DIVISION OF SPECIALIZED EDUCATION (DSE) POLICY IN PRACTICE WEBINAR SERIES: Individualized Education Program (IEP) Amendment





Agenda

- A. Annual IEP Review Federal Requirements
- **B. IEP Amendment Requirements**
- C. IEP Amendment Process (In Practice)
- D. IEP Amendment Documentation



ANNUAL IEP REVIEW FEDERAL REQUIREMENTS

Annual IEP Review Requirements

Individuals with Disabilities Education Act (IDEA):

Each public agency must ensure that, subject to paragraphs (b)(2) and (b)(3) of this section, the IEP Team--

(i) Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved.

Annual IEP Review Requirements

Annual IEP Review Considerations

Development of IEP.

- (1) General. In developing each child's IEP, the IEP Team must consider--
 - (i) The strengths of the child;
 - (ii) The concerns of the parents for enhancing the education of their child;
- (iii) The results of the initial or most recent evaluation of the child; and
- (iv) The academic, developmental, and functional needs of the child.

Annual IEP Review Requirements

Considerations of Special Factors

When appropriate, the IEP Team must also consider:

- (i) Positive behavioral interventions and supports;
- (ii) Language needs of the child;
- (iii) Instruction in Braille and the use of Braille for children who are blind or visually impaired;
- (iv) For children who are deaf or hard of hearing, language and communication needs, opportunities for direct communications with peers and professional personnel and direct instruction in the child's communication mode; and
- (v) Assistive technology devices and services.



IEP AMENDMENT REQUIREMENTS

Appropriate IEP Revisions

Each public agency must ensure that the IEP Team revises the IEP, as appropriate, to address--

- A. Any lack of expected progress toward the annual goals described in Sec. 300.320(a)(2), and in the general education curriculum, if appropriate;
- B. The results of any reevaluation conducted under Sec. 300.303;
- C. Information about the child provided to, or by, the parents, as described under Sec. 300.305(a)(2);
- D. The child's anticipated needs; or
- E. Other matters.

34 C.F.R. §300.324(b)(1)(ii)

Amendments to the IEP

Changes to the IEP may be made either by the entire IEP Team at an IEP Team meeting, or as provided in paragraph (a)(4) of this section, by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent must be provided with a revised copy of the IEP with the amendments incorporated.

34 C.F.R. §300.324(a)(6)

Documented Written Agreement

In making changes to a child's IEP after the annual IEP Team meeting for a school year, the parent of a child with a disability and the public agency [LEA] may agree not to convene an IEP Team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child's current IEP.

34 C.F.R. §300.324(a)(4)

Getting Started

- Why use the IEP Amendment Process?
 - Student's needs change during the school year but outside of the annual IEP review.
 - Make changes to the relevant IEP section instead of redrafting the entire IEP.
- Effects of IEP Amendment on annual review
 - An IEP amendment does NOT change, replace, or extend the IEP annual review date.
- Initiating the IEP Amendment Process
 - Either LEA or parent may request an IEP amendment.
 - In the case of documented written agreement, both LEA and parent must agree to the modality.

The Office of the State Superintendent of Education (OSSE) issued the *Individualized Education Program (IEP)*Amendment Policy on January 27, 2014 (effective March 3, 2014) to establish state-level standards and criteria for the IEP amendment process that are consistent with the Individuals with Disabilities Education Act (IDEA) requirement to provide a free appropriate public education (FAPE) to all children with disabilities.

http://osse.dc.gov/publication/individualized-education-program-iep-amendment-policy, January 27, 2014.

Two Modes of IEP Amendment

- IEP Team Meeting
 - Convene an IEP Team meeting to consider the proposed amendment.
- Documented Written Agreement
 - Written agreement between LEA and parent that does not require an IEP Team meeting.

NOTE: Modalities may change. If a parent refuses or is nonresponsive to a request for signature indicating consent to a documented written agreement modality, an IEP Team meeting must be convened to address the proposed amendment.

