



Key Message

Highly mobile children, including military children, are more likely to experience recurring educational disruptions and challenges accessing special education services, particularly those who need access to special education and related services. States can assist military families by ensuring timely establishment of services upon relocation and reducing procedural burdens.

Analysis

Many military children with special education needs are disadvantaged in accessing services in a timely manner due to the frequency with which their families move. Children from military families change location, on average, every two to three years. States have enacted improvements to their education statutes to build upon existing requirements provided within the federal Individuals with Disabilities Education Act, or IDEA (<https://www.govinfo.gov/content/pkg/COMPS-755/pdf/COMPS-755.pdf>), and Section 504 of the Rehabilitation Act of 1973 (<https://www.govinfo.gov/content/pkg/COMPS-799/pdf/COMPS-799.pdf>).

- **Minimizing delays:**

1. **Advance enrollment:** The 42 states with advance enrollment policies for military-connected children are encouraged to modify their policies to ensure that there are specific procedures to identify if a child is transferring with Section 504 accommodations, an individualized education program, or IEP, or an individualized family service plan, or IFSP. This can include a transfer of records, needed evaluations and meetings to ensure comparable services are in place when the child arrives (<https://statepolicy.militaryonesource.mil/emeritus-status-tracker/advance-enrollment>).
2. **Timeliness:** States can clarify in statutes or rules that if an evaluation is determined to be necessary after a student transfers from another state, it should be completed, and a new IEP be implemented, within 30 calendar days. This helps facilitate the timely adoption of an education plan in the new state. Receiving school districts should be encouraged to accept evaluations from other school districts if evaluations from the previous school districts are current.
3. **State disability programs:** Providing support to families impacted by a disability is a research-based prevention practice. Specific state support of disability programs focusing on the unique issues of military families or the designation of special education liaisons or advocates (e.g., Utah state policies: <https://statepolicy.militaryonesource.mil/bill/UT/EO/utah-military-family-advocates/2025>) to assist military families in navigating school district special education programs and processes can increase the likelihood of a successful transition.

- **Reducing burdens during proceedings:**

1. **Enhancing parental consent:** States can strengthen the opportunities for parents to participate in decision-making regarding any potential changes to their children's educational program by requiring enhanced parental consent prior to taking any significant actions.



2. **Shifting burden of proof:** When due process hearings take place, the party that requests the hearing (most often the parents) generally will have the burden of proving their case. But states can reassign the burden of proof from the parents to school districts.
3. **Expert witness fees:** When a hearing officer finds in favor of a family at due process, states can reduce financial burdens for families by enacting provisions to reimburse them for the cost of their expert witnesses.

Best Practices

- **Minimizing delays:**

1. **Advance enrollment**

Equitable enrollment and registration processes for military-connected children with special education needs

EXAMPLE:

Alabama

Senate Bill 211 (2024), Code of Alabama, Section 16-28-60

<https://alison.legislature.state.al.us/code-of-alabama?section=16-28-60>

“(b) If the enrolling student is transferring with a Section 504 plan, an individualized family service plan, or an individualized education plan, the local board of education shall take the necessary steps including, but not limited to, the transfer of records and any prior evaluations, the performance of reevaluations, if necessary, and meetings to ensure that comparable services are in place when the child arrives in this state. If a reevaluation is deemed necessary, the reevaluation shall occur within 30 calendar days after the date of arrival, subject to the informed parental consent of the parent or legal guardian as provided by rule of the State Board of Education.”

Colorado

Senate Bill 25-073 (2025)

https://leg.colorado.gov/sites/default/files/documents/2025A/bills/2025a_073_enr.pdf

“**SECTION 1.** In Colorado Revised Statutes, 22-36-107, **add** (3)(f) and (3)(g) as follows:

22-36-107. Inbound active duty military families - school enrollment - registration - legislative declaration - definitions.

