursuant to sections 200.3 and 200.4¹ of the Regulations of the Commissioner of Education, cannot attend the meeting, the meeting should be rescheduled except when:

- alternative means of participation can be arranged; or
- the school district and parent, in accordance with the procedures established in State law and regulation, reach an agreement that the attendance of an individual(s) is not necessary or that the individual could be excused for all or a portion of the meeting.

2. **Are all individuals listed on the meeting notice required to attend the meeting, even if they are not required members of the Committee?**

¹ If the recommended placement is to be in a school operated by an agency or school other than the school district in which the student would normally attend if the student did not have a disability or if the education of a student residing in a facility operated or supervised by a another State agency or Department is the responsibility of the school district, the school district must ensure that a representative of that agency or school attends. If the purpose of the meeting is to consider the post-secondary goals for the student and the transition services needed to assist the student in reaching those goals, the school district must invite the student. If the student does not attend, the school district must take steps to ensure that the student’s preferences and interests are considered; and to the extent appropriate and with parental consent (or consent of the student if the student is age 18 years of age or older), invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services. If an agency invited to send a representative to a meeting does not do so, the district should take steps to involve the agency in the planning of any transition services.

When the district notifies the parent of individuals who will attend the meeting, it is because the district has determined that these individuals are needed to develop or review and, as appropriate, revise the student's IEP. Therefore, while the meeting could proceed without their attendance, the Committee should take steps to ensure their input is considered at the meeting.

3. Can the district cancel the meeting if a parent brings an advocate unexpectedly?

No. The district cannot refuse to hold a committee meeting if a parent brings an advocate to the meeting without previously notifying the district of their intent to do so. Federal and State regulations give the right to the parent to include, as a Committee member, other persons having knowledge or special expertise regarding the student as the parent(s) shall designate. While parents are strongly urged to notify the school district in advance of the meeting if the parent(s) intends to bring someone to the meeting, he/she is not required to do so.

4. Can the meeting notice identify two additional parent members, separated by "or" so that if one parent member does not attend, the meeting could proceed with the alternate additional parent member?

Yes.

5. Does the State intend to develop the form to invite a student to the meeting?

No. It is the Committee's responsibility to invite the student when appropriate. The Department has not developed a model form to districts for this purpose.

6. When a municipality representative is not able to attend a meeting but is listed in the meeting notice as one of the individuals who will attend the meeting, does the CPSE have to reconvene the meeting on a date that the municipality representative is able to attend? (Added 5/11)

A representative of the municipality must be invited to a CPSE meeting. However, if that representative does not attend, the meeting can legally proceed.

F. CHAIRPERSON OF THE COMMITTEE

1. Can the special education teacher of the student or the school psychologist act as both the CSE chairperson and the student's teacher or school psychologist at the same time?

Yes, provided that the special education teacher or school psychologist meet the qualifications for the chairperson. The chairperson of the Committee must be the representative of the school district who is qualified to provide or supervise special education and is knowledgeable about the general education curriculum and the availability of resources of the school districts. In appointing the special education

teacher or the school psychologist as the Chairperson, the school district must ensure that this individual has the authority to commit the resources of the district.

G. SUBCOMMITTEES ON SPECIAL EDUCATION

- 1. Is every school district authorized to have Subcommittees on Special Education or is authority to use Subcommittees limited to school districts in cities with over 125,000 inhabitants?**

NYS Education Law and regulation authorizes every school district to appoint subcommittees on special education to assist the board of education to meet its special education responsibilities. However, school districts located in cities with a population in excess of 125,000 inhabitants (i.e., New York City) are mandated to appoint subcommittees for this purpose.

- 2. Must the initial CSE meeting for a child transitioning from the CPSE always be conducted by a full CSE committee?**

No. It is permissible to use a subcommittee of the CSE for the initial meeting for a child transitioning from CPSE to school-age special education, except when a student is being considered for initial placement in a special class; or a special class outside of the student's school of attendance; or a school primarily serving students with disabilities or a school outside of the student's district.

- 3. If a preschool placement was in a special class, can a subcommittee meeting be conducted for an initial meeting of the CSE?**

Yes, provided that a student is not being considered for initial placement in a special class outside of the student's school of attendance; or a school primarily serving students with disabilities or a school outside of the student's district.

- 4. If the additional parent member cannot attend a CSE meeting, can the CSE change to a Subcommittee?**

If the meeting notice has informed the parent that the meeting would be conducted by a CSE, the meeting could not be "changed" to be a Subcommittee meeting because, for example, the additional parent member, fails to attend the meeting. Section 200.5(c)(2)(vi) of the Regulations of the Commissioner of Education requires meeting notice to inform the parent(s) if a meeting will be conducted by the Subcommittee and that, upon receipt of a written request from the parent, the Subcommittee shall refer to the CSE any matter on which the parent(s) disagrees with the Subcommittee's recommendation concerning a modification or change in the identification, evaluation, educational placement or provision of a free appropriate public education (FAPE) to the student.

The district should inform the parent of all options: 1) to reschedule the meeting until the additional parent member is available; or 2) that the parent can reach a written agreement with the district that the attendance of the additional parent member is not necessary.

5. **Can the CPSE operate a Subcommittee?**

No.

6. **There are two paragraphs in the meeting notice specifically for CSE and Subcommittee. We realize that if the letter indicates that the committee is a subcommittee we must print the Subcommittee paragraph, however do we still print the CSE paragraph? Or should we print both paragraphs no matter what?**

Both paragraphs must be included in the meeting notice regardless of whether it is a CSE or Subcommittee meeting.

