

Amending Individualized Education Programs: Mastering the Fundamentals

IEP Teams are required to meet annually, at a minimum, to review the entire Individualized Education Program (IEP) and make necessary revisions so the IEP meets the needs of the student for the following year. Anticipating every single circumstance that could occur while the IEP is being implemented and planning for it in the IEP is a very daunting task. IEP Teams should closely monitor student progress throughout the year and, when students are not making progress as expected, consider amending the IEP between annual meetings to make changes designed to help the student make meaningful progress in light of the student's unique circumstances. Sometimes IEPs must be changed between annual meetings for additional reasons. For example, if the district adds a new district-wide assessment, the students with IEPs who are in the group expected to participate in the assessment must have a Form E that describes their participation and any accommodations necessary. Recently, the COVID-19 pandemic has made the addition of considerations for distance learning and Form G necessary. The purpose of this guidance is to provide the federal and Missouri State Plan regulations along with suggested use of the amendment process to change IEPs between annual meetings.

Federal Regulations

34 C.F.R. § 300.324 (a)(4)(i) 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](#) 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.

(ii) If changes are made to the child's IEP in accordance with [paragraph \(a\)\(4\)\(i\)](#) of this section, the [public agency](#) must ensure that the child's IEP Team is informed of those changes.

34 C.F.R. § 300.324 (a)(6) Amendments. 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.

Missouri State Plan for Special Education, Regulation IV, Pg. 55

AMENDING OR MODIFYING AN IEP WITHOUT A MEETING In making changes to a student's IEP after the annual IEP Team meeting for a school year, the parent of a student with a disability and the public agency may agree not to convene an IEP Team meeting for the purposes of making such changes, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP, the public agency must ensure that the student's IEP Team is informed of those changes.

IEP AMENDMENTS Changes to the IEP may be made either by the entire IEP Team at an IEP meeting or by mutual agreement of the parent and local public agency (LEA) representative (as

described above) by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent shall be provided with a revised copy of the IEP with the amendments incorporated.

Requirements per Regulations

1. IEP teams must be convened, at a minimum, annually to review the entire IEP and make any changes necessary for the next year.
2. IEP teams may convene at any time between annual meetings when there is a need to consider making any change to the IEP. The Individuals with Disabilities Education Act (IDEA) includes a process for amending IEPs between annual meetings. This process is intended to allow the team to focus on specific areas of the IEP instead of conducting a review of the entire IEP, as is required for an annual review meeting.
3. IDEA also includes a process for amending IEPs without convening the entire IEP team. Amendments can be made when the parent or guardian and a representative of the local education agency (LEA) agree to make changes to the IEP and also agree that there is no need to convene the entire team to consider making these changes. Parents must be fully informed of the changes for which their agreement to use an amendment outside of an IEP team meeting is requested. When a parent does not agree to make changes to the IEP outside of an IEP team meeting then the IEP team, including the parent, must meet and must use the team consensus process to make changes to the IEP. When a parent fails to respond to requests to amend the IEP outside of an IEP team meeting then the IEP team must be convened to consider making changes to the IEP.
4. If changes are made to the student's IEP using the amendment process, all IEP Team members must be informed of the changes.
5. If changes to the IEP result in changes to the provision of a Free Appropriate Public Education (FAPE) or placement, a prior written notice is triggered and must be provided to the parent in accordance with the requirements for providing prior written notice.
6. Parents must be provided with a revised copy of the IEP with amendments incorporated, if requested.
7. Using the amendment process, with the LEA in agreement with the parent, is merely modifying or amending the student's existing annual IEP. The annual IEP review date remains unchanged. The amendment process allows the LEA and the parent to make changes to the IEP after an annual IEP Team meeting has occurred.
8. The regulations describing the amendment process only extend to amending an IEP. The amendment process cannot be used to amend or change any component of the initial evaluation or reevaluation process.

Suggested Practices for Amending the IEP

1. Amendments made when the parent and LEA agree that it is not necessary to convene the IEP Team only require mutual agreement between the parent and the LEA; however, all appropriate IEP Team members should provide input to the revisions in order to insure the proposed revisions continue to provide FAPE to the student. It is the LEA

representative's responsibility to ensure that all team members will support changes made outside of an IEP Team meeting.

2. While the federal regulations and Missouri State Plan for Special Education are silent as to what types of changes can and cannot be made to the IEP using an amendment process, it is a recommended best practice to take into consideration the level of impact of the revision being proposed. If the proposed revision impacts the roles and responsibilities of multiple IEP Team members or if there are multiple revisions being proposed, or if the revision being proposed results in a significant change in FAPE for the student, then the LEA and parent may want to consider convening an IEP Team meeting as part of the amendment process rather than waiving the meeting. By convening an IEP Team meeting to address complex or multiple proposed revisions, the entire IEP Team can provide input so that the parents are more fully informed of the proposed revisions, the reasoning behind the proposed revisions and the potential change in FAPE for the student.
3. Even when the parent and the LEA agree to revise the student's IEP through the amendment process without convening an IEP Team meeting, LEAs still have the obligation to fully engage the parents in the amendment process and provide the parents with enough information regarding the proposed amendments so that the parents are fully informed and they can, in turn, make informed decisions regarding the proposed revisions to the student's IEP.
4. While the regulations stipulate that parents must be given a copy of the revised IEP with the amendments incorporated only upon parent request, it is a suggested best practice to provide the parents a copy of the revised IEP with the amendments incorporated, even if they do not make an official request. Providing a copy of the revised IEP with the amendments incorporated to the parents without their prior request can foster a trusting relationship and provides for an open line of communication between the LEA and the parent. Provide the parent copy within a reasonable amount of time following agreement to make changes using an amendment.