

Early Intervention and Special Education Services for Eligible DoD Dependents¹

As of July 27, 2015, the Department of Defense (DoD) officially incorporated the rulings and practices of the Individuals with Disabilities Education Improvements Act of 2004 (IDEA 2004), meaning Eligible DoD dependents now have the right to services and protection under IDEA. These provisions will help families and schools support children by providing services to those who demonstrate a need. In addition to school-aged special education services, infants and toddlers with disabilities are also entitled to receive early intervention services (EIS) from the DoD.

What is IDEA?

IDEA is a federal law that ensures that all students, including those with disabilities, have access to a free and appropriate public education (FAPE) in the least restrictive environment (LRE). Under IDEA, students with disabilities who demonstrate a need for individualized instruction are entitled to an individualized education plan (IEP) and safeguards to protect their rights in the school environment.

What is a least restrictive environment and why is it important?

Students with disabilities benefit from individualized services, but they also benefit from interacting with students without disabilities. The DoD assumes the responsibility to educate students in the least restrictive environment (LRE), which means that students with disabilities are included in the general education setting as much as possible.

What are early intervention services?

Early intervention services (EIS) are available for infants and toddlers (birth to age 3) who demonstrate developmental delays, or are at-risk for developmental delays, in cognitive, physical, communication, social, emotional, and/or adaptive domains.

These services are offered in order to decrease the long-term impact of diagnosed developmental delays and will increase the chances that individuals will learn to succeed and live independently in the future. For these reasons, it is necessary that the DoD identifies and screens for children who are eligible to receive EIS services.

What are school-aged services?

The DoD shall engage in child-find activity for school-aged children. In other words, the DoD assumes the responsibility to actively search for DoD students with disabilities in order to provide them with appropriate supports. If students are found to be eligible (meet diagnostic criteria for one of the 13 eligibility categories and demonstrate a need for individual instruction), the DoD is required to guide, assist, and provide them with special education services under IDEA.

¹ For more information, please visit www.wrightslaw.com/info/dod.index.htm