



NONREGULATORY GUIDANCE: INDIVIDUALIZED EDUCATION PROGRAM (IEP) AMENDMENT POLICY

The Office of the State Superintendent of Education (OSSE), Division of Specialized Education (DSE), issued the “Individualized Education Program (IEP) Amendment Policy” on January 27, 2014. The Policy is effective as of March 3, 2014. All local education agencies (LEAs) must adhere to the Policy when initiating, responding to, and documenting proposals for IEP amendments. The purpose of this guidance document is to provide additional clarification to assist LEAs in implementing the Policy in a manner consistent with the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§1400 *et seq.*, and its implementing regulations, 34 CFR Part 300.

FREQUENTLY ASKED QUESTIONS (FAQs)

I. Annual IEP Review Requirements

1. How often must an IEP Team conduct a formal review of a student’s IEP?

An IEP Team is required to review a student’s IEP at least once per year to consider any lack of expected progress toward annual goals;¹ progress in the general education curriculum, if appropriate;² the results of any reevaluation;³ information regarding the student provided to or by the parents;⁴ and the student’s anticipated needs.⁵

2. What factors must be considered when developing or reviewing an IEP?

IEP Teams must consider the student’s strengths; parent concerns related to improving the student’s education; the results of recent evaluations; and the academic, developmental, and functional needs of the student.⁶ If appropriate, IEP Teams must also consider the use of positive behavioral interventions or supports in addressing student behavior that impedes learning; the language needs of a student with limited English proficiency; the appropriateness of instruction in Braille for a student who is blind or visually impaired; the comprehensive language and communication needs of a student who is deaf or hard of hearing; and the use of assistive technology devices and services.⁷

3. Does an IEP amendment change the date of a student’s annual IEP Review date?

No. An IEP amendment does not change, replace, or extend a student’s current IEP annual review date.

II. IEP Amendment Process

1. Can a change be made to a student’s IEP if the annual review date has already occurred (or has not yet occurred)?

Yes. If a student’s needs change during the school year, the IEP Team may decide to amend the student’s IEP to make changes to the relevant section of the IEP rather than redrafting the entire document.⁸

¹ 34 C.F.R. §300.320(a)(2)

² 34 C.F.R. §300.324(b)(1)(ii)(A)

³ 34 C.F.R. §300.303

⁴ 34 C.F.R. §300.3059(a)(2)

⁵ 34 C.F.R. §300.324(b)(1)(iii)(D)

⁶ 34 C.F.R. §300.324(a)(1)

⁷ 34 C.F.R. §300.324(a)(2)

⁸ 34 C.F.R. §300.324(a)(6)



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2. What is the process for amending an IEP?

There are two ways (or modalities) to amend an IEP: 1) the LEA may convene an IEP Team meeting and amend the IEP through team consensus, or 2) the LEA and the parents can agree to amend the IEP without convening an IEP Team meeting. An LEA can amend an IEP without convening an IEP meeting when the LEA and parent of a child decide that a proposed IEP amendment is appropriate and both parties sign a documented written agreement to proceed with the proposed amendment without convening an IEP Team meeting.

3. Is an IEP Team meeting that convenes for the purposes of considering a proposed amendment similar to an IEP Team meeting that convenes for an annual review?

Yes. All IEP Team participation, documentation, and notice requirements apply when an LEA convenes an IEP Team meeting to consider a proposed IEP amendment.

4. What information must be included when an LEA documents a proposal to amend an IEP?

The LEA must document the following information in the IEP Amendment Tab in the Special Education Data System (SEDS):

- Identification of the party initiating the proposed amendment (LEA or parent);
- A detailed description of the proposed amendment;
- Justification of why the amendment is appropriate;
- Proposed modality of the amendment (IEP Team meeting or documented written agreement);
- The response to the proposal; and
- When appropriate, written input from the related service provider or specialized instructor.

III. Amendment through Documented Written Agreement

1. Who can initiate a request for an amendment through documented written agreement?

Either the parent or the LEA may initiate an amendment through documented written agreement, but both must sign the appropriate form to indicate agreement to proceed with the amendment without convening an IEP Team meeting.

2. What aspects of a student's IEP may not be amended through documented written agreement?

LEAs may not revise a student's special education eligibility status; revise a student's disability category; revise a student's placement between a public and nonpublic setting; or change location assignment through the documented written agreement modality.

3. Do any changes made through documented written agreement require additional documentation?

Yes. If a proposed amendment includes revision to the type or amount of specialized instruction or related services using the documented written agreement modality, LEAs must provide the parent with written input from the appropriate service provider or specialized instructor, utilizing the appropriate state-level form ("Individualized Education Program (IEP) Amendment Proposed Services Change Form"), regardless of which party initiates the proposed amendment.



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4. Who, at the LEA, serves as the appropriate service provider or specialized instructor to complete the Individualized Education Program (IEP) Amendment Proposed Services Change Form?

The appropriate service provider or specialized instructor is the professional currently serving the student. If the amendment proposal involves adding a service not currently provided to the student, the appropriate service provider would be the professional who conducted the assessment or evaluation that confirmed the student's need for the service. If the amendment proposal involves adding additional hours of an existing type of specialized instruction, the appropriate specialized instructor to provide input would be the student's specialized instructor, with the input of the general education teacher or evaluator as appropriate.

5. What if a parent refuses or is nonresponsive to a request for signature indicating consent to the documented agreement amendment modality?

A parent who refuses or is nonresponsive to a request for signature indicating consent to the documented written agreement amendment modality is constructively requesting that the LEA convene an IEP Team meeting for the purposes of considering the proposed amendment. In such circumstances, the LEA must follow the same IEP Team participation, documentation, and notice procedures required for an annual IEP Team meeting.

IV. Procedural Requirements

1. Is an LEA required to send prior written notice (PWN) following an amendment to an IEP?

Yes. Regardless of the proposed amendment outcome or modality, the LEA must provide the parent with a PWN every time the IEP Team initiates a change or declines a change to the student's IEP. The LEA must finalize the PWN in SEDS within 5 business days of the amendment outcome.

2. Which documents must be provided to the parent of a student?

The parent must be provided with the PWN,⁹ a copy of the signed agreement, and a copy of the amended IEP with the amendments incorporated within a reasonable time before the LEA implements the change.

ADDITIONAL GUIDANCE

For additional guidance, please reference the "Individualized Education Program (IEP) Amendment Policy" available online at the OSSE website. Please direct any questions regarding the content of this document to OSSE, Division of Specialized Education at OSSE.DSEPolicy@dc.gov. OSSE has the authority as the state educational agency (SEA) to issue additional guidance regarding LEA policy and related practice.

⁹ 34 C.F.R. §300.503(a)