



INFORMATION BULLETIN

Consultant Teacher Services

This document provides information on the implementation of consultant teacher services as defined in the Regulations of the Commissioner of Education. It addresses the following topics:

- Introduction
- Excerpts from Commissioner's Regulations Regarding Consultant Teacher Services
- Implementation of Consultant Teacher Services
- Advice to Local Leaders

NOTE: This Information Bulletin replaces all previous Information Bulletins which were also titled *Consultant Teacher Services*.

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Introduction

Consultant teacher services support students with disabilities who are enrolled in general education classes, including career and technical education classes. The intent of consultant teacher services is to provide direct and/or indirect instructional support to students and their teachers which does not require removing the student from the general education classroom.

The Individuals with Disabilities Education Act (IDEA) and the No Child Left Behind Act focus on improving the academic achievement of students with disabilities. The Committee on Special Education (CSE) must determine how each student with a disability will have the opportunity to be involved with and progress in the general education curriculum. This includes recommending the types of support needed by the student or by the student's teacher(s) to enable the student to achieve the goals and objectives of such curriculum. Some students with disabilities could be successfully educated in a general education class with the support of a consultant teacher.

The 1997 IDEA changed the membership of the committee to strengthen the connection between special education and the student's opportunity to benefit from the general education curriculum. Each Committee on Special Education must include at least one general education teacher of the student, if the student is or may be participating in the general education environment. The general education teacher helps the committee to identify appropriate positive behavioral supports and modifications for the student and necessary support for school personnel, to enable the student to participate in the general education class and curriculum.

Excerpts from Part 200 of the Regulations Regarding Consultant Teacher Services

1. As defined in Sections 200.1(m) and 200.6(d) of the Regulations, consultant teacher services means direct and/or indirect services provided to a student with a disability who attends general education classes and/or to such student's general education teachers. General education classes include career and technical education.
 - Direct consultant teacher services means specially designed individualized or group instruction provided by a certified special education teacher to a student with a disability to aid such student to benefit from the student's general education classes.
 - Indirect consultant teacher services means consultation provided by a certified special education teacher to general education teacher(s) to assist them in adjusting the learning environment and/or modifying their instructional methods to meet the individual needs of a student with a disability who attends their classes.
2. According to Section 200.4(d) of the Regulations, if the student has been determined to be eligible for consultant teacher services, the Committee on Special Education must indicate in the student's Individualized Education Program (IEP) the general education classes, including career and technical education, in which the student is to receive

consultant teacher services, as well as the amount of time that consultant teacher services will be provided to the student.

3. As required by Section 200.4(e) of the Regulations, When consultant teacher services are specified in the IEP, the general education teachers of the student for whom the service will be provided must be given the opportunity to participate in the instructional planning process with the consultant teacher to discuss objectives, and to determine the methods and schedules following the development of the IEP.
4. Under 200.6 of the Regulations, the total number of students with disabilities who can be assigned to a full-time consultant teacher must not exceed twenty. *Other instructional assignments may not be given to a full-time consultant teacher.* Section 200.6(d)(3) of the Regulations allows a school district to request a variance from the State Education Department concerning to the maximum student load of twenty students with disabilities. Local leaders who need more information regarding variances should consult NYSUT Information Bulletin on Special Education Variances, No. 200619.
5. Each student requiring consultant teacher services must receive a minimum of two hours of direct and/or indirect services each week (200.6 [d]).
6. Amendments to Part 200.6(d) of the Regulations of the Commissioner of Education that became effective on July 1, 2007 now allow a student with a disability who also needs resource room services in addition to consultant teacher services to receive a combination of both services, consistent with the student's IEP, for not less than three hours each week.
7. An individual providing consultant teacher services must be a certified special education teacher. The State Education Department has interpreted this to include all special education teachers certified under Section Part 80 of the Regulations of the Commissioner of Education including teachers of the speech and hearing handicapped. In addition, under 200.6(b) of the Regulations, a certified reading teacher may provide "specially designed reading instruction" as a consultant teacher service.

Successful Implementation of Consultant Teacher Services

Implementing consultant teacher services has a profound affect on how special and general educators' work together to support student learning. Factors such as student eligibility, IEP implementation, planning time, administrative support should be appropriately addressed to ensure the successful implementation of this service.

◆ Student Eligibility

NYSUT recommends that the following factors should be considered when determining the appropriateness of consultant teacher services.

