

## GENERAL EDUCATION TEACHER AND THE COMMITTEE ON SPECIAL EDUCATION

The 1997 amendments to the federal Individuals with Disabilities Education Act (IDEA) first required the participation of a student's general education teacher at meetings of the Committee on Special Education (CSE) if the student is, or may be, participating in the general education environment. However, the 2004 reauthorization of the IDEA contained a provision to allow the exclusion of certain members of the CSE including the student's general education teacher. Regardless of the possibility of being excused from the CSE, the role of the general education teacher on the CSE remains critically important in planning an appropriate program for a student with a disability. This NYSUT bulletin will briefly detail the CSE excusal provision within the context of the role of the general education teacher in the CSE process. Advice to local leaders will provide considerations to address when trying to support the meaningful participation of general education teachers as members of the CSE.

### What is the Role of the General Education Teacher?

Since the IDEA focuses on greater access to the general curriculum and the general classroom for students with disabilities, the participation of general education teachers in the development, review and revision of the Individualized Education Program (IEP) is critical. According to the IDEA, the general education teacher would assist in determining (1) appropriate positive behavioral interventions and strategies for the student and (2) supplementary aids and services, program modifications, and/or supports for school personnel that will be provided for the child to attain the annual goals, to be involved in and progress in the general curriculum, and to be educated with nondisabled students.

While superseded by the 2004 reauthorization of IDEA, Appendix A of the 1997 IDEA amendments provides valuable insight into the intended role of the general education teacher on the CSE. According to Appendix A, the general education teacher who serves as a member of the CSE should be a teacher who **is or may be**, [emphasis added] responsible for implementing a part of the IEP, so that the teacher can participate in discussions about how best to teach the student. If the student has more than one general education teacher, the school district may designate which teacher or teachers will participate in the CSE meeting, taking into account the best interest of the student. For a student whose behavior impedes the learning of the student or others, the school district should have a general education teacher or other professional knowledgeable about positive behavioral strategies at the CSE meeting. This is extremely important if the general education teacher is expected to implement parts of the IEP.

When all general education teachers of the student are not in attendance at the CSE meeting, the school district should seek input from the teachers who will not be attending. In addition, the school district must ensure that each general education teacher of the student not only has access to the student's IEP but is also provided a paper or electronic version of the IEP. Each general education teacher must be informed of his or her specific responsibilities related to implementing the IEP and of specific accommodations, modifications and supports that must be provided to the student. Please see the **NYSUT Information Bulletin on "Copies of IEPs to Teachers and Other Service Personnel"** for more information on this topic.

Appendix A also clarifies that while a general education teacher must be a member of the CSE if the student is, or may be participating in the general education environment, the teacher need not (depending on the student's needs and the purposes of the specific meeting) be required to participate in **all** decisions made as part of the meeting or to be present throughout the entire meeting or attend every meeting.

For example, the general education teacher must participate in discussions and decisions about how to modify the general curriculum in the general classroom to ensure the student's involvement and participation in the general

education environment. However, it may not be necessary for the general education teacher to participate in discussion and decisions regarding the physical therapy needs of the student, if the teacher is not responsible for implementing that part of the IEP.

Appendix A further states that the extent to which a general education teacher would participate in CSE meetings must be decided on a case-by-case basis by the school district, the parents and other members of the CSE. Moreover, it is not permissible to allow other individuals such as guidance counselors to participate in lieu of the student's general education teacher as the general education teacher member of the CSE. Section 200.1 of the Regulations of the Commissioner of Education requires that the general education teacher must be a teacher who provides instruction to the student.

### **The Excusal of Members from CSE Meetings**

The 2004 reauthorization of the IDEA, under the guise of administrative flexibility and parent empowerment, amended law to allow for the excusal of certain members of the CSE. Specifically, a member of the CSE may be excused from attending a meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the school district and parent **consent in writing** to the excusal. The excused individual must submit to the parent and the CSE written input into the development of the IEP no less than five calendar days prior to the meeting.

In addition, a member of the CSE may be excused from attending a meeting, in whole or in part, if the parent of a child with a disability and the school district, **agree in writing**, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting. Please see the **NYSUT Information Bulletin on "The Reauthorized IDEA of 2004 and Recent Changes in NYS Law"** and **NYSUT IDEA Fact Sheet #1 on "Excluding CSE Members for Attending IEP Team Meetings"** for more information on this topic.

### **Advice to Local Leaders**

- ✓ The expertise of the general education teacher is critical in the development of IEPs for most students with disabilities. Local leaders and school administrators should develop guidelines for determining when a general education teacher would not be required to attend an IEP meeting; the selection of the most appropriate general education teacher(s) when a student has more than one such teacher and the extent of participation of the general education teacher at CSE meetings. Such guidelines must fully conform with the spirit and intent of the IDEA concerning the involvement and role of the general education teacher at CSE meetings.
- ✓ Local leaders should be aware that the attendance of general education teachers at Committee meetings may have implications for terms and conditions of employment. Committee meetings may occur after the close of the school day or at other times when teachers typically are not working. In addition, the submission of written information prior to the CSE meeting by excused CSE members could constitute changes in terms and conditions of employment.
- ✓ Local leaders should work with school administrators to ensure that the scheduling of Committee meetings is the least disruptive to the school's educational program and that teachers are afforded adequate time to prepare for Committee meetings. (Some teachers may have many students with disabilities enrolled in their classes and may find themselves attending many CSE meetings. The effect on the classroom learning environment must be considered.)
- ✓ Local leaders should educate their members in regard to their potential excusal from CSE meetings or participation in IEP changes. Local leaders should stress the benefits of the partnership between parents and teachers such as:
  - IEP meetings are often the only time that parents, teachers and service providers meet to collaboratively discuss the student's learning and behavioral needs.
  - The attendance of teachers at meetings when their curriculum is being discussed will ensure that student needs are being appropriately addressed.
  - Teachers, school psychologists and other service providers who know the student and the curriculum are vital to the collaborative planning that occurs at IEP meetings.
- ✓ Local leaders should urge school district administrators to use the excusal provisions only under certain situations when a CSE member cannot attend the meeting because of an emergency and it is not possible to reschedule the meeting given special education timelines.