



Department of Defense INSTRUCTION

NUMBER 1342.12

June 17, 2015

USD(P&R)

SUBJECT: Provision of Early Intervention and Special Education Services to Eligible DoD Dependents

References: See Enclosure 1

1. PURPOSE. In accordance with the authority in DoD Directive (DoDD) 5124.02 (Reference (a)), sections 921-932 of Title 20, United States Code (U.S.C.) (Reference (b)), section 2164 of Title 10, U.S.C. (Reference (c)), and DoDD 1342.20 (Reference (d)), this Instruction reissues DoD Instruction 1342.12 (Reference (e)) to:

a. Establish policy and assign responsibilities to implement, other than the funding and reporting provisions, chapter 33 of Reference (b) (chapter 33 is also known and hereinafter referred to as “The Individuals with Disabilities Education Act (IDEA)”) pursuant to section 927(c) of Reference (b) and Reference (c), for:

(1) Provision of early intervention services (EIS) to infants and toddlers with disabilities and their families, as well as special education and related services to children with disabilities entitled under this Instruction to receive education services from the DoD in accordance with sections 921-932 of Reference (b), References (c) and (d), and the IDEA.

(2) Implementation of a comprehensive, multidisciplinary program of EIS for infants and toddlers with disabilities and their DoD civilian-employed and military families.

(3) Provision of a free appropriate public education (FAPE), including special education and related services, for children with disabilities who are eligible to enroll in DoDEA schools, as specified in their respective Individualized Education Programs (IEP).

(4) Monitoring of DoD programs providing EIS or special education and related services for compliance with this Instruction.

b. Establish a DoD Coordinating Committee to recommend policies and provide compliance oversight for early intervention and special education.

c. Authorize the issuance of DoD Manual 1342.12 (Reference (f)) and other guidance as necessary.

2. APPLICABILITY. This Instruction:

a. Applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the DoD (hereinafter referred to collectively as the “DoD Components”).

b. Applies to infants and toddlers with disabilities and to children with disabilities who are eligible, in accordance with this Instruction, to receive EIS or special education and related services from the DoD.

c. Does not create any substantive rights or remedies not otherwise authorized by the IDEA or other relevant law; and may not be relied upon by any person, organization, or other entity to allege a denial of substantive rights or remedies not otherwise authorized by the IDEA or other relevant law.

3. DEFINITIONS. See Glossary.

4. POLICY. It is DoD policy that:

a. Infants and toddlers with disabilities and their families who (but for the children’s age) would be entitled to enroll in a DoDEA school in accordance with sections 921-932 of Reference (b) or Reference (c) shall be provided EIS.

b. The DoD shall engage in child-find activities for all children age birth to 21, inclusive, who are entitled by sections 921-932 of Reference (b) or Reference (c) to enroll or are enrolled in a DoDEA school.

c. Children with disabilities who meet the enrollment eligibility criteria of sections 921-932 of Reference (b) or Reference (c) shall be provided a FAPE in the least restrictive environment, including if appropriate to the needs of the individual child, placement in a residential program for children with disabilities in accordance with the child’s IEP and at no cost to the parents.

d. The Military Departments and DoDEA shall cooperate in the delivery of related services prescribed by section 1401(26) of the IDEA and this Instruction as may be required to assist eligible children with disabilities to benefit from special education.

e. Children with disabilities who are eligible to enroll in a DoDEA school in accordance with sections 921-932 of Reference (b) or Reference (c) shall not be entitled to provision of a

FAPE by DoDEA, or to the procedural safeguards prescribed by this Instruction in accordance with the IDEA, if:

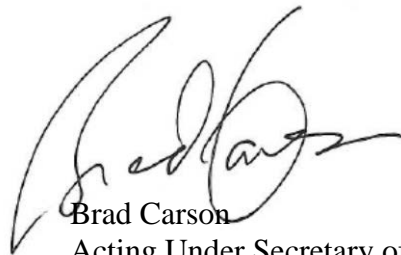
(1) The sponsor is assigned to an overseas area where a DoDEA school is available within the commuting area of the sponsor's overseas assignment, but the sponsor does not elect to enroll the child in a DoDEA school for reasons other than DoDEA's alleged failure to provide a FAPE; or

(2) The sponsor is assigned in the United States or in a U.S. territory, commonwealth, or possession and the sponsor's child meets the eligibility requirements for enrollment in a DoDEA school, but the sponsor does not elect to enroll the child in a DoDEA school for reasons other than DoDEA's alleged failure to provide a FAPE.