Signatures needed to pursue amendment through documented written agreement modality

- Both the parent and LEA must sign the appropriate statelevel form.
- Parent signature indicates consent to pursue IEP amendment through documented written agreement modality (as opposed to convening an IEP Team meeting).
- The written agreement itself represents the two parties mutual decision to proceed with the proposed amendment.

Documented Written Agreement Modality Parameters

- LEAs may NOT revise the following IEP aspects through documented written agreement:
 - Placement (restrictiveness of setting)
 - Location assignment
 - Disability category
 - Special education eligibility status

Documented Written Agreement Modality Parameters, Continued...

- When revising a service, instructional type or levels, the related service provider or specialized instructor responsible for the service must provide written input justifying the proposed change.
- If a parent refuses to provide written agreement or does not respond to the request for signature, the LEA must convene an IEP Team meeting to consider the proposed change.

Amendment through IEP Team Meeting

- All IEP Team participation, documentation, and notice requirements apply:
 - Mandatory and additional participants
 - Excusal of mandatory participants
 - Notice of meeting
- ❖ IEP Team meeting modality is recommended for any proposed change that would result in a change to the student's service level, scope of services, and/or alteration the nature of service provision.



IEP AMENDMENT PROCESS (IN PRACTICE)

Case Scenario – Ingrid

Ingrid is a 4th grade student with an intellectual disability. She currently receives 10 hours of specialized instruction outside the general education classroom and 15 hours of specialized instruction inside the general education classroom each week. Ingrid has continued to struggle so the special education teacher and general education teacher discuss the merits of moving Ingrid into a selfcontained special education classroom for the remainder of the school year. The LEA initiates the IEP Amendment process.

Case Scenario – Ingrid

- Guiding Questions:
 - Does the proposed change result in a change in setting that is more restrictive? YES
 - Does the proposed change result in a change to the student's service hours? YES
 - Is this a proposed change that a parent would need/want to discuss in detail due to additional concerns? YES
- What is the appropriate mode for Ingrid's IEP Amendment? The LEA should convene an IEP Team meeting.
 - NOTE: The LEA can use the service input form to prepare for this meeting. The appropriate provider in this case is the special education teacher (with input from Ingrid's general education teacher.

Case Scenario – Lisa

Lisa's IEP Team met for her annual IEP review in October. After reviewing the relevant student data, the IEP Team determined that Lisa was not eligible for ESY services. The following February, Lisa's general education and special education teachers noticed that she was consistently struggling with concepts that she had previously mastered. Her special education teacher was spending a significant amount of their time together re-teaching concepts. Lisa's teachers contacted the special education coordinator at the school to discuss their recommendation that Lisa be reconsidered for ESY services.

Case Scenario – Lisa

- Guiding Questions:
 - Does the proposed change result in a change in setting that is more restrictive? NO
 - Does the proposed change result in a change to the student's service hours? YES
 - Is this a proposed change that a parent would need/want to discuss in detail due to additional concerns? YES
- What is the appropriate mode for Lisa's IEP amendment?
 - The LEA should consider convening an IEP Team meeting to complete all the appropriate ESY-related eligibility forms through team decisionmaking.
 - The appropriate provider of services must complete the service input form if the LEA pursues amendment through the documented agreement modality.



