

# The Individuals with Disabilities Education Act and Military Connected Children

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P R E S E N T

A CONFERENCE ON

## MILITARY CONNECTED CHILDREN WITH SPECIAL HEALTH CARE NEEDS AND THEIR FAMILIES

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# Flow

1. The Individuals with Disabilities Education Act
  - One law, Two Parts
  - Who's eligible
  - Determining eligibility
  - Providing services
2. IDEA and Military Connected Children

# **The Individuals with Disabilities Education Act (IDEA)**

## Part C –

- Infants and toddlers – birth through two – with disabilities

## Part B –

- Children – 3 through 21 – with disabilities in public schools

# IDEA

- Part C

- Generally administered through State health agencies
- Early Intervention Services (EIS) in the Natural Environment
- Services provided in accordance with an Individualized Family Services Plan (IFSP)

- Part B

- Administered through State educational agencies (SEA) and local educational agencies (LEA/School Districts)
- Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE)
- Services provided in accordance with an Individualized Education Program (IEP)

# IDEA

- Part C

- Experiencing a developmental delay in one of the following areas:

Cognitive	Physical	Adaptive
Communication	Social or Emotional	

- or -

- Has a diagnosed physical or mental condition that has a high probability of resulting in a developmental delay

- and -

requires early intervention services

- Part B

- Determined to be a child with a disability under at least one of the 13 IDEA-defined disability categories

Autism	Deaf-Blindness	Deafness
Emotional Disturbance	Hearing Impairment	Intellectual Disability
Multiple Disabilities	Orthopedic Impairment	Other Health Impairment
Specific Learning Disability	Speech or Language Impairment	Traumatic Brain Injury
Visual Impairment		

# **Determining Eligibility**

# Request or Referral

The parent may request, or the public agency may refer, a child for an initial evaluation to determine if a child is the child with a disability.

# Consent for Initial Evaluation

A parent must provide written consent for the initial evaluation.



# Initial Evaluations

## Purposes –

1. Determine if the child is a child with a disability
2. Determine the content of the child's IEP

## Procedures –

- Use a variety of technically sound assessment tools (eligibility cannot be based on one measure or assessment) ...
- Must assess all areas of suspected disability ...
- Cannot be discriminatory ...
- Must be administered in native language ...
- Administered by trained staff
  
- Assessments of children with disabilities who transfer from one public agency to another public agency in the same school year are coordinated with those children's prior and subsequent schools, as necessary and as appropriate.

# Eligibility Determination

- Made by a group of qualified individuals
- Must consider all evaluation data, including parent input
- Eligibility cannot be based on lack of appropriate instruction in reading or math, or because of limited English proficiency
- Must have a disability and require special education and related services

# IEP

- A written statement for a child with a disability that includes –
  - How the child's disability affects involvement and progress in the general curriculum
  - Annual Goals
  - A list of the special education and related services that the child will receive
  - An explanation if the child will not be educated with his or her typically developing peers

## **Consent for Initial Provision of Services**

The public agency must receive informed consent from the parent of the child with a disability for the initial provision of special education and related services to the child

# Service Delivery

- Must begin as soon as possible after the IEP is developed and consent is provided
- Must be consistent with the IEP

**IDEA and Military Connected Children:  
Meeting Unique Needs  
in a Timely Manner**

## Principle 1:

### Highly mobile children should have timely and expedited evaluations and eligibility determinations.

- Initial evaluations must be completed within 60 days of consent, or State established timeline; OSEP strongly encourages that the evaluations be completed much sooner, e.g. 30 days
- The previous school district and the new school district **MUST** coordinate as expeditiously as possible when the evaluation was begun but not completed in the previous school district
- Educational records **MUST** be promptly exchanged in accordance with the Family Educational Rights and Privacy Act (FERPA)
- No general education intervention process can delay the completion of an evaluation if a parent requests that the evaluation be completed

## **Principle 2:**

**The new school district must provide comparable services. Comparable services include services during the summer, such as Extended School Year (ESY) services.**

Comparable Services: Services that are similar or equivalent to those services that were described in the child's IEP from the previous school district, whether in the same State or in another State, as determined by the child's newly-designated IEP Team in the new school district.

- In-State Transfer: Comparable services until the new school district develops own IEP or adopts IEP from previous district
- Out-of-State Transfer: Comparable services until the new school district conducts its own evaluation (if determined to be necessary by the new school district), and develops and implements a new IEP



# Resources

See “Resources” section of OSEP Dear Colleague Letter on Education for Highly Mobile Children, July 19, 2013

<http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/12-0392dclhighlymobile.pdf>

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