7. **What are the “certain circumstances” when a school psychologist would not need to be part of the CSE Subcommittee?**

A school psychologist is a member of a Subcommittee whenever a new psychological evaluation is reviewed or a change to a program option with a more intensive staff/student ratio is considered.

8. **If the meeting is a subcommittee meeting, can that paragraph regarding subcommittee meetings be moved ahead in the notice? (Added 5/11)**

No. Other than changes to the font style, font size and margins, the notice may not be modified.

H. TRANSITION PLANNING REQUIREMENTS AND MEETING NOTICE

1. **The meeting notice includes the statement “If post-secondary goals/transition will be considered, your child will be invited...”. Whenever a meeting is held regarding a student who is transition age (15+), won’t transition be considered, even as a result of an impact from an amendment, or are there exceptions of when the student might not be invited?**

For students ages 15 and older, each IEP annual review must consider transition goals and services. However, there may be instances when a review of an IEP conducted in addition to an annual review meeting might be for a purpose that would not include a discussion of post-secondary goals and transition services.

2. **The meeting notice includes the statement: “In addition, a representative from the following agency/agencies likely to be responsible for providing or paying for transition services will be invited with your consent, or the consent of your child if he/she is 18 years of age or older.” If there are no agencies identified as responsible, could a district add a null statement into the text box which states, “At this time, no agency has been identified to likely be responsible for providing/paying for transition services. Therefore, no invitation has been extended.”**

Yes.

3. **What documentation (e.g., e-mail, written letter, telephone call) is necessary for consent for either parent(s) or student to agree to invite an agency?**

Whenever a district is required to obtain consent, it is required to obtain written consent.

4. **Could a cc on the meeting notice serve as the agency invitation or does it need to be an individualized letter of invite?**

Meeting notice is sent to the parent. The district has discretion on how it invites an agency to send a representative to the meeting.

5. **If the coordinated set of activities identifies an agency along with a district employee for responsibility (e.g., school counselor and vocational rehabilitation counselor) does that trigger a need to invite the agency, or could the district employee represent the information received from the agency?**

The Coordinated Set of Transition Activities section of the IEP identifies whether a district or agency is responsible for the transition activities recommended for the student. A particular individual is not identified in this section of the IEP.

The meeting notice must identify the agency/agencies for which a representative will be invited to the meeting if the agency/agencies are likely to be responsible for providing or paying for transition services for the student.

6. **Districts don't seem to be getting consent for other agencies to attend. Will there be something in the forms to prompt for that?**

The meeting notice form includes a statement that a representative from agencies likely to be responsible for providing or paying for transition services will be invited to a meeting with parental consent, or the consent of the student if he/she is 18 years of age or older. It is the responsibility of the Committee to obtain such consent.

7. **On CSE meeting notice (for students 15 yrs or older) it states "In addition, a representative from the following agency/agencies likely to be responsible for providing or paying for transition services will be invited, with your consent, or the consent of your child if he/she is 18 yrs or older."**

- **Does consent require written consent?**

Yes

- **Does a lack of response imply consent?**

No. A parent's lack of response to a district's request for consent does not imply or mean that the parent has provided his/her consent.

- **Does this mean the district should be inviting the Office of Vocational and Educational Services for Individuals with Disabilities (VESID) staff and/or transition coordinators who are in contract with district? Does this also relate to inviting outside case managers to the CSE meeting? They are often assisting with transition services. They are often Medicaid Service Coordinators.**

Any agency likely to be responsible for providing or paying for transition services will be invited to send a representative to attend the meeting, with consent of the parent, or consent of the student if he/she is 18 yrs or older.

- **Is it the district's responsibility to ask the family if there is an outside coordinator and obtain permission to contact them?**

The district should take the steps necessary, on a case-by-case basis, to ensure that the student's IEP identifies a coordinated set of transition activities to prepare the student to meet his or her secondary goals.

- **If an agency(agencies) likely to be responsible for providing or paying for transition services will be invited to send a representative to attend the meeting, is that representative considered a member of the CSE for that meeting?**

The meeting notice identifies the agency/agencies that will be invited to send a representative to attend the meeting if consent is obtained. Individuals invited to attend a CSE meeting may fully participate in that meeting.

I. PARENT PARTICIPATION IN MEETINGS

1. **Can a meeting be held without the parent when the parent does not show for a CSE or CPSE meeting without giving us any notice or communication? What would we need to document if we hold the meeting?**

A parent's right to participate in the Committee meeting for his/her child is a fundamental right under IDEA. While a school district may conduct a CSE meeting without a parent in attendance, it can only do so if it has a detailed record of its attempts to obtain the parent's participation, and the results of those attempts to arrange a mutually agreed on time and place.

2. **In the CPSE Meeting Notice form the closing statement is: "You may also address the CPSE in writing." Why is this statement included only in the CPSE meeting notice and not the CSE meeting notice? Can you clarify what the statement is in reference to? Does this mean that the parent can submit information in writing in lieu of attending the meeting or that the parent can submit a written response to the meeting notice? Is there a regulatory reference for this statement?**

Section 200.16(h)(4) the Regulations of the Commissioner of Education requires that notice of meetings for the parent of a preschool child inform the parent of the opportunity to address the Committee in person or in writing. The intent of this regulation is to encourage the parent's input in the CPSE process and to provide the parent with the opportunity to provide their input in addition to attending the meeting or in the event they cannot attend a meeting. While parents of school-age students have this same right, State regulations do not expressly require that meeting notice for a school-age student include the same statement.