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Bureau of Special Education FY'17 Memo #22

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To: Superintendents
Special Education Directors

From: Office of the Commissioner of Education

Division of Educational Improvement
Bureau of Special Education

RE: IEP Amendments in NHSEIS (New Hampshire Special Education Information System)

Recently, the New Hampshire Department of Education (NHDOE), Bureau of Special Education's Special Education Information System (NHSEIS) added features to the New Hampshire Special Education Information System (NHSEIS) to support districts in more easily identifying IEP amendments and is now offering guidance regarding these additional features and regarding the amendment process.

In an effort to more easily identify special education amendments in NHSEIS and in printed copies of IEP's, the Bureau has added additional features to NHSEIS. The features allow NHSEIS users to more easily identify IEP amendments and amendment dates on the cover page of amended IEPs. Please see the attached guidance document for updated instructions on how enter to IEP amendments into NHSEIS using these new features.

For additional questions regarding the NHSEIS changes in the amendment process, please contact Terry Hersh at 603 271-3775 or Terry.Hersh@doe.nh.gov.

The following New Hampshire Rules explain the key components in making changes to the IEP:

ED 1120.03(a), under *Written Prior Notice*, in the New Hampshire Rules for the Education of Children with Disabilities, does state that before changes can be made to the IEP, "parents shall be notified in writing within a reasonable time, but not less than 14 days, before the LEA proposes to initiate or change the...IEP..."

Additionally, **Ed 1109.03(h)** under *Development, Review & Revision of an IEP*, the conditions under which changes may be made to the IEP without a meeting "if the parent of a child with a disability and the public agency agree not to convene an IEP team meeting for the purpose of making those changes" are detailed.

Ed 1120.04(a)(5), under *Parent Consent*, states that an LEA "shall obtain informed, written consent from the parent of a child with a disability prior to...changing the nature or extent of the special education or special education and related services."

In brief, IEP's may be changed without a meeting for changing special education and/or related services as long as this is done in accordance with Ed 1109.03(h). Whether a meeting is held or not, parents must be provided with a written prior notice in accordance with Ed 1109.03(h). Additionally, informed, written consent from a parent must be obtained prior to making changes in the IEP as discussed in Ed 1120.04.

LEAs should use the guidance provided by these three rules to document changes in special education and/or related services of IEPs in NHSEIS using the new amendment features. The amendment date entered should reflect when the proposed change(s) will begin and should ensure that parents are provided with 14 days from the time they receive the Written Prior Notice documenting the change. Additionally, as with the IEP, informed, written consent from the parent must be obtained prior to initiating the changes. Parent signature date, then, if later than the date of the proposed amendment, is the date that should be used to initiate changes and is also the date that will be used to denote the beginning date of the changes for the purposes of catastrophic aid and 402 reimbursements.

As with the IEP process, in the case of parental failure to respond within 14 days after the sending of the written prior notice of the proposed changes, (Ed 1120.06), the LEA "shall implement its proposed changes if the LEA has taken reasonable measures to obtain informed written consent. Please ensure that "reasonable measures" are documented in accordance with Ed 1120.06(b)(1-2). The changes, in this case, should be implemented only after the 14-day period has occurred and the attempts have been documented.

For further guidance on the amendment process, please contact Helene Anzalone at 603-271-3476 or Helene.Anzalone@doe.nh.gov.