

Technical Assistance For
Military Families
with Students in Need of or
Receiving Special Education Services



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Introduction

On June 21, 2007 Senator Barbara Mikulski announced that the Senate Appropriations Committee had passed a federal fiscal year (FFY) 2008 Labor, Health and Human Services, and Education Appropriations Bill that included increased federal Impact Aid. Impact Aid is distributed to local school systems based upon the number of federally connected children enrolled in school systems. Federally connected children are students with a parent who is either a member of the Armed Forces living and/or working on a military base, or who is a civilian contractor working on a military base or other federally owned land.

While there is no current estimate of the number of school-aged military-associated children of active duty members in Utah, there are nearly 10,000 military personnel at Hill Air Force Base, Dugway Proving Ground, Tooele Army Depot, and in National Guard Units across the state. Frequent relocations are typical for military personnel, often resulting in children transferring to a new school or new local education agency (LEA). For military families with students receiving special education and related services, relocation may bring the additional challenges of ensuring smooth transition in enrollment.

As the U.S. Department of Education (USDOE) Office of Special Education and Rehabilitative Services (OSERS) has acknowledged, “ensuring a high-quality education for highly mobile children is a critical responsibility for all of us. Highly mobile children include children experiencing frequent family moves into new school or district boundaries, such as military-connected children, migrant children, children in the foster care system, and children who are homeless. While these children often possess remarkable resilience, they also experience formidable challenges as they cope with frequent educational transitions” (Letter to State Director of Special Education of Alaska, July 19, 2013, from Michael K. Yudin, Acting Assistant Director of OSERS, and

Melody Musgrove, Director of OSEP, <http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/12-0392dclhighlymobile.doc>).

This resource document is designed to assist military families with students in special education or who may need special education, as well as the schools and the LEAs that serve them.



Utah, along with all of the 50 states and the District of Columbia, is a member of the Interstate Compact on Educational Opportunity for Military Children to ease the transition for students and to ensure that there are no barriers to educational success imposed on children of military families because of the frequent moves and deployment of their parents. As a member of the Interstate Commission, Utah has the opportunity to dialogue with other member states on the Articles of the Compact and identify best practices to ensure that we address the educational issues associated with the frequent transitions that a student of a military family must make. Utah Code (53A-1-1001-1003) implementing the Compact is found at http://le.utah.gov/xcode/Title53A/Chapter1/53A-1-S1001.html?v=C53A-1-S1001_1800010118000101. Additional information and explanation of the Interstate Compact can be found on the Military Interstate Children’s Compact Commission (MIC3) website at <http://www.mic3.net/>.

What Families Need to Know About the IDEA and Section 504

The Individuals with Disabilities Education Act (IDEA)

The IDEA is a federal law that every State and Territory of the United States must follow in all their public schools. Implementing regulations were released in 2006 and amended in 2008. The IDEA has three parts: Part A (General provisions), Part B (Services for students ages 3–21), and Part C (Early Intervention for children ages 0–3).

IDEA Part B establishes six core principles:

1. **Free appropriate public education (FAPE) for students with disabilities.** Regardless of the kind of disability or the severity of the disability, each identified student is entitled to a FAPE. Each LEA has in place procedures for Child Find, including locating, identifying, and evaluating students whose parents or teachers suspect may have a disability. If a student is eligible, he/she is entitled to a FAPE.
2. **Evaluation and eligibility.** The evaluation of a student suspected of having a disability is conducted by the LEA, and is a full evaluation consisting of a variety of tests and procedures that identify a student's areas of strength and weakness and how the student's functional, developmental, and academic abilities compare with the student's same-age peers. Parents must give informed consent for the evaluation to be conducted. The student's functioning may be assessed in the areas of academics, cognitive development, social and emotional behavior, physical development, speech and language, adaptive behavior, and others, as appropriate. The student's progress toward the standards expected for classmates may also be measured. Evaluations are tailored to the individual student's capabilities and language needs.



Assessments are administered by qualified staff of the school.

When all of these data are collected, an eligibility team consisting of school personnel and the parent(s) meets to review the data and determine if the student meets the criteria for eligibility for special education and related services. The criteria are as follows: (a) the student's performance meets the definition of one of the thirteen categories of disability under IDEA, (b) the identified disability is adversely affecting the student's performance, and (c) the student needs specialized instruction in order to be involved and progress in the general curriculum and individual goals.