(3) (f) CONSISTENT WITH EXISTING STATE AND FEDERAL LAW AND REGULATIONS, THE CHILD OF AN INBOUND ACTIVE DUTY MILITARY MEMBER WHO HAS AN EXISTING INDIVIDUALIZED EDUCATION PROGRAM, AS DEFINED IN SECTION 22-20-103, OR AN EXISTING SECTION 504 PLAN, AS DEFINED IN SECTION 22-20-123, IS ELIGIBLE FOR OPEN ENROLLMENT AND GUARANTEED MATRICULATION PURSUANT TO THIS SECTION. THE SCHOOL DISTRICT OR CHARTER SCHOOL WHERE THE STUDENT ENROLLS SHALL ENSURE THAT THE STUDENT RECEIVES THE APPROPRIATE SERVICES AND



ACCOMMODATIONS, CONSISTENT WITH THE CHILD'S EXISTING INDIVIDUALIZED EDUCATION PROGRAM OR SECTION 504 PLAN WITHOUT UNREASONABLE DELAY UPON ENROLLMENT.

(g) EACH SCHOOL DISTRICT AND CHARTER SCHOOL SHALL TAKE REASONABLE STEPS TO NOTIFY INBOUND ACTIVE DUTY MILITARY MEMBERS AND THEIR FAMILIES OF THEIR RIGHTS PURSUANT TO THIS SECTION [...]"

2. Timeliness

Timely adoption of IEPs for children with special education needs upon moving to a new state

EXAMPLES:

New Jersey

Administrative Code 6A, Chapter 14, Subchapter 4

<https://www.state.nj.us/education/code/current/title6a/chap14.pdf>

"6A:14-4.1 General requirements

(g) 1. For a student who transfers from one New Jersey school district to another New Jersey school district, the IEP shall be implemented as written if the parents and district board of education agree. If the appropriate district board of education staff do not agree to implement the current IEP, the district board of education shall conduct all necessary assessments and, within 30 days of the date the student enrolls in the school district, develop and implement a new IEP for the student.

2. If the student transfers from an out-of-state school district, the appropriate district board of education staff shall conduct any assessments determined necessary and, within 30 days of the date the student enrolls in the school district, develop and implement a new IEP for the student.

3. The appropriate district board of education staff shall take reasonable steps to promptly obtain the student's records, including the current IEP and supporting documentation, from the previous school district in accordance with N.J.A.C. 6A:32. The school district in which the student was previously enrolled shall take reasonable steps to promptly respond to all requests for records of students transferring from one district board of education to another district board of education."

Connecticut

House Bill 6442 (2025)

<https://www.cga.ct.gov/2025/ACT/PA/PDF/2025PA-00015-ROOHB-06442-PA.PDF>

"(ii) If, after the start of a school year, a child of a member of the armed forces, as defined in section 27-103, enrolls in a school under the jurisdiction of a local or regional board of education, as a result of such member having received military orders directing such member to the state or any other documents from the armed forces indicating the transfer of such member to the state, and such child enrolls with an individualized education program or plan pursuant to Section 504 of the Rehabilitation Act of 1973 from such child's prior school, such board shall take necessary steps, including, but not limited to, the transfer of any records and prior evaluations, the performance of any reevaluations and, not later than thirty school days after such child's enrollment, the holding of any planning and placement team meeting



or meeting to establish a plan pursuant to Section 504 of the Rehabilitation Act of 1973 for such child, to ensure a minimally disruptive transition to the provision of comparable services.”

South Dakota

Senate Bill 109 (2025)

<https://mylrc.sdlegislature.gov/api/Documents/282968.pdf>

“Section 1. That a NEW SECTION be added to chapter 13-37:

Within thirty calendar days after the date on which the student is enrolled in a school district, the district must implement a new or revised plan, under section 504 of the Rehabilitation Act, 20 U.S.C. § 794, a new or revised individualized family service plan under 20 U.S.C. § 1436, or a new or revised individualized education program under 20 U.S.C. § 1401 if:

- (1) The student is the child of an active-duty member of the United States armed forces, as defined in § 13-55-7, and the member is the subject of a military transfer to this state;
- (2) The student currently has a section 504 plan, individualized family service plan, or an individualized education program implemented by the district in which the student was previously enrolled; and
- (3) The appropriate school district staff member does not implement the current section 504 plan, individualized family service plan, or individualized education program.