Academic Considerations: Students should have the prerequisite knowledge and skills related to the goals and objectives of the general education curriculum. This includes essential reading and math skills.

The student's learning rate should be consistent with the nondisabled students in the class. This rate should be considered in relation to the provision of supports, which would be provided to the student during the instructional process.

Social Considerations: Students should demonstrate age-appropriate behavior or behavior that could be modified through positive behavior interventions, strategies and supports. Students should demonstrate the ability to work independently and in small groups with and/or without direct support from an adult in the classroom. The behavior of the student should not impair the education of other students in the classroom.

Management Considerations: The student should require minimal to moderate environmental modifications and human support services in order to benefit from instruction.

◆ **IEP/Implementation**

Following the development of the IEP of a student for whom the Committee on Special Education has recommended consultant teacher services, the IEP must be jointly reviewed by the appropriate general education teacher(s) and consultant teacher before the student begins to receive this service. During this instructional planning meeting, these teachers would discuss the objectives, methods and schedules for the service. This shall include an initial determination as to whether the consultant teacher services shall be direct, indirect, or both.

The general education teacher must have a copy of the student's IEP to ensure meaningful participation in this meeting. Participating teachers should be afforded additional time during the school day to plan for the initial and ongoing implementation of this service.

As a member of the Committee on Special Education/Subcommittee on Special Education the general education teacher must be involved in development, review and revisions of the student's IEP including: assisting in the determination of appropriate positive behavioral intervention strategies for the students and in the determination of supplementary aids and services, program modifications and support for school personnel.

◆ **Administrative Support For Planning and Consultation Time and Professional Development**

Locals should negotiate assurances that administrators support general education and special education teachers in their efforts to implement consultant teacher services. In addition, locals should ensure that professional development is made available to general and special education teachers and other appropriate school personnel. Professional development activities could be incorporated in the school district's Professional Development Plan.

Release time for teachers from instructional responsibilities has been identified by those participating in this program as the *most* important factor for ensuring a student's success in the general education class. General education and consultant teachers must be provided ongoing planning and consultation time to review the student's past performance and to plan appropriate instructional approaches to meet the individual needs of the students. This time must be in addition to the teachers' regular planning time.

◆ **Program and Student Evaluation**

Section 200.2(c) of the Regulations requires that school districts develop methods to evaluate the extent to which the objectives of the special education program, including consultant teacher services, have been achieved. In addition, the IEP of each student must include a statement of how the child's progress toward the annual goals will be measured and/or be regularly reported to parents. School district personnel should use this information to evaluate the appropriateness of this service option.

Advice to Local Leaders

- Local leaders may wish to take the position that a district requirement that general education teachers and special education teachers establish a collegial relationship of shared responsibility is a term and condition of employment, in that additional time will be required for consultation and cooperative planning by affected teachers.
- Local leaders taking this position should seek either to negotiate formal contract language or to establish a side-bar agreement with varying degrees of formality which contains all relevant professional practice standards (see above for listing of such standards).
- The implementation of consultant teacher services may also alter existing terms and conditions of employment such as school assignments, preparation time, class size limits, teacher workload, assignment of support staff, etc. Local leaders should be aware of these possibilities, and should be prepared to act accordingly.
- Local leaders should be aware of student caseload assignments for special education teachers who are responsible for providing special education services in addition to consultant teacher services. A caseload of a full-time consultant teacher must not exceed 20 students with disabilities. Consultant teachers may also be responsible for providing resource room or special class instruction during part of the school day. The total number of students assigned to that teacher would be calculated based on the teacher's full-time equivalency. For example, if 60 percent of that teacher's time and responsibilities are providing consultant teacher services, the teacher should provide services to no more than 12 students as a consultant teacher. If the remaining 40 percent of that teacher's responsibilities include the provision of resource room instruction, the total caseload of this teacher who is providing consultant teacher services and resource room instruction cannot be more than 22 students with disabilities. **In either of these situations, the total number of students assigned to a teacher should not exceed the teacher's capacity to provide the required level of service as indicated in the IEPs of all students assigned to the teacher.**
- The 2004 IDEA allows school districts and parents to consent in writing to exclude the child's special education and/or general education teacher from a CSE meeting even when the teacher's curriculum is being discussed. NYSUT strongly believes that the student's teachers and other members of the CSE should attend all committee meetings to develop or review the student's IEP. Local leaders should strongly urge school administrators to require the child's teacher to attend all CSE meetings to ensure a complete discussion of the child's needs and how consultant teacher services will benefit the student's education.