In Utah, the thirteen categories are:

- Autism
- Developmental Delay (age 3–8)
- Dual Sensory (Deafness and Blindness)
- Emotional Disturbance
- Hearing Impairment/Deafness
- Intellectual Disability
- Multiple Disabilities
- Orthopedic Impairment
- Other Health Impairment
- Specific Learning Disability
- Speech-Language Impairment

- Traumatic Brain Injury
- Visual Impairment

(See Utah Board of Education Special Education Rules (USBE SER) for more details of definitions, evaluation and eligibility requirements in Utah at <http://www.schools.utah.gov/sars>.)

Within 30 days of when the student is determined to be eligible, a team will develop an Individualized Education Program (IEP) for the student. Eligibility is reevaluated at least every three years.

3. **Individualized Education Program.** The IEP team consists of the parent(s), a special education provider, at least one of the student's general education teachers, a representative of the agency, someone who can interpret the instructional implications of assessments, and if appropriate, the student. In an IEP meeting, the team develops a written program that contains a statement of the student's present level of academic and functional performance, individual goals, and special education and related services to help the student work toward

the goals and the standards for the grade level. The IEP also includes when and how the parents will receive progress reports on the goals, accommodations needed, how the student will participate in school- and state-wide tests, the need for extended school year (ESY) services, and related services (if needed for the student to benefit from the specialized instruction).

Team members document their participation in the meeting by signing the document. Parents may participate by phone or other electronic method, if appropriate. Parents receive a copy of the completed IEP. At the initial meeting, the parents may give placement consent for the student to begin receiving the services documented in the IEP.

The IEP and placement are reviewed by team members at least annually. If the student's needs change, the program may be revisited more often.

4. **Parent and student participation.** Parents are always provided with the opportunity to participate in the decisions about special education. Students who are age 16 or older



are invited to be at IEP team meetings, although younger students may be invited as appropriate. No student can begin to receive special education without consent for initial placement from parents. Parents may revoke their consent at any time by giving the agency notice in writing.

5. **Least Restrictive Environment (LRE).** At the first IEP meeting, the team will also decide on an appropriate placement for the student. From least to most restrictive, the placement options in the IDEA are:

- Regular classroom, with or without itinerant services.
- Special class.
- Special school.
- Institution.
- Home/hospital.

Students are placed in the least restrictive environment—that is, as close to being in a regular classroom with nondisabled peers as is appropriate to meet the student’s needs.

6. **Procedural Safeguards.** The safeguards, often known as parents’ rights, are in place to maintain accountability and provide parent with certain guarantees regarding their student’s education. Parents have the right to be given the opportunity to participate in educational decisions, to review student records, contest the findings of an evaluation, disagree with the goals or services in the IEP, and have an objective hearing to resolve disputes that may arise.

When parents disagree with the school on an issue regarding the student’s special education program, it is imperative that the parent share his/her concerns with the school, listen to the school’s point of view, and try to find a resolution. The school must also listen to and consider the parent’s point of view. The IDEA is a team process, and it is expected

that all team members are respected and contribute to the decision. If the school and parents cannot resolve any disagreement, Utah has several options that families can access:

- a. Facilitated IEP meetings include the IEP team and an impartial facilitator trained to keep the team focused on the student’s needs, promote communication among team members, and clarify issues brought up by the team.
- b. Mediation is available any time there is a disagreement between parents and the school about the student’s IEP. A trained neutral mediator will help move toward a resolution.
- c. State complaint is a formal written complaint from anyone who claims that an agency violated a requirement of the IDEA. The agency will conduct an investigation of the complaint issues and render a decision within 30 calendar days.

Within ten days, the complainant may appeal the agency’s decision to the USOE for a further independent investigation. A final decision on the complaint will come from the State within 60 days of when the original complaint was filed. Further details may be located at <http://www.schools.utah.gov/sars/Laws/Rules.aspx> (pp. 78-80).
- d. Due process complaints must be filed within two years of the issue in dispute. A mandatory resolution session between the parent and the agency is held to explain the content of the complaint. This session may be waived by written agreement of the parent and the school. A due process hearing is conducted by an impartial hearing officer, and may include documents, witnesses, and testimony. The hearing officer will make a decision that is binding on both parties.

IDEA Part C regulations establish eligibility criteria for children with disabilities ages 0–3. These requirements may vary from state to state.

