

HOW CAN BASE LEGAL ASSIST MY FAMILY?

Attorneys can help
families navigate

SPECIAL EDUCATION

legal issues for students
whose educational
performance is adversely
impacted by their disabilities

Examples:

- 👉 Individualized Education Program (IEP) Disputes
- 👉 Transfers of IEPs and accommodation
- 👉 Education disputes and remedies
- 👉 Understanding parental rights



For more information about the below referenced services or contact information for representatives in your local area, please scan these codes:

EFMP Family Support Coordinator



Oversee identification, enrollment & resources for military families with special needs to help them understand and navigate systems of care



School Liaison Office

They provide education services for PreK-12 Students, Families and Educators serving military connected students



Legal Assistance Office

Available to provide legal advice and counseling to Airmen and Guardians of students whose educational performance is impacted by their disabilities



DAF Family Vector Video Library

Contains a series of short videos explaining terms and topics of interest for EFMP military families related to special education law, and other areas

Prepared by the
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and Policy Branch

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U.S. AIR FORCE



UNITED STATES
SPACE FORCE™

Legal Assistance

on

SPECIAL EDUCATION

for

Military Families

Special Education Legal Assistance

The Department of Defense recently implemented a mandate requiring all service branches to provide legal services by attorneys trained in education law for many military installations, particularly in the area of special education. Air and Space Force military attorneys around the world have been trained in providing foundational advice to clients in this area within their current legal assistance framework.

Attorneys may be able to assist with:

- Evaluating cases, providing options, and suggesting strategies
- Reviewing Individualized Education Programs (IEPs), Section 504 plans or other documents
- Drafting letters to schools on the parent's behalf
- Educating parents/guardians about their or their children's rights
- Preparing parents to be better advocates during meetings
- Seeking pro-bono referral on eligible cases

Parents should be aware that:

IEP development is a collaborative process between parents and schools. Individuals with Disabilities Education Act (IDEA) requires districts to notify and make substantial efforts to ensure parents IEP meetings. Notice must

include the purpose, time, and location of the meeting and who will be in attendance. This is because parents are necessary members of the IEP team under the IDEA, and their input has to be included.

Indicators that there may be problems with an IEP as developed or as implemented:

- IEP developed by an insufficient or incorrect IEP Team composition
- Appearance of school predetermination to establish/deny placement or services without receiving the input of the parents or medical providers
- Improper or unexplained placement of a child in a restrictive environment (outside general education setting)
- Not including all required programming and services for the child
- IEP is not updated yearly or completely revised every three years
- Frequent repetition of old goals or use of the wrong child's name
- IEP uses vague or unclear language
- Programming or services included in an IEP are not being provided
- Suspension of disabled students for 10+ consecutive days without a manifestation determination review (MDR) or hearing

Resolution methods available under IDEA for disputes between parents and districts:

- Convening a new IEP team meeting
- Mediation
- Resolution meetings
- Due process hearings
- State complaints
- Judicial Review

Possible remedies available under IDEA include:

- compensatory education or services
- tuition reimbursement for private placement
- attorney fees for prevailing parties

Claims for denials of "free and appropriate public education" may also be brought under Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (ADA).

Family Educational Rights and Privacy Act (FERPA) gives parents the right to inspect, review, and amend their child's education records and protects those records from nonconsensual disclosure to third parties. Parents often rely on FERPA to request records prior to a consultation with an attorney or a medical professional about any parental concerns with the child's education.