



## 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 military families by ensuring timely establishment of 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 make it difficult to identify children with disabilities and determine their eligibility for services under Section 504 of the Rehabilitation Act of 1973, or the Individuals With Disabilities Education Act, also known as IDEA. 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

- There are 41 states with advance enrollment policies for military-connected children. States are encouraged to modify their existing policies or enact new policies to ensure that there are specific procedures in place to identify if a child is transferring with Section 504 accommodations, an Individualized Family Service Plan (or IFSP) or an Individualized Education Program (or IEP), 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>.
- Should an evaluation be deemed necessary after a student transfers from another state, the receiving state can clarify in statute or regulation that the evaluation should be completed in no more than 30 calendar days. This facilitates the timely adoption of an education program in the new state. Receiving school districts should be encouraged to accept evaluations from other school districts, if still relevant: <https://sites.ed.gov/idea/statute-chapter-33/subchapter-ii/1414/d>.



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 IEP was not implemented once they arrived at their new duty location: <https://thepromiseact.org/2021-survey-results/>.



- A wide variety of evidence-based, state disability programs exist to support all families impacted by disabilities. These include Parent Training and Information Centers, Community Parent Resource Centers, protection and advocacy agencies, Family-to-Family Health Information Centers, parent-to-parent organizations and University Centers for Excellence in Developmental Disabilities. Focusing a state's disability programs 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 – 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: <https://sites.ed.gov/idea/statute-chapter-33/subchapter-ii/1415>.

- 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>.
- The same research study reported that 35% of respondents indicated that they paid out of pocket for special education supports “over the last year.” The majority (24%) paid between \$500 and \$1,000 dollars, with 9% saying they paid more than \$10,000.
- In cases where military parents are successful in a due process hearing in one state, military relocation of the family to a new state can make executing the hearing officer's orders difficult.
- To promote joint accountability and collaboration in the development of special education plans 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 accommodations 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.