1. **Eligibility.** In Utah, a child may be eligible if he/she has a diagnosed condition that is likely to result in a developmental delay in one or more of the following areas:
 - Adaptive/self-help skills
 - Social/emotional development
 - Communication
 - Physical development, including vision and hearing
 - Cognitive development

If a child is found eligible for early intervention (EI) services, the family works with EI providers to develop an Individualized Family Service Plan (IFSP). The IFSP is designed to enable the family to actively participate in the child's growth and development. It includes a statement of the child's current level of development, desired outcomes, and a description of services and supports needed. Family resources, priorities, and concerns are taken into consideration when the IFSP is developed.

2. **Types of Services.** Services and supports are individualized for both the child and family. EI providers work with the parents to address the desired outcomes, using their specialized knowledge of developmental areas and skills for interventions.

EI services are meant to help create opportunities for the family to help the child learn in natural environments through typical routines and activities. Services may be provided in various locations where the family spends time and are adapted to the family's own activities and routines.

When a child turns three and may still need special services, EI service providers will assist the parents in making a referral to a local

education agency for determination of eligibility under Part B.

Section 504 of the Rehabilitation Act of 1975

Section 504 is a federal anti-discrimination law that contains requirements for public agencies and private businesses regarding persons with disabilities of all ages. Under Section 504, an eligible student is one who has a mental or physical impairment that substantially limits one or more of the student's major life activities.



Major life activities include caring for oneself, walking, seeing, hearing, speaking, breathing, working, learning, performing manual tasks, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating. Evaluation is conducted by a team with knowledge of disability and the child, and often consists of analysis of existing data to determine whether there is a physical or mental impairment and whether there is evidence that it substantially limits a life function.

A team, including the parents, will develop a 504 Plan that may include accommodations the student needs, as well as general or special education and related aids and services that are:

1. Designed to meet the individual educational needs of an eligible student as adequately as the needs of a student who is not disabled are met, and
2. Based on adherence to evaluation, placement, and procedural safeguards requirements of Section 504.

How to Access Services for a Child

If a parent suspects a child age 0–3 has special needs, the parent should contact the early intervention provider—in Utah, the Department of Health. To find the nearest location, go to <http://utahbabywatch.org/contactus.htm>.

If a parent suspects a child age 3–5 who has not started kindergarten may have special needs, the parent should contact the school district in which the parent is residing. The district will have a preschool office that can give accurate information about requesting evaluation of the child's needs.

If a student age 5–21 is suspected of having special needs, the parent should contact the student's school and tell the principal or special education teacher of his/her concern. While not required, a written request would be helpful to the school staff. This will start a referral process and review of current data, which often results, with parental consent, in a full evaluation of the student's needs. If the school determines that a full evaluation is not needed, the parent will receive a written refusal to conduct an evaluation that includes the school's reasoning as to why the student is not suspected of having a disability. If the parent disagrees with the decision, the dispute resolution procedures in the Procedural Safeguards section may be followed.



Where to Find Information, Help, and Support

Military personnel in Utah include those on active duty as well as those in the Reserves and National Guard and who live in various parts of the state.

Utah has two major military bases, Hill Air Force Base and Dugway Proving Ground.

Hill Air Force Base is north of Salt Lake City and is a compassionate assignment location for military personnel in the U.S. Air Force. Personnel who have a child with a disability may request assignment to this base. Hill Air Force Base is located within the boundaries of Davis School District; however, other surrounding charter schools and school districts may provide educational services, depending on where the student resides and is enrolled.

For Hill AFB services for families, contact information is available at http://www.militaryinstallations.dod.mil/MOS/f?p=132:CONTENT:0::NO::P4_INST_ID,P4_INST_TYPE:4780,INSTALLATION.

Dugway Proving Ground is a small Army base west of Salt Lake City. Tooele County School District serves students whose parents live at Dugway and in Tooele County.

Each local installation has a School Liaison Officer. For a listing of School Liaisons in your area, visit the Military K–12 Partners Web site at http://militaryk12partners.dodea.edu/reference_SLOexplained.html.

The Utah National Guard incorporates 24 armories and readiness centers in various parts of the State, including units for Air Guard, Army Guard, and Counter Drug. Families with members in the National Guard should contact the local school district or charter school where their students are enrolled if they have concerns about their children with special needs. Additional information about the Guard may be found at <http://www.ut.ngb.army.mil/html/Default.aspx>.

Military Reserve personnel are located in many communities across the State. Families with members in the Military Reserve should contact the local

school district or charter school where their students are enrolled if they have concerns about their children with special needs.

