



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.

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 42 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 facilitate a timely exchange of records and provision of services upon arrival: <https://statepolicy.militaryonesource.mil/emeritus-status-tracker/advance-enrollment>.
- As of June 2025, six states had amended their Advance Enrollment statutes to specifically include children on IEPs or 504 plans (Alabama, Arkansas, Colorado, Kansas, Louisiana and Nebraska). Note that Virginia enacted related legislation that requires advance coordination of IEPs for incoming military families.



To further recommendations contained within a September 2024 Defense Department report to Congress, "Military-Connected Children and Special Education Services," states are encouraged to specify a 30-day time frame for full program implementation for in-bound transfer students with existing IEPs or IFSPs. Neither Part B or C of the IDEA nor the regulations implementing Part B of the IDEA establish timelines for the new public education agency to adopt a child's IEP or IFSP from the previous public agency or to develop and implement a new IEP or IFSP.



- 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 and a new IEP implemented 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>.
 - As of June 2025, three states had enacted policies requiring implementation of a new IEP (including completing any required reevaluations) within 30 days of transfer: Connecticut, New Jersey and South Dakota.
- 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 or designating special education liaisons or advocates (<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.

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.
- Ten states have statutes that place the burden of proof during due process proceedings on school districts, as opposed to parents: Arkansas, Connecticut, Delaware, Louisiana, Maryland, Nevada, New Hampshire, New Jersey, Washington and New York.
- Under 34 CFR § 300.154, 300.300, 300.304, 300.309, 300.321, 300.322, 300.503, and 300.622, public agencies provide informed consent to parents prior to:
 - Conducting an initial evaluation to determine eligibility for provision of special education and related services



- Providing special education and related services
 - Conducting reevaluations, including those related to behavior and specific learning disabilities
 - Inviting third parties to participate in IEP meetings
 - Planning for transition to adulthood
 - Changing or refusing to change identification, evaluation or educational placement
 - Proposing to access public benefits or private insurance
 - Disclosure of personally identifiable information, or PII
- Twelve states: California, Delaware, Florida, Kansas, Louisiana, Maryland, Massachusetts, Minnesota, Montana, New Hampshire, Ohio and Virginia, are considered “consent states,” meaning they have enacted enhanced informed parental consent policies above and beyond federal IDEA law.

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. Enhanced parental consent means districts are required to provide prior written notice to parents, beyond what federal law requires, for proposed actions such as:
 - Partially or completely terminating special education and/or related services
 - Offering revised special education or related services upon transfer of an IEP or 504 plan from another state
 - Offering school transportation
 - Changing a student’s goals from diploma to certificate track and for placement in a self-contained classroom
 - Enrolling a student in an alternative education program that does not issue or provide credits toward a state high school diploma
 - Identifying a student for the alternative education assessment
 - Including restraint and/or seclusion in the IEP to address the child’s behavior
 - Changing a student’s disability classification
 - Excusing a required school district member from an IEP meeting; and/or:
 - Any other change related to a student’s IEP
- 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.