

OPERATING PROCEDURES

AMENDMENT WITHOUT A MEETING

Goose Creek CISD

101911

Legal Framework: [Amendment Without a Meeting](#)

Category: Admission, Review, and Dismissal Committee

Template update Oct 2016

"We do not believe that an amendment to an [individualized education program] IEP can take the place of an annual IEP Team meeting." 71 Fed. Reg. 46685 (August 14, 2006).

"Section 300.324(a)(4), consistent with section 614(d)(3)(D) of the Act, permits the public agency and the parent to agree to amend the child's IEP without an IEP Team meeting. If the parent needs further information about the proposed change or believes that a discussion with the IEP Team is necessary before deciding to change the IEP, the parent does not have to agree to the public agency's request to amend the IEP without an IEP Team meeting." 71 Fed. Reg. 46685 (August 14, 2006).

"In instances where a child with a disability is subject to a disciplinary removal after the IEP for that school year has been developed and the parents and the relevant school officials agree that the IEP needs to be revised to address the behavior, but circumstances prevent the IEP Team from convening prior to the child's return to school, the [Individuals with Disabilities Education Act] IDEA regulations permit the parent and public agency to agree not to convene an IEP Team meeting and instead to develop a written document to amend or modify the current IEP. 34 CFR § 300.324(a)(4)(i). This option could be used to provide the child with the necessary behavioral supports upon the child's return to school. However, if changes are made to the child's IEP in this manner, the agency must ensure that the IEP Team is informed of those changes. 34 CFR § 300.324(a)(4)(ii)." [OSERS Dear Colleague Letter \(August 1, 2016\)](#).

"The IDEA and its regulations are silent as to which individuals must participate in making changes to the IEP where there is agreement between the parent and the public agency not to convene an IEP Team meeting for the purpose of making the changes." [OSERS Questions and Answers on Individualized Education Programs \(IEPs\), Evaluations, and Reevaluations \(September 2011\)](#).

"Section 614(d)(3)(D) of the Act does not require the agreement between the parent and the public agency to be in writing. In addition, the parent is not required to provide *consent*, as defined in §300.9, to amend the IEP without an IEP Team meeting. However, it would be prudent for the public agency to document the terms of the agreement in writing, in the event that questions arise at a later time. Of course, changes to the child's IEP would have to be in writing." 71 Fed. Reg. 46685 (August 14, 2006).

"We do not believe that it is necessary to regulate on the timeframe within which a public agency must make the IEP accessible to the service providers responsible for implementing the changes, or otherwise notify them of the changes, as this will vary depending on the circumstances (e.g., whether the changes are minor or major changes) and is, therefore, best left to State and local public agency officials to determine." 71 Fed. Reg. 46686 (August 14, 2006).

"While neither the IDEA nor its implementing regulations specify the manner in which public agencies must document that they have ensured that the child's IEP Team is informed of

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changes, they must maintain records to show compliance with this program requirement, in accordance with 34 CFR § 76.731 of [Education Department General Administrative Regulations] EDGAR." [OSERS Questions and Answers On Individualized Education Programs \(IEPs\), Evaluations, and Reevaluations \(September 2011\)](#).

"[Prior written notice] applies, even if the IEP is revised without convening an IEP Team meeting, pursuant to 34 CFR § 300.324(a)(4)." [OSERS Questions and Answers On Individualized Education Programs \(IEPs\), Evaluations, and Reevaluations \(September 2011\)](#).

Through the implementation of the Goose Creek CISD policies and procedures as outlined in the [Legal Framework](#) for the Child-Centered Special Education Process, the Goose Creek CISD ensures that any changes to the IEP without a meeting are done in conformance with the IDEA and its accompanying federal regulations, state statutes and regulations.

PERSONS RESPONSIBLE: Campus Administrators, Diagnosticians and ARD Facilitators

ARD vs. Amendment to ARD/IEP

IDEA streamlines the ARD process by adding a provision to the law. Under Section 614(d)(3)(D), the district and parents may agree not to convene an ARD meeting for purposes of making changes to the child's program once the annual ARD meeting has been held. Instead, they may develop a written document to modify or amend the current IEP/ARD. If the ARD is amended without an ARD meeting, the district must provide the parents with a revised copy of the IEP (with the amendments incorporated). The parent must be provided with the Prior Written Notice of Change along with the Amended IEP document within 5 days of the completion of the Amendment to the ARD. The LEA representative will agree to the changes made in the amendment on behalf of the district. All persons implementing the child's IEP will receive relevant changes documented in the amendment.

Goose Creek CISD will utilize Amendment to the ARDs for certain situations. Following is an analysis document for Goose Creek CISD which will help you determine if the action being considered can be addressed by amending the ARD or if an ARD must be held.

ARD vs. Amendment to ARD/IEP Analysis

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ISSUE/ITEM	ARD	Amendment
IEP/MODIFICATIONS/SERVICE		
<ul style="list-style-type: none"> Changes in Present Level of Academic Achievement and Functional Performance (PLAAFP) 		√
<ul style="list-style-type: none"> Add/Edit/Delete measurable short term objectives which will not result in a change in service delivery hours and/or placement (general education/special education and/or related services) 		√
<ul style="list-style-type: none"> Add/Edit/Delete measurable annual goals and/or short term objectives which will result in a change in service delivery hours and/or placement (general education/special education and/or related services.) 	√	
<ul style="list-style-type: none"> Add/Edit/Delete instructional accommodations and/or supplementary aids and services which will not result in a change in service delivery hours and/or placement). 		√
<ul style="list-style-type: none"> Develop IEPs thirty (30) school days following an Agreement to Implement for a transfer student 	√	
<ul style="list-style-type: none"> Change in existing technology devices and/or services needed to implement a student's IEP which will not result in a change in service delivery hours and/or placement. 		√
<ul style="list-style-type: none"> Changes in related services (type and/or services hours) 	√	
PLACEMENT		
<ul style="list-style-type: none"> Any change in placement (i.e. General Ed/IS to Resource, BSP to Resource, Life Skills to SILC, etc.) 	√	
ASSESSMENT		
<ul style="list-style-type: none"> Any change in type of State Assessment administered to student 	√	
<ul style="list-style-type: none"> Modify/adjust/add/delete accommodations to State Assessment 		√
ESY		

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<ul style="list-style-type: none"> Consider need for ESY 	√	
BEHAVIOR INTERVENTION PLAN (BIP)		
<ul style="list-style-type: none"> Add/Edit/Delete BIP objectives which will not result in a change in service delivery hours and/or placement (general education/special education and/or related services) 		√
<ul style="list-style-type: none"> Add/Edit/Delete BIP goals/objectives which will result in a change in service delivery hours and/or placement (general education/special education and/or related services) 	√	
ELIGIBILITY		
<ul style="list-style-type: none"> Any change in Eligibility (add or remove) 	√	
GRADUATION		
<ul style="list-style-type: none"> Change in Graduation Plan Option 	√	
PERSONAL CARE SERVICES (PCS)		
<ul style="list-style-type: none"> To describe Personal Care Services in more detail if there are already IEPs Goals and Objectives in Annual ARD 		√
<ul style="list-style-type: none"> To add Personal Care Services (this would be the same as adding related services or IEP services) 	√	

There may be circumstances in which an ARD was archived with an error and an Amendment ARD may be appropriate to correct the error.