General Information for Parents of Students with Disabilities

- The Utah Parent Center (UPC) is the Parent Training and Information (PTI) center partially funded under IDEA. The highly knowledgeable staff can answer questions and guide parents to agencies and other sources of help. Contact them at <http://www.utahparentcenter.org> and <http://www.utahparentcenter.org/military-families>.



- The Center for Parent Information and Resources (CPIR) contains all current NICHY publications, which include extensive information about specific disabilities and education. Visit <http://www.parentcenterhub.org>.
- Partnerships for Action, Voices for Empowerment (PAVE) is a parent-directed organization that works with families, individuals with disabilities, professionals, and community members in all walks of life and with all types of disabilities. Contact them

at 1-800-572-7368; 6316 South 12th Street, Tacoma, WA, 98465-1900; or <http://wapave.org/>.

- The Utah State Office of Education, Special Education Services has many informative technical manuals for parents and schools, as well as State Special Education Rules, Federal Regulations, and a wealth of other information related to students with disabilities. These links are found at <http://www.schools.utah.gov/sars>.

Military-Specific Sources

- At the Airman & Family Readiness Center (A&FRC; 801-777-4681; 5837 D Avenue, Bldg. 150 Hill AFB, UT, 84056) you will find the School Liaison Officer (SLO) who connects families, schools, and the military community to facilitate educational transition and academic experiences. The A&FRC also houses the Exceptional Family Member Program—Family Support Specialist (EFMP-FS). This specialist connects families with special needs to on- and off-base support services and assists with family support needs. **Both can work with any branch of the military stationed in your area.**
 - Support for military families with special needs family members is provided through the Exceptional Family Member Program (EFMP). Although each service branch has its own EFMP, they all serve the same essential function: coordinating the assignment process to ensure special needs families are not sent to locations that lack adequate medical or educational resources. Installation EFMP programs offer support programs and provide families with information about and referral to local services. Enrollment in the EFMP is mandatory for active duty service members who have dependent family members with ongoing medical, mental health, or special educational needs. See more at <http://www.militaryfamily.org/info-resources/efmp-special-needs.html>.
 - Military One Source (<http://www.militaryonesource.mil>; 1-800-342-9647). There are more great resources at <http://www.militaryonesource.mil/efmp/parent-tool-kit>. Military OneSource is a confidential Department of Defense-funded program providing comprehensive information and education, parenting and childhood services. It addresses every aspect of military life at no cost to active duty, National Guard, reserve members, and their families.
- Information in the Special Needs section under the Family Relationships link includes details for the Exceptional Family Mentor Program, Special Education, Financial Planning, Adults with Special Needs, and Federal Programs. Members of the military may also access information related to deployment, reunion, spousal education and employment, child care and youth programs, and adoption, along with many other topics.
- The Military Child Education Coalition (<http://www.MilitaryChild.org>; 909 Mountain Lion Circle, Harker Heights, Texas, 76548; 254-953-1923). Free downloads and resources are available on the website. They also have an educational resource at <http://SchoolQuest.org>. It is designed for students, their families, professionals, and anyone “questing” for information about schools, college and workplace readiness, transitions, and more.
 - The Interstate Compact on Educational Opportunity for Military Children. Two outstanding sources of information about the Compact are a toolkit on military kids and compact accessible at <http://www.aasa.org/MilitaryChild.aspx> and a fact sheet at <http://www.aasa.org/content.aspx?id=9460>.

Early Intervention

- Utah State Health Department Programs for infants and toddlers with developmental needs can be found at <http://utahbabywatch.org>.

Transferring to a New Location

The Interstate Compact addresses the priorities of facilitating “the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school district(s) or variations in entrance/age requirements,” as well as “the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities” for these children.

In Utah, documentation for enrollment includes proof of birth and identity, immunization records, and proof of parents’ residency. Upon enrollment of a student for the first time in a particular school, that school shall notify in writing the person enrolling the student that within 30 days he/she must provide either a certified copy of the student’s birth certificate, or another reliable proof of the student’s identity and age together with an affidavit explaining the inability to produce a copy of the birth certificate (UCA 53A-11-503).

Unless exempted for personal, medical, or religious objections, a student may not attend a public, private, or parochial kindergarten, elementary, or secondary school through grade 12 unless there is presented to the appropriate official of the school a certificate of immunization from a licensed physician or authorized representative of the state or local health department stating that the student has received immunization against communicable diseases (UCA 53A-11-301-303). Before a student is enrolled in a Utah public school, the student’s parent(s) or legal guardian(s) must also show proof of Utah residency in the school district in which the student desires to enroll (UCA 53A-2-201).

