

# OPERATING PROCEDURES

## AMENDMENT WITHOUT A MEETING

Fabens ISD

071903

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Legal Framework: AMENDMENT WITHOUT A MEETING

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### PROCEDURES:

#### AMENDMENT WITHOUT A MEETING

##### What is Required

After the annual ARD meeting, changes to a student's IEP may be made either:

- By the entire ARD Committee at an ARD Committee meeting; or
- By amending the IEP rather than by redrafting the entire IEP.

Specifically, in making changes to a student's IEP after the annual ARD meeting for a school year, the parent of a special education student and the District may agree not to convene an ARD meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP (the "ARD Amendment"). If changes are made to the student's IEP through an ARD Amendment, the District Special Education Personnel must ensure that the ARD Committee is informed of those changes. Upon request by the parent, the District Special Education Personnel will provide the parent with a revised copy of the IEP with the amendments incorporated.

Eligibility determinations, changes of placements, and manifestation determination reviews, in accordance with federal law, may not be conducted through the amendment without a meeting process.

##### Definitions

"Change of placement" means a proposed change to the IEP which substantially or materially affects the composition of the educational program and services provided to the student. A simple change in the location of a building or facility is not, generally, viewed to be a change in placement where there are no significant changes in the educational program.

Individualized Educational Program ("IEP") means a written statement for each special education student that includes the student's present levels of academic achievement and functional performance, participation in state and district-wide assessments, transition services, annual goals, special factors, special education, related services, supplementary aids and services, extended school year services, and least restrictive environment.

The purpose of the IEP amendment is to make minor changes to the IEP during the year it is in effect. Examples of when an IEP amendment without a meeting may be appropriate include:

- To correct minor errors or discrepancies in ARD documentation;

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- To make changes in the Present Level of Academic Achievement and Functional Performance (“PLAAFP”);
- To amend measurable short-term objectives where doing so will not result in a change in service delivery hours and/or student placement;
- To add or remove instructional accommodations and/or supplementary aids where doing so will not result in a change in service delivery hours and/or student placement;
- To add or remove assistive technology devices where doing so will not result in a change in service delivery hours and/or student placement;
- To modify transportation services once eligibility for transportation is established;
- To increase or decrease the frequency of speech or related services that is not a change in placement; and
- To modify statewide testing accommodations.

If substantial or comprehensive changes need to be made to a student’s IEP, an ARD meeting should be convened to develop a new, complete IEP. An IEP amendment without an ARD meeting cannot be utilized for eligibility determinations, to change a student’s placement, or for manifestation determination reviews and for any other purpose for which the District determines an IEP amendment without a meeting may not be used.

If District Special Education Personnel and the parent agree to amend the student’s IEP without convening an ARD Committee meeting, District Special Education Personnel must obtain the parent’s signature indicating agreement or disagreement with the proposed change. District Special Education Personnel must also provide the parent with Prior Written Notice of the amendment, as well as a revised copy of the IEP with the amendment(s) incorporated.

If the parent disagrees with the amendment or fails to return the signed agreement, an ARD meeting must be held to discuss the changes. If the parent returns the signed agreement, indicating agreement with the amendment, the campus must wait 5 days from the time District Special Education Personnel receive the signed agreement to implement the changes, unless the parent has agreed otherwise. Once the IEP is amended, the ARD Committee members must be informed of those changes. An IEP amendment cannot replace the required annual ARD meeting, and parents continue to have the option to call an ARD meeting to consider IEP changes at any time.

In summary, District Special Education Personnel should complete the following steps to amend an IEP without an ARD Committee meeting:

- Determine that there is consensus among District-based members of the ARD Committee that the IEP amendment is indicated and appropriate;
- Discuss the proposed IEP amendment with the student’s parent in person or by phone and provide written documentation to the parent regarding the proposed IEP amendment;
- Obtain parent signature of agreement to amend the IEP;
- Distribute the signed amendment to all ARD members and implementers;
- File the original, signed amendment in the student’s eligibility form with the annual IEP being amended;

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- Inform the ARD Committee of the amendment;
- Provide parent with Prior Written Notice;
- Provide parent with a copy of the IEP with the amendments incorporated.

At least annually, District Personnel will receive training outlining the District's procedures regarding IEP amendments, including when changes cannot be made through amendment without a meeting (i.e., eligibility determinations, changes of placements, and manifestation determination reviews).

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

#### **Evidence of Implementation**

- IEP Amendment
- Parent's Written Agreement
- Documentation of Amendment Discussions
- Prior Written Notice
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP