

LEGAL ISSUES AFFECTING MILITARY FAMILIES RAISING CHILDREN WITH DISABILITIES

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THE MILITARY CHILD AND EDUCATION

"Today there are approximately 1.2 million military school-age children being educated in public, private, and home-based schools in the U.S.A. and around the world."

—Department of Defense Education Activity Today

With a mobility rate of around 31 percent, military students receive a unique and often challenging education. With frequent transitions and moves in and out of schools—most with different curricula—military students experience increased academic needs, a lack of school connectivity, increased stress and fear, and emotional and behavioral issues. For military children with disabilities, these educational challenges are amplified.

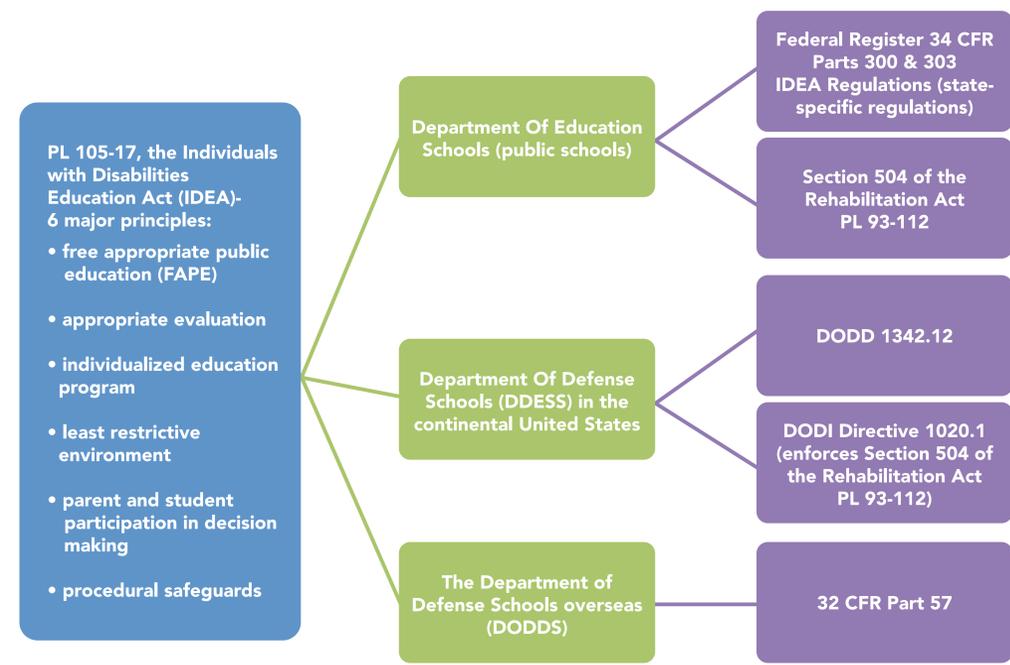
POTENTIAL EDUCATIONAL CHALLENGES FOR MILITARY CHILDREN WITH DISABILITIES, INCLUDE:

- A lack of continuity in the provision of special education and related services through an Individualized Education Program (IEP)
- Moving from state to state or from public schools to Department of Defense-regulated schools, resulting in IEPs that may be significantly modified or not implemented
- An active duty parent's lack of availability during IEP meetings or at medical appointments and procedures
- Reestablishing relationships with educational and healthcare professionals in their new state
- Reestablishing eligibility for community-based services and supports
- Identifying the array of services and supports available in different states
- The financial burdens caused by certain allotments and aspects of military pay calculations when considering eligibility (i.e., clothing allowance, separate rations, housing)
- Differences between state educational agencies and local educational agencies; specifically, in terms of how they implement the Individuals with Disabilities Education Act (IDEA) requirements (e.g., the new school may accept the student's current IEP or require a reevaluation and develop a new IEP)
- Different policies, procedures, and timelines

LAWS AND REGULATIONS:

The differences between laws and regulations—which dictate and differentiate the special education process in public and Defense Department schools—further disrupts the military parent's ability to secure an appropriate educational program and placement for their child with a disability. IDEA governs the provision of special education and related services for children with disabilities, including all public schools, Defense Department schools in the continental U.S., and Defense Department overseas schools. However, Defense Department schools operate under the Department of Defense Education Activity agency and, therefore, are not required to abide by state regulations for implementing IDEA. Instead, these schools implement IDEA according to Defense Department policy. As a result, there are no standardized guidelines between public agencies and the Defense Department on methods, timelines, and documentation for following IDEA. Also, additional laws and regulations, like Section 504 of the Rehabilitation Act of 1973, apply to public schools, but are inapplicable or hard to enforce in Defense Department schools. For military families in the public school system, understanding the federal and state special education regulations becomes increasingly challenging because of state-specific nuances.

RELEVANT STATUTES



MILITARY HEALTH SERVICES AT KENNEDY KRIEGER INSTITUTE

At Kennedy Krieger Institute, we know that military children and adolescents face unique stressors. Our trained staff of social workers, behavioral psychologists, and advocates receive training in military issues and understand the unique stressors these families experience during a time of conflict.

The Eagle Project: The Family Center developed the Eagle Project specifically to target the behavioral health needs of military communities, along with adjustments and concerns related to deployment. Techniques used at the Family Center are proven to work effectively with families facing these types of challenges.

Behavioral Health Services for Military Families: The Department of Behavior Psychology is staffed by licensed psychologists who are specifically trained to understand and serve the unique needs of military families. Our clinical staff is experienced in treating behavior problems that often accompany deployment and other military stressors.

Project HEAL (Health, Education, Advocacy, and Law): This program provides limited representation to military families, brief consultations to clinicians serving military families, and free advocacy training programs for military families through their Exceptional Family Member Program.



Maryland Center for Developmental Disabilities
at Kennedy Krieger Institute
Maximizing Potential. Creating Change.

MARYLAND VOLUNTEER LAWYERS SERVICE
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Legal assistance for people in need

For more information, visit our website at www.mcdd.kennedykrieger.org.