For military families of children who are not living with a parent, a special power of attorney addressing the guardianship of a child of a military family is sufficient for enrollment and other actions requiring parental consent.



What Teachers and Administrators Need to Know About the Military

Children with parents or other family members in the military experience unique stresses in their daily lives. The U.S. Military is a total force made up of the active and reserve components, including the Army, Army Reserve, and Army National Guard; the Navy and Naval Reserve; the Marine Corps and Marine Corps Reserve; the Air Force, Air Force Reserve, and Air National Guard; and the Coast Guard and the Coast Guard Reserve. Any member of the military may be deployed within or outside the United States. Particular stress is experienced by the family when a family member is deployed.

When a parent or parents are deployed, a child may be living with another family member or friend who is located in a different school district. In these cases, it is always preferable to keep the student in the familiar school where he/she has been attending. If the person the student is living with can provide transportation, it would be in the student's best

interests for a school district to allow this, even though the residence may now be in a different district or school boundary. Changes for the student whose parents are deployed are difficult enough without the added stresses of attending a new school.

Phases of Deployment

When deployment is first announced, a student will be concerned about the safety, security, and order of his/her life and the lives of family members. He/she may wonder where he/she will live, who will care for him/her, where he/she will go to school, and what will happen.

On the day of deployment, there is usually family, unit, and community support as military personnel are honored for their dedication, sacrifice, and courage. Later, as time goes on, the student and family are left with feelings of loss and grief to manage on their own. Roles and responsibilities of various family





members may change. School personnel can reach out to the students in these situations and provide support during the deployment period. The family may reach a new equilibrium and learn coping skills.

Finally, when a deployed person returns, once again the family is in a state of disequilibrium. The joyous reunion soon leads to new adjustments in roles and emotions. The changes affect the service member as well as the children and other family members and friends. Most students and families are able to create a “new normal” through these changes. However, some students, especially those who may already have social or emotional challenges, may continue to experience serious symptoms of stress, so that their school functioning (academic and social) is adversely affected.

If a student is still experiencing serious symptoms six to eight weeks after deployment, the school should consider an assessment and interventions. Red flags include not being able to resume normal classroom assignments and activities; high levels of emotional response, such as crying and intense sadness; appearing depressed, withdrawn, and

non-communicative; violent or depressed feelings expressed in dark drawings or writing; difficulty concentrating; cutting or hurting others; weight gain or loss; lack of attention to personal appearance; and possible drug or alcohol abuse. Even more serious problems may include hallucinations, agitation, and disconnection from others.

Intervention

Educators are a significant and valuable source of support for students during periods of deployment. Teachers and administrators can assist students by maintaining a structured routine and predictable environment with an emphasis on learning; responding to events in a calm manner; answering questions in simple, direct terms; refraining from expressing their own possible negative opinions about the military or war; and listening to and validating the student’s feelings. An excellent and detailed discussion of these issues can be found in the *Educator’s Guide to the Military Child During Deployment*, available at <http://www2.ed.gov/about/offices/list/os/homefront/homefront.pdf>.

Frequently Asked Questions

1. How are the local school systems organized within the State of Utah?

For public education, Utah is comprised of 41 local school districts and the Utah School for the Deaf and the Blind (USDB). Each school district has a locally elected Board of Education and is responsible for providing services to students with disabilities whose parents reside within the district boundaries. Utah also has more than 100 public charter schools that enroll students from any part of Utah based on an application/lottery system. Information about each of these education agencies is available at <http://www.schools.utah.gov/directory>.

2. How long do we have to wait to get registered in our new school? Can we register before we move or while we are staying in temporary housing?

You can register as soon as you have an address and the needed documentation for the child. If

you do so while in temporary housing, you may want to consider that your long-term address may be within a different local education agency or school boundary.

3. If I have a child with a disability, will he or she receive services when our family arrives in Utah? Will our current IEP be accepted where we are stationed, or will we need to get a new one?

When a student with a disability and an Individualized Education Program (IEP) transfers to a local school system in Utah from another state, the local school system in which the student intends to enroll, in consultation with the student's parents, shall provide a free appropriate public education (FAPE) to the student. This includes services comparable to those identified in the former district's IEP, until the new local school system (1) conducts an evaluation to determine whether the student qualifies as a student with



a disability in Utah, and (2) develops a new IEP, if appropriate. It is helpful, but not required, for the parent to provide a copy of the most recent IEP and evaluation data to the new school. To facilitate an out-of-state transfer, the new school where the student enrolls has to take reasonable steps to promptly obtain the student's records, including the IEP, any supporting documents, and any other records concerning the provision of special education or related services from the previous school district/public charter school where the student was enrolled. The previous school district/public charter school where the student was enrolled must take reasonable steps to promptly respond to the request from the new school.

4. Will we get the same services? What about transportation? How long will we have to be on the bus? What about ABA therapy, speech, etc.? What about the school aide we have now?

The special education or special education and related services a student needs are always determined by the IEP team, including the parents, and are based on data about the student's current functioning. These needs might include classroom paraeducator support; transportation; related services such as speech, occupational therapy, or counseling; and others that the team decides are needed for the student to progress toward IEP goals and general curriculum grade level standards. When the IEP team in the new school meets, its members will review the current or new IEP and determine what specialized instruction and related services are needed.

5. What are the different placement options in Utah school districts and charter schools? Will my student be in regular education classes the same as in the previous school? Will my student be included in general education classes with his nondisabled peers? Do you have special education schools?



In accordance with the IDEA, each child's IEP team, including the child's parents, is responsible for the development, review, and revision of the child's IEP. The IEP documents the services, supplementary aids, supports, and program modifications the IEP team determines are needed to provide FAPE to the child. The IEP team also determines the least restrictive placement in which these services are to be provided. Each public agency shall ensure that, to the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, are educated with students who are not disabled. Special classes, separate schooling, or other removal of students with disabilities from general educational settings occur only if the nature or severity of the disability is such that education in general education settings, even with the use of supplementary aids, services, supports, and program modifications, cannot be achieved satisfactorily.

In Utah, each LEA is accountable to provide services in whatever setting the IEP team decides is needed by a student. The Utah Schools for the

Deaf and the Blind provides services to students with sensory needs in districts and charter schools. For more information on these services, go to <http://www.usdb.org>.

Parents may wish to involve the Base Liaison to help plan for and facilitate the implementation of the IEP within the new school/LEA setting.

6. Whom do I contact if I think my child may have a disability and may need special education and related services under the Individuals with Disabilities Education Act (IDEA)?

Each local school system has a local director of special education. If you believe your child may be a child with a disability, or you are transferring to Utah and your child has previously been receiving services, a list of contact information for each local director of special education is available at <http://schools.utah.gov/sars/DOCS/directory/speddirectors.aspx>.

7. My child was receiving early intervention services in another state. Whom do I contact to obtain services for my child?

The Utah State Department of Health is the State agency within Utah that is responsible for coordinating the implementation of Part C of the IDEA, Infants and Toddlers Program. The Utah Infants and Toddlers Program can assist families of children with special needs from birth to three years of age along the child's developmental journey. Support, information, and coordinated services in community settings are what families say enhance their ability to manage the challenges and celebrate the gifts that each child has to offer. For more information, contact BabyWatch at 1-800-961-4226. Early intervention service providers are different in various areas of the state. To find the nearest location, go to <http://utahbabywatch.org/contactus.htm>.

8. Are there post-high school programs for students with IEPs in Utah?

Each LEA, including school districts and charter schools, will provide services to IDEA-

identified students with disabilities until the student turns 22 years of age, as long as the student has not obtained a regular high school diploma. Students who turn 22 years old before the LEA's winter break will receive services until that break begins; those with birthdays after the break will receive services until the end of the school year. While some school districts and charter schools have group programs for students in the post-high school age group, all will tailor programs to support individual student needs.

9. In my former school district of residence, my child's IEP Team determined that my child required placement in a publicly funded private placement in order to receive FAPE. Does the entitlement to that publicly funded private placement continue even though I have moved?

Since you are no longer a resident of the school district previously responsible for your child's publicly funded private placement, the new school district in which you reside (or charter school enrolled) and in which you intend to enroll your child will consult with you on the provision of FAPE. This includes services comparable to those identified in the former school district's IEP while they evaluate the student's needs and develop a new IEP, if appropriate. The student may be served in a different setting until this process is completed.

10. Whom do I contact if my child attends a private or parochial school at my expense, and I think my child may have a disability and may need special education and related services under the Individuals with Disabilities Education Act (IDEA)?

If your child is currently attending a private school in a local jurisdiction other than the local jurisdiction where you reside, and you believe that the child may be in need of special education and related services, the local school system where the private school is located is responsible for child find activities under IDEA. Therefore,

please contact the school system where the private school is located for assistance with assessment, evaluation, and identification for that child to determine if the child is a child with a disability under IDEA.

