Guidance for Amendments to the Individualized Education Program

The purpose of the Individualized Education Program (IEP) Amendment is to make changes to a student’s IEP during the time it is in effect. In accordance with §300.324a(4) of the Individuals with Disabilities Education Act (IDEA), the parent of a student with a disability and the district may agree not to convene an IEP team meeting for the purposes of making changes, and instead develop a written document to amend or modify the current IEP.

The regulation does not place restrictions on what aspects of the IEP can be amended pursuant to these agreements. However, some legal firms have in the past cautioned school districts to consider restricting such amendments to simple/minor changes.

Decisions on whether to utilize an amendment to change the IEP should be made on a case-by-case basis. You must keep in mind the impact of the amendment on the remaining components of the IEP. In some cases, the amendment may cause other needed changes in the IEP. Depending upon the extent of these changes, it may be advisable to conduct a new IEP.

School districts are strongly advised to consider establishing policies that control which personnel will be authorized to enter into amendment agreements.

Several procedural matters should be kept in mind when amending IEPs:

- The annual review date remains the same, i.e., the amendment does not extend the 12 month review period.

- Parents are afforded the same due process rights for the amendment as they are afforded for the IEP. Thus, they can make complaints regarding the implementation of the amendment, or they could even request a due process hearing contesting the appropriateness of the amendment.

- If requested, parents have the right to receive a revised copy of the IEP that incorporates the amendments (§300.324a (6)). IDEA does not elaborate on how to make such a revised copy. When the amendment does not alter what is contained in the IEP, then simply attaching the amendment would seem to constitute a revised IEP. Amendments that alter the IEP would seem to require a rewriting of the effected sections. We are recommending that in such situations the original IEP be kept in tact, and that a new/clean IEP page(s) be used to write the amendment language. The revised IEP would then constitute the original IEP, the new page(s), and the IEP Amendment itself.

- A Notice for Provision of Programs and Services must be provided to the student’s parent(s) upon completion of an amendment.