At the time the student is enrolled in the school district, the inbound active-duty member of the United States armed forces shall indicate that the student is the child of an active-duty member of the United States armed forces who is the subject of a military transfer to this state. The school district shall accept unofficial records provided by the student’s parent or guardian pending validation by the official records, pursuant to § 1353E-1(IV)(A). When the student is enrolled and receives conditional placement, the school district shall take reasonable steps to request the student’s official education record from the district in which the student was previously enrolled, pursuant to § 13-53E-1(IV)(B).

The student’s parent or guardian and the school district may, by mutual agreement, extend the deadline for implementation of a new or revised program.”

3. State disability programs

Disability programs supporting the needs of highly mobile children

States have a variety of disability programs and can encourage these programs to support military and other highly mobile families. Current and past examples include Utah’s military family advocate, Washington’s Partnerships for Action, Voices for Empowerment Specialized Training of Military Parents program, or STOMP, and New Jersey’s Military Family Support 360 project.

**EXAMPLE:****Utah****Hill Air Force Base, Project One: Military Support Teams supporting our families**

<https://www.hill.af.mil/News/Article-Display/Article/4035956/project-one-military-support-teams-supporting-our-families/>

"In 2022, the Utah Department of Veterans and Military Affairs, in coordination with the Utah Legislature, funded four Military Support Team positions in the Davis County School District. These professionals serve as frontline advocates for military-connected students, offering:

- Resource facilitation
- Therapeutic intervention sessions
- Support groups for over 400 students

Through Project One, MSTs helped strengthen Team Hill's partnership with the district, leading to the 75 MSG Commander's advisory role on the school board. MSTs have also trained over 2,400 school staff across 30 schools on military culture, the Purple Star Program, Month of the Military Child, and the Military Interstate Children's Compact Commission.

Due to Davis County's success, the Utah Legislature expanded MST funding in 2024 to Ogden, Weber, and Tooele County School Districts—ensuring broader support for military-connected children across the region."

- **Reducing burdens during proceedings:**

1. Enhancing parental consent

Increasing opportunities for parents to participate in decisions that affect changes to IEPs

EXAMPLES:**Virginia****Administrative Code, Title 8, Agency 20, Chapter 81, Section 170**

<https://law.lis.virginia.gov/admincode/title8/agency20/chapter81/section170>

"E. Parental consent.

1. Required parental consent. Informed parental consent is required before:

- a. Conducting an initial evaluation or reevaluation, including a functional behavioral assessment if such assessment is not a review of existing data conducted at an IEP meeting; (34 CFR 300.300(a)(1)(i))
- b. An initial eligibility determination or any change in categorical identification;
- c. Initial provision of special education and related services to a child with a disability; (34 CFR 300.300(b)(1))



- d. Any revision to the child's IEP services;
- e. Any partial or complete termination of special education and related services, except for graduation with a standard or advance studies diploma;
- f. The provision of a free appropriate public education to children with disabilities who transfer between public agencies in Virginia or transfer to Virginia from another state in accordance with 8VAC20-81-120;
- g. Accessing a child's public benefits or insurance or private insurance proceeds in accordance with subsection F of this section; and (34 CFR 300.154)
- h. Inviting to an IEP meeting a representative of any participating agency that is likely to be responsible for providing or paying for secondary transition services. (34 CFR 300.321(b)(3))"

Florida**Senate Bill 1108 (2013)**

<https://laws.flrules.org/2013/236>

"Parental consent; individual education plan.— [...]

(5) For a change in actions described in subsection (1) in a student's IEP, the school district may not implement the change without parental consent unless the school district documents reasonable efforts to obtain the parent's consent and the child's parent has failed to respond or the school district obtains approval through a due process hearing in accordance with 34 C.F.R. ss. [300.507](#) and [300.508](#) and resolution of appeals."