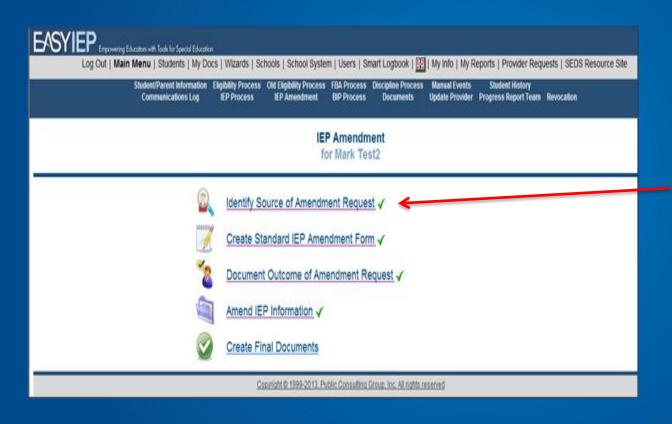
IEP AMENDMENT DOCUMENTATION

IEP Amendment Documentation

Required Information

- The following information must be documented in the Special Education Data System (SEDS) when an IEP amendment is proposed:
 - Identification of the party initiating the amendment;
 - A detailed description of the proposed amendment;
 - Justification of why the amendment is appropriate;
 - Proposed modality of the amendment;
 - The response to the proposal; and
 - Written input from the related service provider or specialized instructor (when appropriate).

IEP Amendment Documentation IEP Amendment Tab in SEDS



Choose: 'Identify
Source of
Amendment
Request'

IEP Amendment Documentation Source of Amendment Request

EASYIEP	cators with Tools for Special Educa	fion						
Log Out Main I	Menu Students My D	ocs Wizards School	ols School System	n Users Smart I	.ogbook 🄡	My Info My Re	eports Provider Requ	iests SEDS Resource Site
:	Student/Parent Information Communications Log		d Eligibility Process IEP Amendment			Manual Events Update Provider	Student History Progress Report Team	Revocation
		Identi	ify Source of Am	nendment Requ	est for Mark	Test2		
Student Information	n							
Student Name: Mar	Student Name: Mark Test2 Local ID: 879Y799999		State USI: TRN	State USI: TRN4561263 Date of Bir		02/02/1993	Student Grade: 5	5th Grade
	ting Date: 10/27/2008		Last IEP Annu	al Review Meeting Da	nte: 03/27/2013			
LEA / School Inform								
LEA of Enrollment:	Docs Demo		School / Site: /	Anacostia SHS			Case Manager:	Test User22
Create Standard IE	P Amendment Form							2
IEP Amendment pr Date of Request': Mode of Request':	roposed by*: Parer v 03/27/2013	H						<u>.</u>
Date of Request*:	roposed by*: Parer v 03/27/2013		<< Back §	Save & Co	ontinue >>			
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Create Standard IEP Amendment Form		
IEP Amendment proposed by*:	Parent ▼	
Date of Request*:	03/27/2013	
Mode of Request*:	Written Request ▼	
If the parent's request to amend	the IEP was made in writing, you can use the cover sheet below to fax in the document.	
Create Amendment Request	Cover Sheet	

Indicate whether
the LEA or Parent requested
the amendment, the date of
the request, and the mode of
the request.

For amendment proposals made by parents, document how the request was made. If the parent request was written, upload the request by printing it out, click <u>Create</u>

<u>Amendment Request Cover</u>

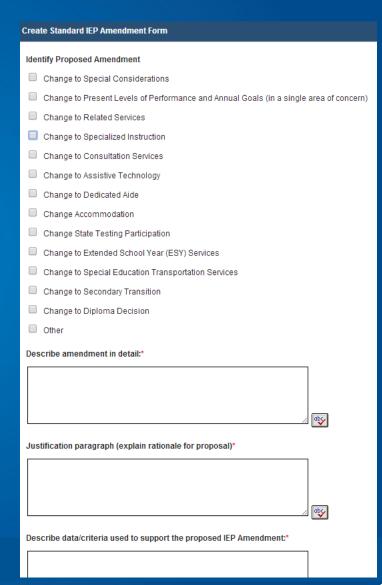
<u>Sheet</u> and use this cover sheet to fax in the request document.

IEP Amendment Documentation

Create Standard IEP Amendment Form:

Select the type of change that is proposed, and:

- Describe the proposed change in detail
- Provide justification for the proposed change
- Describe the data/criteria used to support this proposal



IEP Amendment Documentation

Method of IEP Amendment

Method of IEP Amendment request by Parent*:

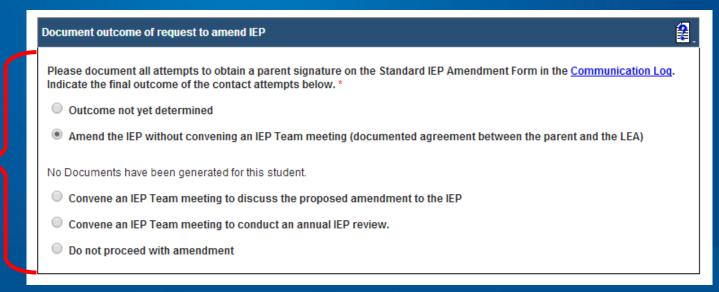


- Convene an IEP Team meeting to discuss the proposed IEP Amendment
- Amend the IEP without convening an IEP Team meeting

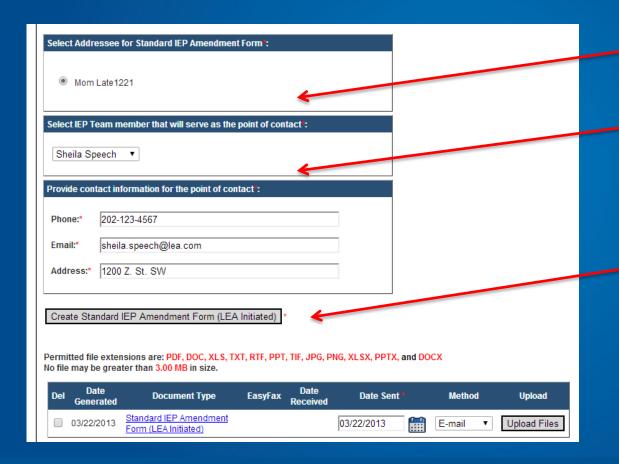
If the IEP Team chooses to request an amendment without convening an IEP Team meeting, then they must obtain parental consent to use this method.

If a parent refuses or is nonresponsive to this request for consent, by default the LEA must convene an IEP Team meeting for the purposes of considering the proposed amendment.

Document the parent's response to the Team's request to amend the IEP using a written agreement.



IEP Amendment Documentation Create Standard IEP Amendment Form



Select the Addressee.

Identify the point of contact and enter their contact information.

Select <u>Create Standard</u>
<u>IEP Amendment Form</u> to create a final Standard
<u>IEP Amendment Form</u>.

Send the final Standard IEP Amendment Form to the parent for signature, then upload to SEDS.

IEP Amendment Documentation

Individualized Education Program (IEP) Amendment Policy

— If the documented written agreement modality is chosen, and the proposed change is to revise types or amounts of specialized instruction or related services, LEAs must provide the parent with written input from the appropriate related service provider or specialized instructor, utilizing the appropriate state-level form, regardless of which party initiates the proposed amendment.

IEP Amendment Documentation Service Provider Input Form

		Date of Birth:/
Student Identification Numb		Service Provider Type:
Type of Service: A. Current Number of Service Hours/Week: B. Proposed Number of Service Hours/Week:	hours/week	Type of Proposed Amendment: Proposed Increase in Service Hours Proposed Decrease in Service Hours Introduction of New Service Type Removal of Existing Service Type
C. Current Total Special Edu	ucation service Hours/Wee	k:
current IEP) D. Proposed Total Special E	tion and related service hou ducation Service Hours/We tion and related service hou	rs onhours/week eek :
(Sum of all special education current IEP) D. Proposed Total Special E (Sum of all special educations)	tion and related service hou ducation Service Hours/We tion and related service hou	ns onhours/week eek:
(Sum of all special education current IEP) D. Proposed Total Special Education of all special education including proposed changes Service Data Supporting the	tion and related service hou ducation Service Hours/We tion and related service hou	ns onhours/week eek:

State-level form used to document written input by service provider, when the proposed IEP amendment attempts to:

- Increase or decrease service hours
- Introduce a new service
- Remove an existing service

Designated service provider should document data supporting the proposed change.

This form should accompany the Standard Amendment Request form.

Must include service provider signature and LEA representative contact information.

IEP Amendment Documentation State-Level Service Provider Input Form

The IEP Amendment Proposed Services Change Form should be used to document proposals for changes to number of hours of specialized instruction as well as changes to type and number of hours of related services.

Here, write either the name of the related service or write "specialized instruction"

	OSSE OSSE
Individualized Education Program	n (IEP) Amendment Proposed Services Change Form
Provider Name:	Service Provider Type:

Case Scenario – Brianna

Brianna is in 6th grade. Her IEP Team met for her annual IEP review in October. After reviewing the relevant student data, the IEP Team determined that Brianna would need 10 hours a week of specialized instruction in math and 10 hours in reading (20 hours total). The following February, Brianna's general education and special education teachers noticed that she was regularly exceeding all of her math goals, and mastering new skills without assistance. Brianna's teachers contacted the other members of the IEP team (including parent) and recommended that Brianna's hours of specialized instruction in math be reduced. The LEA then initiated the IEP amendment process.

Brianna's IEP Team is proposing to amend the IEP through a documented written agreement, rather than an IEP meeting. The LEA filled out the IEP Proposed Services Change Form so that Brianna's parent would be informed of the reasons for the proposed changes.

If the proposed change is in specialized instruction, write the name of the specialized instructor who provides this service.

	* * * OSSE
Individualize	d Education Program (IEP) Amendment Proposed Services Change Form
	Brianna Baker Date of Birth: 3/15/2002
Provider Name:	Martha Moth Service Provider Type: Specialized Instructor

10 hours math + 10 hours reading = 20 total hours of this particular service (specialized instruction)

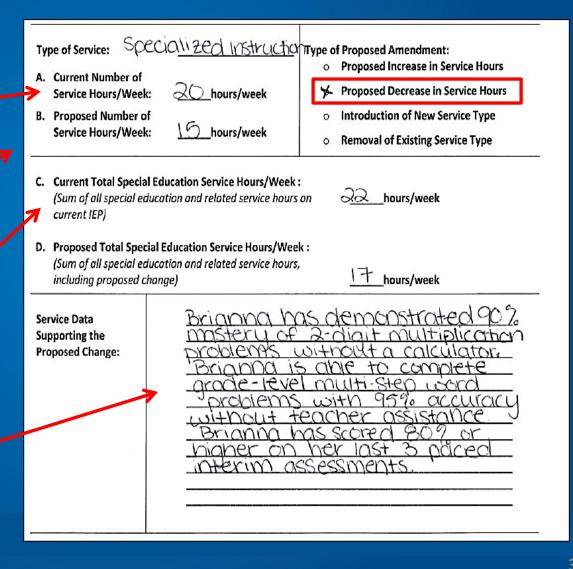
Minus 5 hours in math, leaves 15 total hours

