

ADMISSION, REVIEW, AND DISMISSAL COMMITTEE

AMENDMENT *WITHOUT A MEETING*

September 15, 2020

Model operating procedures created by



Student Solutions

and

Thompson
& Horton^{LLP}

ATTORNEYS | COUNSELORS

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

©2020 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.



Amendment Without a Meeting

CONTENTS

AMENDMENT WITHOUT A MEETING.....	1
What is Required	1
Definitions.....	1
Additional Procedures.....	2
Evidence of Implementation.....	3
Resources.....	3
CITATIONS.....	4



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 Campus Special Education Personnel must ensure that the ARD Committee is informed of those changes. Upon request by the parent, the Campus Special Education Personnel will provide the parent with a revised copy of the IEP with the amendments incorporated.

The content of an IEP is defined in federal law and involves present levels, goals, and services; however, the IEP does not include eligibility categories or placement. See [RULE OF CONSTRUCTION]. Accordingly, an ARD Amendment may not change a student's eligibility category or placement. In addition, manifestation determination reviews cannot be conducted through an ARD Amendment.

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.



Amendment Without a Meeting

Additional Procedures

In making changes to a student's IEP after the student's annual ARD meeting, the parent of a student with a disability—or an adult student—and Campus Special Education Personnel 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. Campus Special Education Personnel should document and maintain a record of any communications between the parent and Campus Special Education Personnel regarding the IEP amendment.

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;
- 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 is established;
- To increase or decrease the frequency of speech or related services; 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 Campus Special Education Personnel and the parent agree to amend the student's IEP without convening an ARD Committee meeting, Campus Special Education Personnel must obtain the parent's signature indicating agreement or disagreement with the proposed change. Campus 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. See [PRIOR WRITTEN NOTICE].

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 Campus Special Education Personnel receive the signed agreement to



Amendment Without a Meeting

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, Campus 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;
- 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;
- 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.

Evidence of Implementation

- IEP Amendment
- Parent's Written Agreement
- Documentation of Amendment Discussions
- Prior Written Notice
- ARD/IEP

Resources

[The Legal Framework for the Child-Centered Special Education Process: Amendment Without a Meeting - Region 18](#)

[Amending an IEP Without a Meeting - Partners Resource Network](#)

[OSERS Dear Colleague Letter \(Aug. 1, 2016\) - U.S. Department of Education](#)

[OSERS Questions and Answers on Individualized Education Programs \(IEPs\), Evaluations, and Reevaluations \(Sept. 2011\) - U.S. Department of Education](#)

Amendment Without a Meeting



CITATIONS

Board Policy EHBAA; Board Policy EHBAB; 20 U.S.C. 1414, 1415(k); 34 CFR 300.116, 300.306, 300.324(a), 300.530(e)