A list of contact numbers for each jurisdiction can be found with question #6 above. Additional information regarding services to parentally placed private school children may be found in question #4 above.

In the event that parents wish to enroll their child with a disability in a private school, the local school system in which private, including religious, elementary schools and secondary schools are located must carry out Child Find requirements, including parentally placed private school children. No parentally placed private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school. In consultation with representatives of parentally placed private school children, a local school system determines the services to provide parentally placed children with disabilities. For each child with a disability designated to receive services, the local school system will develop and implement a services plan. The services plan must describe the specific special education and related services that the LEA will provide to the child, in light of the services that the LEA has determined through the consultation process described below that it will make available to its population of parentally placed private school children with disabilities. The local school system must initiate and conduct meetings to develop, review, and revise a services plan for a child designated to receive services. The local school system must ensure that a representative of the religious or other private school attends each meeting. These private school regulations do not apply to charter schools in Utah, as they are all public schools.

11. Is the local school system able to access reimbursement for direct school-based,

health-related services delivered in accordance with my child's IEP? How does my child qualify for Medicaid in Utah?

With your consent, most local school districts can access reimbursement for direct health-related services and IEP service coordination provided on behalf of your child consistent with the requirements and limitations of the Utah State Plan for Medicaid-covered services. Most charter schools do not currently access Medicaid for services.

Each State has Medicaid eligibility requirements and services based on its own State Plan. If you want to apply for Medicaid for your child, you may do so at <https://medicaid.utah.gov/programs-and-services>.

12. Are there any additional services available for children diagnosed with disorders on the autism spectrum in Utah?

Utah has a Medicaid Autism Waiver for children ages 2–6 diagnosed with Autism Spectrum Disorder. Through this waiver, consultation with a Board Certified Behavior Analyst (BCBA), BCBA intern, or psychologist is provided, and an autism treatment plan is developed. The treatment plan addresses desired behaviors (such as speech, eye contact, etc.) and employs strategies to improve them. The plan may also target behaviors whose reduction would improve the child's ability to learn or socialize, with interventions to reduce or eliminate the behaviors. Parents are involved in the treatment. Respite services for parents are also part of this waiver and may be accessed using the Self-Administered Services (SAS) model. A Division of Services for People with Disabilities (DSPD) Support Coordinator is assigned to each child enrolled in the Autism Waiver to provide case management and ensure services are effective and within the scope authorized by the Center for Medicaid Services. The Coordinator also helps families with questions or issues that arise. The complete manual on the waiver is found at <http://>

dspd.utah.gov/pdf/Self-Administered%20Supports%20Book%20-%20Autism.pdf.

13. What about services needed for my student’s medical needs? What if my child needs an aide for medical reasons? Will the school administer medications, such as those for ADHD or seizure disorders (Diastat)?

In Utah, unlicensed assistive personnel (UAP) may administer Diastat as long as the LEA school board has adopted policies for the designation of employees who may administer medication and the training for those employees; the student’s parent has provided a written request that the medication be administered during school hours; and the student’s doctor has provided a statement of detailed instructions that the administration of medication by UAPS is medically necessary (UCA 53A-11-601(1)(a) 2006). A Health Care Plan may be developed by the school nurse in consultation with the student’s doctor for medications and procedures. The parent must provide medications to the school in the original prescription container and meet the requirements of the LEA’s specific policies.

Other medical needs are also often addressed through an IEP or a 504 Plan. These needs include allergies, breathing issues, temperature regulation challenges, and others. Schools will make needed accommodations based on the needs of individual children, which may include peanut-free environments, therapy or service animals, as well as others determined needed by an IEP or 504 team or a Health Care Plan.

14. Will our guardianship transfer to Utah?

If guardianship has been granted through a court, it should transfer to a Utah school. Under the Interstate Compact in the Utah Code, “a special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law, shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent [in schools]” (UCA 53A-1-1001.Vi.A.1).

15. Will my student’s credits transfer for graduation?

The Compact states that the receiving school will match the courses in which the student was enrolled for in the previous state or district to the extent possible. The receiving school may perform subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the courses. The Compact also states that the LEA has flexibility in waiving courses or program prerequisites as appropriate.

Each local education agency in Utah, whether district or charter school, determines the credits needed for graduation. Many districts require 24 credits, while others require 27 credits. Evaluation of the transferring of credits from other in-state or out-of-state education agencies is conducted by the counselor at the new high school. The student and a family member will want to meet with the counselor and explain that they are in the military and so have no control about where they are stationed or when they are moved. Most counselors will work with the student to maximize the credits transferred.

