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## State Department of Education Issues Guidance on Technical Edits to the IEP Document

Earlier this school year, the Connecticut State Department of Education (the “Department”) issued a memorandum to all directors of special education concerning making technical edits to clerical errors in the documentation of an individualized education program (“IEP”). Through this memorandum, the Department outlines very specific requirements for making edits to the IEP documentation after such document has been finalized and sent to the parents.

For purposes of the memorandum, the Department defines a “clerical error” as “information inaccurately recorded in, or omitted from, the IEP document,” and provides that “[t]he correction of a clerical error within an IEP document that has already been sent to the parents is referred to as a technical edit.” The Department then clarifies that minor technical edits may only be made to portions of the IEP document that are not required components of the IEP under the Individuals with Disabilities Education Act (“IDEA”). If a district wishes to make any changes to sections of the IEP that are required components under the IDEA, or if the district wishes to make changes that are not minor technical edits, the district must either: (1) hold a planning and placement team (“PPT”) meeting; or (2) execute a written amendment to the IEP outside of the PPT meeting, which process requires the consent of the parent and a school administrator.

The Department provides additional requirements if the district makes minor technical edits to components of the IEP document that are not required components under the IDEA. If the district makes minor technical edits, the district must follow these steps:

1. A district representative must have a telephone conversation with the parent to inform the parent of the error, explain the technical edit and respond to any questions the parent might have regarding the edit.
2. After the telephone conversation, “promptly complete the edit” and “immediately” provide the parent with a written explanation of the change and an updated copy of the edited version of the IEP. The district must highlight in color the edited portion of the IEP in the updated copy.



3. If the parent cannot be reached by telephone, the district must review the technical edit with the parent at the next PPT meeting.
4. The case manager must be provided an updated copy of the IEP document and such updated copy must be included in the student's file.

Likely the most significant concern of districts with regard to this guidance will be understanding the difference between a required component of the IEP document under the IDEA and a non-required component. In this regard, the Department has provided in its memorandum [<https://bureaubulletin.files.wordpress.com/2014/10/technical-edits-and-the-iep-guidance-memorandum.pdf>] a detailed explanation of the required components of the IEP document. The Department has also provided a highlighted copy of the IEP document [<https://bureaubulletin.files.wordpress.com/2014/10/technical-edits-and-the-iep-highlighted-iep-document.pdf>] explaining the portions of the IEP that can only be changed through the PPT or IEP amendment process.

Given the state's role in providing guidance on IDEA compliance, we recommend that districts adhere to the requirements identified in the Department's memorandum [<https://bureaubulletin.files.wordpress.com/2014/10/technical-edits-and-the-iep-guidance-memorandum.pdf>]. Changes to the IEP document made outside of these guidelines may be considered a unilateral change to the IEP by the district made outside of the PPT process. We are currently in contact with the Department to address questions regarding the implementation of this memorandum. We intend to provide our clients with any updated information once it is received.

### **Questions or Assistance:**

If you have questions regarding the Department's guidance, please contact Julie Fay at [jfay@goodwin.com](mailto:jfay@goodwin.com) or 860-251-5009 or Gwen Zittoun at [gzittoun@goodwin.com](mailto:gzittoun@goodwin.com) or 860-251-5523.

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