



Key Message

Highly mobile children, including military children, are more likely to experience recurring educational disruptions and challenges, particularly those who need access to special education and related services. States can assist by streamlining processes to ensure timely establishment of comparable special education services upon relocation and reducing burdens associated with due process proceedings.

Discussion Points

- 1. Minimizing delays:** A military family's mobile lifestyle can greatly impact child identification, eligibility determinations and receipt of services under the Individuals with Disabilities Education Act, or Section 504 of the Rehabilitation Act of 1973.

In a November 2022 letter issued to all state directors of special education, the U.S. Department of Education strongly encouraged school districts to expedite their evaluations of "highly mobile children": <https://sites.ed.gov/idea/files/Letter-to-State-Directors-of-Special-Education-on-Ensuring-a-High-Quality-Education-for-Highly-Mobile-Children-11-10-2022.pdf>.

Potential state actions

- States can clarify in statute that evaluations should be conducted no more than 30 days after a student's transfer from another state, even if it occurs during summer recess or intermediate periods. This facilitates a timelier provision of services for highly mobile students. Receiving school districts should be encouraged to accept evaluations from other school districts, if still timely.
- States with advance enrollment for military connected children are encouraged to put specific procedures in place to identify if a child is transferring with a Section 504 plan, an individualized family service plan or an individualized education plan, and to take the necessary steps (transfer of records, needed evaluations, meetings) to ensure comparable services are in place when the child arrives: <https://statepolicy.militaryonesource.mil/emeritus-status-tracker/advance-enrollment>.



According to a 2021 study of military parents raising children with special education needs, 31% indicated that their children with disabilities went without services for more than 60 days following a military move. And 42% reported that their Individualized Education Plan was not implemented once they arrived at their new duty location. The same research noted that 74% of respondents believed they had cause to file a special education complaint but did not do so: <https://thepromiseact.org/2021-survey-results/>.



- Parent-to-parent programs providing support to families impacted by disabilities is an evidence-based best practice. Focusing a state's parent-to-parent program on the unique issues of military families and other highly mobile families can increase the likelihood of a successful transition.

2. Reducing burdens during proceedings: In situations where parents and school systems can't come to an agreement on the provision of special education services, federal law – the Individuals with Disabilities Education Act, or IDEA – provides for procedural safeguards to help the parties work through the disagreement. This includes a voluntary mediation process, filing a state complaint and due process – which typically involves hiring an attorney and potentially paying significant fees to expert witnesses.

- In recent research, military parents have reported they would be more likely to file a complaint if they were in the area longer, the process was less time-consuming and stressful, and they had financial support: <https://thepromiseact.org/wp-content/uploads/Partners-in-PROMISE-2022-Survey-Findings-FINAL.pdf>.
- There have been anecdotal reports of school systems delaying actions for the children of military parents, knowing they are less likely to have the time or money necessary to utilize these procedural safeguards. And even in cases where military parents are successful in a due process hearing, military relocation of the family can make executing the hearing officer's orders difficult.
- To level the playing field for military children and other children frequently on the move, and to encourage school districts to work with parents to come to a consensus prior to due process, states can take actions to enhance IDEA's procedural safeguards, supporting the resilience and economic security of military families.

Potential state actions

- Enact enhanced parental consent requirements related to eligibility, placement criteria and changes to services related to the transferring of IEPs, IFSPs or Section 504 plans between school districts.
- Shift the burden of proof in due process cases to the school districts.
- Require reimbursement of expert witness fees in due process cases in which a hearing officer finds in favor of the parents.

The proposed state actions do not preclude additional approaches to meet the priority's objective. The Defense-State Liaison Office works with organizations advocating for highly mobile children in special education, consistent with the above positions, as these actions stand the best chance of success when a coordinated community approach is used.