16. What about our Supplemental Security Income (SSI)?

Social Security disability income benefits or Supplemental Security Income are federal programs, and eligibility applies in all States of the country. If you think your child might be eligible for these benefits, go to <http://www.ssa.gov/pubs/EN-05-10026.pdf> for full information on eligibility requirements and application. Another source of information is found at <https://www.disability.gov/resource/utah-disability-determination-services/>. Questions may also be directed to:

Disability Determination Services
P.O. Box 144032
Salt Lake City, UT 84111-4032
Professional Relations Officer
801-321-6500
800-221-3493

Child Care Options for Military Families with Special Needs

Most military families with special needs will rely on child care outside the home for their Exceptional Family Members (EFMs) at some time during the early childhood years. Their use of child care providers may be occasional, to allow the parent caregiver needed respite, or it may be daily to meet the needs of single parents or dual-income families.

The Department of Defense (DoD) has created several programs to provide military families with quality, affordable child care.

- On your installation, you'll usually find one or more Child Development Centers (CDC), which typically offer care for children from six weeks to five years of age. In most cases, hours are from 6:00 a.m. to 6:30 p.m. on weekdays, year-round. If you don't need full-time care, some centers offer part-time and hourly care. In a center, children with special needs will be placed with other nondisabled children in their age group.
- Family Child Care (FCC) homes, also known as child development homes, may be a good choice if you have a child from infancy to twelve years of age. Providers care for a small

group of children in their own home, which may be either on or off the installation. In addition to typical workday hours, FCC homes may provide additional care, such as before- and after-school, nights, and weekends.

- School Age Care (SAC) programs for children ages six to twelve are usually open before and after school, on holidays, and for summer day camp. They may use space in a CDC, but are more often in Youth Centers or schools. SAC programs try to create a familiar, safe, and fun place for children. Children have trained supervision, a planned curriculum, and the ability to interact with other kids.

Child Care and Your Child's Rights Under the Americans with Disabilities Act

The Americans with Disabilities Act (ADA) protects children with disabilities from being excluded from child care programs unless their presence would pose a direct threat to the health or safety of others or require a fundamental alteration of the program. Military and civilian child care programs must make reasonable accommodations to integrate children with



disabilities, and cannot assume that a child's disability is too severe for successful integration. There must be an individualized assessment based on professional observations, past history, and standard assessment criteria.

Determining the Best Placement Options for a Child with Special Needs

The Army, Marine Corps, and the Navy have implemented a process to determine and review the best placement and support for children with special needs in the child care setting.

- **Army Special Needs Accommodation Process (SNAP).** The SNAP consists of a multi-disciplinary team which assists in determining the safest, least restrictive, and most appropriate placement for children who require specialized child care, school-age services, youth services, or recreational sports and fitness activities. Children who are enrolled in the Exceptional Family Member Program (EFMP) can be referred to SNAP. During the SNAP process, the team:
 - Explores child care installation and youth supervision options for children/youth with a medical diagnosis that reflects life threatening conditions, functional limitations, or behavioral/psychological conditions.
 - Determines child care and youth supervision placement, considering feasibility of program accommodations and availability of services.
 - Recommends a placement setting that accommodates the child's individual needs.
 - Develops and implements the Department of Army (DA) Form 7625-3, SNAP Team Care Plan at http://www.apd.army.mil/pub/eforms/pdf/a7625_3.pdf.
 - Conducts annual periodic review of the child/youth individual SNAP Care Plan.
- Establishes an installation SNAP Review Team consisting of the garrison commander or designee, staff judge advocate, installation EFMP manager, and Children and Youth Services (CYS) coordinator.
- **Installation Resource and Referral programs.** Most installation Child Development Services programs have a resource and referral office that helps parents find the right care for their child. This office should be the first contact for parents looking for child care on or near a military installation. If child care is not available on the installation, these offices can help parents locate care through accredited child care centers in the local community. Contact information for military child development resource and referral offices can be found at <http://www.militaryinstallations.dod.mil>.
- **Child Care Aware of America.** The Department of Defense (DoD) works with Child Care Aware of America, formerly NACCRRRA, to make quality community-based child care more affordable and accessible to military families. This relationship has resulted in programs specially designed to help military families with child care needs that can't be accommodated through installation programs. More information is available on the Child Care Aware of America website at <http://www.naccrra.org/>.





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