



Issue Paper

Special Education and Military Families

(updated January 5, 2021)

The Issue:

America's military-connected children experience academic and social-emotional challenges when they relocate to new schools due to a parent's change in duty station. As a result, many students struggle to stay on track to be college-, workforce- and life-ready. Military families with a child with special needs experience even greater challenges during these many relocations.

Military families with an eligible child with special needs are entitled to support under applicable Department of Defense (DoD) programs. Additionally, all eligible children with special needs who are enrolled in public and charter schools are entitled to educational services under federal law.

Unfortunately, a federal review of DoD programs found inconsistent implementation and support among branches of the military. In addition, military families have reported that public school services for children with special needs are inadequate and/or inconsistent during school transitions.

Insufficient medical and educational support for these military families has the potential to impact military readiness by degrading retention of service members. It may also indirectly depress the economic viability of local communities and states that host military installations by deterring military families from relocating to schools with inadequate services.

The [2021 National Defense Authorization Act](#) (NDAA) addresses some issues relating to DoD programs and oversight of public and charter school services..

Federal Review Finds Inconsistencies in DoD Programs:

DoD supports military families who have children with special needs through the Exceptional Family Member Program (EFMP). EFMP is intended to provide each family with a service plan that describes necessary services and support for their student with special needs, including assistance during a relocation. EFMP is administered by each branch of the military and parents must apply for enrollment. The purpose of the DoD's Office of Special Needs (OSN) is to create policy, oversee programming and provide resources to families.

In [2012](#) and [2018](#), the Government Accountability Office (GAO) reviewed the support provided by EFMP and made recommendations after finding that implementation varied widely among branches of the military and that, overall, the programs lacked standardization. However, both GAO evaluations were primarily focused on Department of Defense Education Activity (DoDEA) schools and EFMP, with little attention paid to special education services provided by public school systems in high density military areas.

The 2021 NDAA:

In the early stages of the drafting of the 2021 NDAA, MCEC and Partners in PROMISE were invited to testify at a February 2020 hearing before the House Committee on Armed Services Subcommittee on Military Personnel. Both organizations made recommendations for improving the effectiveness and oversight of EFMP and the services provided by public and charter schools.

The 2021 NDAA addresses some of these recommendations, including requiring that DoD:

- Standardize implementation and delivery of EFMP across all branches of the military.
- Ensure seamless continuity of services at new permanent duty stations.
- Create performance metrics for measuring support for military families.
- Require that each branch of the military provide legal services at military installations with special needs density or those that have been underserved.
- Solicit feedback from military families with special needs.
- Require each branch of the military to collect and report on special education disputes relating to military families.

The 2021 NDAA also requires GAO to complete a study and submit a report to Congress addressing:

- How federal funding provided to local educational agencies for military-connected students, including those with severe disabilities, is being applied.
- The efficacy of attorneys and other legal support for military families in special education disputes.
- Recommendations to improve DoD's ability to monitor and enforce the compliance of local educational agencies with federal special education law.
- Recommendations to improve standardization of OSN and military branch policies.

Military Families Report Inconsistent and Inadequate Services from Public Schools:

Federal law requires public and charter schools to provide services to eligible children with special needs, including military-connected students. The primary law governing eligibility and required services is the Individuals with Disabilities Education Act (IDEA). Other relevant laws include Section 504 of the Rehabilitation Act; the Americans with Disabilities Act; and the No Child Left Behind Act.

IDEA requires that public and charter schools make a “free appropriate public education” (FAPE) available to eligible children with disabilities. Special education and related services are provided through an Individualized Education Program (IEP) that is intended to address each student’s unique needs according to their disabilities, providing access and meaningful educational progress.¹

MCEC’s Military Kids Now 2020 [Survey](#) asked respondents for feedback on the provision of special needs services in public and charter schools, among other topics. The survey received responses from over 5,100 military-connected students, parents, veterans, and educators. Of those responding to questions on special needs, around 70 percent of families reported encountering challenges implementing an IEP or Incident Action Plan (IAP), while approximately 50 percent reported that accommodations and supports did not remain in place during a transition. Around 66 percent reported they could have benefitted from legal advice during moves.

Parents reported a lack of consistency between schools regarding special education services, with some requiring new testing to confirm eligibility and others offering only a reduced number of services. They voiced concerns about having to learn each new school’s policies and the time it took to re-establish services for their child.

An October 2018 RAND [study](#) on Enhancing Family Stability During a Permanent Change of Station (PCS) found that the “needs related to having a family member [in] EFMP [was] the most frequently mentioned negative aspect of PCS moves...” and that “the specific provisions vary across service branches.”

Partners in PROMISE’s [2020 Military Special Education Survey](#) heard from over 200 families from across all service branches. The responses from parents were overwhelmingly negative, with only three percent relating positive experiences. The remaining 97 percent of families reported some or all negative experiences. Partners in [PROMISE’s 2021 Survey](#) dug deeper, reaching nearly 500 special needs families. The survey revealed that military families are largely unaware of their legal protections or the services DoD provides to mitigate their struggles.

¹ For more information on IEPs and the protections provided, see [Endrew F. v. Douglas County School District RE-1, 580 U.S. ____ \(2017\)](#).

Scope of the Problem:

Military-connected students must move whenever their active-duty parent receives PCS orders. A military-connected child can expect to move six to nine times from kindergarten through their high school graduation, with approximately 200,000 students transitioning to a new school in any given year. Eighty percent of America's military-connected children attend public schools. With an estimated 1.2 million active-duty military-connected U.S. children enrolled in schools in the United States and abroad, the number of children affected by these transitions is significant.

Although the exact number of military children with special needs has not been documented, according to the [Congressional Research Service](#), approximately 130,000 military dependents are enrolled in EFMP. However, it is important to note that families must apply to participate in EFMP and therefore enrollment numbers are not necessarily indicative of the number of military children with special needs. Partners in PROMISE's survey findings indicate that despite being eligible, families choose not to enroll due to the potential impact enrollment would have on a service member's career.

Our Recommendations:

In addition to the provisions in the 2021 NDAA, MCEC and Partners in PROMISE make the following recommendations for inclusion in future policy, practice and legislation:

- Ensure remote school enrollment for all military families.
- Allow families to maintain IEPs at a new duty station after a PCS for up to six months.
- Require parental consent to all IEP changes before changes can be implemented.
- Instruct State Education Agencies and the U.S. Department of Education to gather and provide data on special education disputes involving military children, utilizing the existing Military Student Identifier.

For More Information:

Find out more at militarychild.org or contact Jack Ballantyne, MCEC's Senior Vice President and Chief Operating Officer, at COO@militarychild.org or (254) 953-1923 ext. 1124.

To learn more about Partners in PROMISE or their special education survey findings visit thepromiseact.org or contact Chief Operating Officer, Jennifer Barnhill at info@thepromiseact.org.