Brianna also receives

2 hours/week of

speech, so this is
included in total service
hours

Data supporting the proposed decrease in math hours

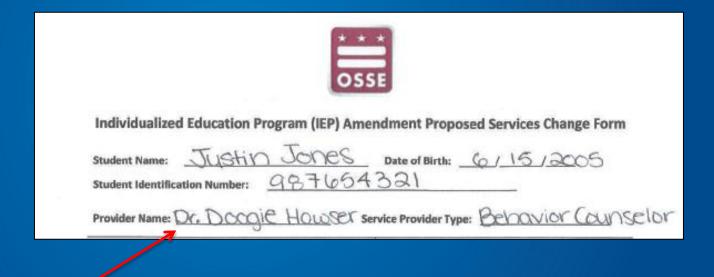


Case Scenario – Justin

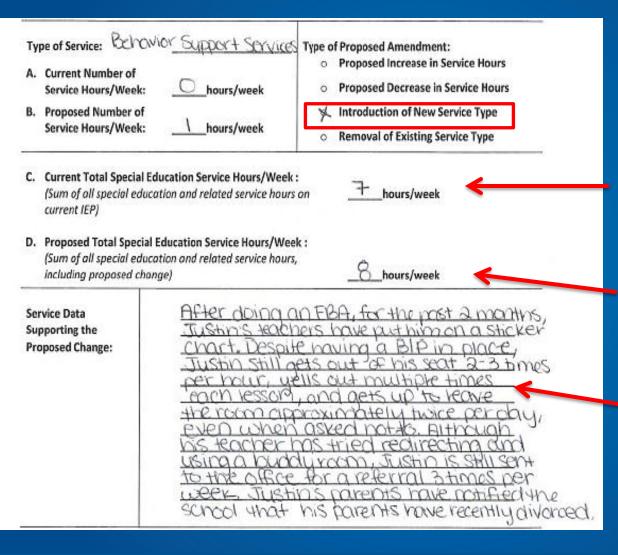
Justin is in 3rd grade. His IEP Team met for his annual IEP review in September. After reviewing his relevant data, the IEP Team determined that Justin would need 5 hours a week of specialized instruction and 2 hours in speech therapy services (7 hours total). It is now January, and several of Justin's teachers have noticed that his behavior is frequently interfering with his classroom work, and that he has stopped making progress toward his IEP academic goals.

Justin's teachers contacted the other members of the IEP team (including parent) and recommended that Justin should start receiving behavior support services as part of his IEP. The LEA then initiated the IEP amendment process.

Justin's IEP Team is proposing to amend the IEP through a documented written agreement, rather than an IEP meeting. The LEA filled out the IEP Proposed Services Change Form so that Justin's parent would be informed of the reasons for the proposed changes.



For introduction of a new service, the provider's name should be the professional who conducted the assessment or evaluation that confirmed the student's need for this new service.



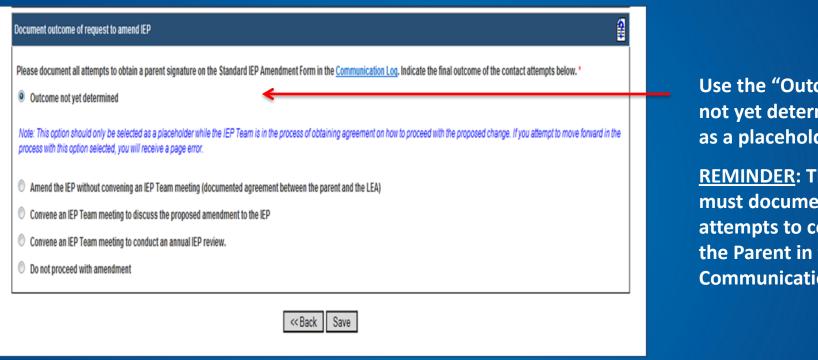
5 hours of specialized instruction + 2 hours speech therapy

Plus 1 proposed hour of behavior support

Data to justify the proposed addition of this related service

IEP Amendment Documentation

Document Outcome of IEP Amendment Request

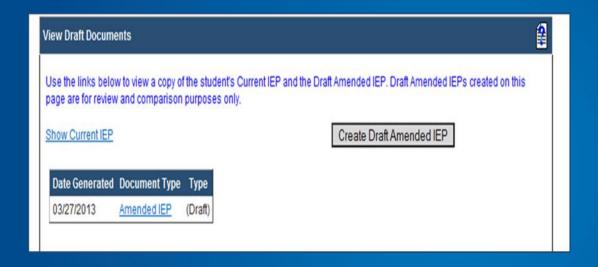


Use the "Outcome not yet determined" as a placeholder.