2024 Florida Statutes, Title XLVIII, Chapter 1008, Section 1008.22, Section (d)

http://www.leg.state.fl.us/Statutes/?App_mode=Display_Statute&URL=1000-1099/1008/Sections/1008.22.html

- "2. A student with a disability, as defined in s. [1007.02](#), for whom the individual education plan (IEP) team determines that the statewide, standardized assessments under this section cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma. Such waiver shall be designated on the student's transcript. The statement of waiver shall be limited to a statement that performance on an assessment was waived for the purpose of receiving a course grade or a standard high school diploma, as applicable.
3. [...] b. If a student is provided with instructional accommodations in the classroom that are not allowed as accommodations for statewide, standardized assessments, the district must inform the parent in writing and provide the parent with information regarding the impact on the student's ability to meet expected performance levels. A parent must provide signed consent for a student to receive classroom instructional accommodations that would not be available or permitted on a statewide, standardized assessment and acknowledge in writing that he or she understands the implications of such instructional accommodations."



2. Shifting burden of proof

Shifting burden of proof in due process cases from parents to school districts

EXAMPLES:

Washington

Revised Code of Washington, Chapter 28A.155.260

<https://app.leg.wa.gov/RCW/default.aspx?cite=28A.155.260>

“(1) Except as provided in subsection (2) of this section, the school district has the burden of proof, including the burden of persuasion and production, whenever it is a party to a due process hearing regarding the identification, evaluation, reevaluation, classification, educational placement, disciplinary action, or provision of a free appropriate public education for a student with a disability.”

Nevada

Assembly Bill 318 (2011)

https://www.leg.state.nv.us/Session/76th2011/Bills/AB/AB318_EN.pdf

“Whenever a due process hearing is held pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., regarding the identification, evaluation, reevaluation, classification, educational placement or disciplinary action of or provision of a free appropriate public education to a pupil with a disability, and a school district is a party, the school district has the burden of proof and the burden of production.”

New Jersey

Assembly Bill 4076 (2008)

https://pub.njleg.state.nj.us/Bills/2006/PL07/331_.PDF

“C.18A:46-1.1 Burden of proof, production on school district relative to special education due process hearings.

1. Whenever a due process hearing is held pursuant to the provisions of the “Individuals with Disabilities Education Act,” 20 U.S.C. s.1400 et seq., chapter 46 of Title 18A of the New Jersey Statutes, or regulations promulgated thereto, regarding the identification, evaluation, reevaluation, classification, educational placement, the provision of a free, appropriate public education, or disciplinary action, of a child with a disability, the school district shall have the burden of proof and the burden of production.”



3. Expert witness fees

Reimbursement of attorney's fees and related costs in due process cases

EXAMPLES:

Maryland

House Bill 1237 (2023)

<https://legiscan.com/MD/text/HB1237/id/2815586>

"(L) (1) THE COURT MAY AWARD REASONABLE ATTORNEY'S FEES AND RELATED COSTS, INCLUDING EXPERT WITNESS FEES AND COSTS, TO THE PARENT OF A CHILD WITH A DISABILITY WHO IS A PREVAILING PARTY IN ACCORDANCE WITH THIS SUBSECTION."

New Hampshire

New Hampshire House Bill 1382 (2024)

https://gc.nh.gov/bill_status/legacy/bs2016/billText.aspx?sy=2024&id=1547&txtFormat=pdf&v=current

"186-C:16-a Special Education Hearing Officers. Hearing officers appointed by the department of education to hear special education impartial due process appeals shall have the authority to compel the attendance of witnesses in accordance with RSA 516:1 including issuing subpoenas for parents who are representing themselves. Any costs incurred in issuing a subpoena shall be the responsibility of the party requesting the subpoena, unless otherwise determined by the hearing officer. The state board of education may adopt rules pursuant to RSA 541-A to implement the provisions of this section, including guidelines to be used for consideration by the hearing officers in determining the responsibility of costs of the subpoena. Nothing in this section shall prohibit any justice from issuing a subpoena for such hearing in accordance with RSA 516:3. **Witness fees incurred by parents who are members of the armed forces shall, in due process hearings, be reimbursed by the department of education if the hearing officer finds in favor of the parent.**"