

GAINESVILLE INDEPENDENT SCHOOL DISTRICT SPECIAL EDUCATION OPERATING PROCEDURES AMENDING THE IEP WITHOUT A MEETING

The Gainesville ISD has entered into an Interlocal Agreement to cooperatively operate its special education programs under the authority of Tex. Ed. Code § 11.157. The Denton County Special Education Services Cooperative may provide for the efficient delivery of legally required special education and related services to the Gainesville’s eligible students with disabilities as set forth in the Interlocal Agreement, including the implementation of these Special Education Operating Procedures.

Gainesville ISD Board Policy along with these *Special Education Operating Procedures* constitute the Policies and Procedures of [DISTRICT ISD], designed to be consistent with the State policies and procedures developed pursuant to the IDEA. Gainesville ISD *Special Education Operating Procedures* are not to be for the purpose of creating a requirement that is not otherwise imposed by the Individuals with Disabilities Education Improvement Act (“IDEA”), together with its implementing federal regulations, state statutes and rules, as they shall from time to time be amended, and shall not be construed to create a higher standard than that established by IDEA. These *Special Education Operating Procedures* will be posted on [DISTRICT ISD]’s website. These *Special Education Operating Procedures* should be interpreted consistent with the IDEA. [DISTRICT ISD]’s *Special Education Operating Procedures* are reviewed and updated, as needed, on at least an annual basis. Gainesville ISD will make timely changes to policies and procedures in response to IDEA amendments, regulatory or rule changes, changes to state policy, or new legal interpretation as are necessary to bring Gainesville ISD into compliance with the requirements of IDEA. Gainesville ISD maintains systems to ensure that all students with disabilities residing in the District, including students with disabilities attending non-public schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and provided a free appropriate public education. Gainesville ISD maintains systems to ensure that students with disabilities and their parents are afforded the procedural safeguards required under the IDEA (and its implementing federal regulations, state statutes and rules) including with respect to the confidentiality of records and personally identifiable information.

Can a student’s IEP be updated without convening an ARD Committee meeting?

In making changes to a student’s IEP after the annual ARD committee meeting for a school year, a parent or guardian and the District may agree not to convene an ARD committee meeting for the purpose of making those changes, and instead may develop a written document to amend or modify the student’s current IEP without a meeting. If changes are made to the student’s IEP by IEP Amendment without a meeting, the Diagnostician shall ensure that the student’s ARD committee and the individuals responsible for the implementation of the student’s IEP are informed of those changes. The Diagnostician will provide the parent or guardian with Prior Written Notice of the amendments to the IEP.¹ Upon request, a parent or guardian shall be provided with a revised copy of the IEP with the amendments incorporated.²

¹ OSERS, [*Questions and Answers on Individualized Education Programs \(IEPs\), Evaluations, and Reevaluations*](#). Revised September 2011.

² 34 C.F.R. § 300.324(a)(6)

PRACTICE GUIDE—The District may consider using the IEP Amendment process to address changes to goals and objectives, accommodations, and supplementary aids and service. Whenever the District proposes to amend an IEP without a meeting, the District should ensure that the parent understands that the parent can choose not to agree, and instead have an IEP Team meeting. Changes in placement and manifestation determination reviews cannot be addressed via an IEP Amendment.

3

Demonstrations of this procedure’s implementation may include, but are not limited to, examples such as:

- Notices and/or Invitations to ARD committee meetings
- Check-lists
- Telephone logs of calls made and attempted in an effort to convince parents to participate in ARD committee meetings
- Records of written correspondence sent in an effort to convince parents to participate in ARD committee meetings
- Records of visits to the parent’s home or place of employment in an effort to convince parents to participate in ARD committee meetings
- Records of communications with parents regarding a proposal to amend a student’s IEP without a meeting
- Documents reflecting proposed amendments to the IEP
- Prior Written Notice of amendments to the IEP

³ US Department of Education, 71 Fed. Reg. 46685 (August 14, 2006).