REMINDER: The user must document all attempts to contact the Parent in the **Communication Log.**

After receiving the PWN and request for amendment information, Justin's mother decided she would rather meet with the IEP Team, and requested to do so. In this case, the IEP team would need to convene before making any further amendment decisions.

IEP Amendment Documentation Compare Current IEP to the Amended IEP

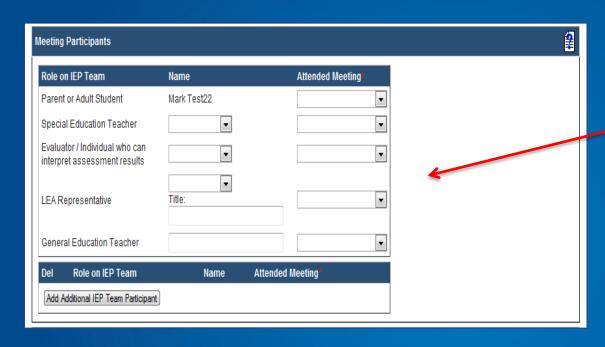


Compare the current IEP with the draft amended document.

Upon final review to ensure that only the proposed amendment is changed, click on <u>Create</u> Draft Amended IEP.

IEP Amendment Documentation

IEP Meeting Attendance & Finalized IEP



If the IEP Team decided to hold a meeting, complete this block as on the Create IEP page. Mark attendance for each required role.

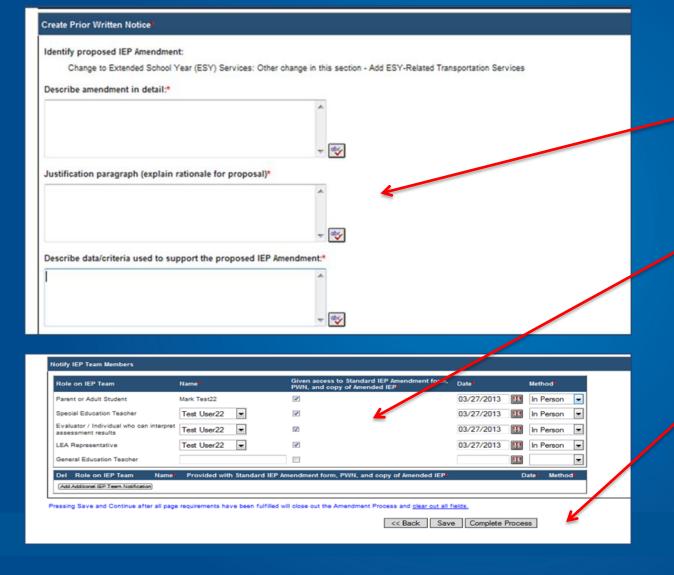
Current IEP Begin Date: 03/27/2013
Current IEP End Date: 03/26/2014
Date IEP Amendment Finalized*:

Enter the date of finalized amendment.

(The amendment date must fall between the begin and end dates of the current IEP.)

IEP Amendment Documentation

Create Prior Written Notice (PWN)



Complete the prior written notice (PWN) to provide the parent with necessary information about the proposed amendment.

Verify that all members of the IEP Team have been given a copy of the Amended IEP.

Select "Complete Process" and provide all necessary documents to the parents.

Additional Resources

- Individualized Education Program (IEP) Process Policy: http://osse.dc.gov/publication/individualized-educationprogram-process-policy
- Individualized Education Program (IEP) Amendment Policy: http://osse.dc.gov/publication/individualized-educationprogram-iep-amendment-policy
- Individualized Education Program (IEP) Amendment Frequently Asked Questions (FAQ) http://osse.dc.gov/publication/individualized-education-program-iep-amendment-frequently-asked-questions-faq
- SEDS User Manual:
 - Chapter 7: IEP Amendment Process
 - Found on the Resource Site

Thank You

For questions, please contact the Training and Technical Assistance Unit:

osse.tta@dc.gov