5. RESPONSIBILITIES. See Enclosure 2.

6. RELEASABILITY. **Cleared for public release.** This instruction is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

7. EFFECTIVE DATE. This instruction is effective June 17, 2015.



Brad Carson
Acting Under Secretary of Defense for
Personnel and Readiness

Enclosures

1. References
2. Responsibilities

Glossary

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008
- (b) Sections 921-932 and Chapter 33 of Title 20, United States Code (also known as “The Individuals with Disabilities Education Act IDEA”)
- (c) Section 2164 of Title 10, United States Code
- (d) DoD Directive 1342.20, “Department of Defense Education Activity (DoDEA),” October 19, 2007
- (e) DoD Instruction 1342.12, “Provision of Early Intervention and Special Education Services to Eligible DoD Dependents,” April 11, 2005 (hereby cancelled)
- (f) DoD Manual 1342.12, “Implementation of Early Intervention and Special Education Services to Eligible DoD Dependents,” June 17, 2015
- (g) DoD Instruction 5105.18, “DoD Intergovernmental and Intragovernmental Committee Management Program,” July 10, 2009, as amended
- (h) DoD Instruction 1315.19, “Authorizing Special Needs Family Members Travel Overseas at Government Expense,” December 20, 2005, as amended
- (i) DoD Directive 5400.11, “DoD Privacy Program,” October 29, 2014

ENCLOSURE 2

RESPONSIBILITIES

1. ASSISTANT SECRETARY OF DEFENSE FOR MANPOWER AND RESERVE AFFAIRS (ASD(M&RA)). The ASD(M&RA), under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), shall:

- a. Establish, in accordance with DoDI 5105.18 (Reference (g)), a DoD Coordinating Committee to recommend policies regarding the provision of early intervention and special education services.
- b. Ensure the development, implementation and administration of a system of services for infants and toddlers with disabilities and their families and children with disabilities; and provide compliance oversight for early intervention and special education in accordance with References (a) through (d) and implementing guidance authorized by this Instruction.
- c. Oversee DoD Component collaboration on the provision of services and transition support to infants, toddlers, and school-aged children.
- d. Develop a DoD-wide comprehensive child-find system to identify eligible infants, toddlers, and children ages birth through 21 years, inclusive, who may require early intervention or special education services, in accordance with the IDEA.
- e. Develop and provide guidance as necessary for the delivery of services for children with disabilities and for the protection of procedural rights consistent with the IDEA and implementing guidance authorized by this Instruction.
- f. Coordinate with the Secretaries of the Military Departments to ensure that their responsibilities, as detailed in section 4 of this enclosure, are completed.
- g. Direct the development and implementation of a comprehensive system of personnel development (CSPD) for personnel serving infants and toddlers with disabilities and children with disabilities, and their families.
- h. Develop requirements and procedures for compiling and reporting data on the number of eligible infants and toddlers with disabilities and their families in need of EIS and children in need of special education and related services.
- i. Require DoDEA schools provide educational information for assignment coordination and enrollment in the Services' Exceptional Family Member Program or Special Needs Program consistent with DoD Instruction 1315.19 (Reference (h)).

2. ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS (ASD(HA)). The ASD(HA), under the authority, direction, and control of the USD(P&R), shall:

a. Advise the USD(P&R) and consult with the General Counsel of the Department of Defense (GC)(DoD), regarding the provision of EIS and related services.

b. Oversee development of provider workload standards and performance levels to determine staffing requirements for EIS and related services. The standards shall take into account the provider training needs, the requirements of this Instruction, and the additional time required to provide EIS and related services in schools and the natural environments, and for the coordination with other DoD Components and other service providers, indirect services including analysis of data, development of the individualized family service plan (IFSP), transition planning, and designing interventions and accommodations.

c. Establish and maintain an automated data system to support the operation and oversight of the Military Departments' delivery of EIS and related services.

d. Assign geographical areas of responsibility for providing EIS and related services under the purview of healthcare providers to the Military Departments. Periodically review the alignment of geographic areas to ensure that resource issues (e.g., base closures) are considered in the cost-effective delivery of services.

e. Establish a system for measuring EIS program outcomes for children and their families.

f. Resolve disputes among the DoD Components providing EIS.

3. DIRECTOR, DoDEA. The Director, DoDEA, under the authority, direction, and control of the USD(P&R) and through the ASD(M&RA), shall ensure that:

a. Children who meet the enrollment eligibility criteria of sections 921-932 of Reference (b) or Reference (c) are identified and referred for evaluation if they are suspected of having disabilities, and are afforded appropriate procedural safeguards in accordance with the IDEA and implementing guidance authorized by this Instruction.

b. Children who meet the enrollment eligibility criteria of sections 921-932 of Reference (b) or Reference (c) shall be evaluated in accordance with the IDEA and implementing guidance authorized by this Instruction, as needed. If found eligible for special education and related services, they shall be provided a FAPE in accordance with an IEP, with services delivered in the least restrictive environment and with procedural safeguards in accordance with the requirements of the IDEA and implementing guidance authorized by this Instruction.

c. Records are maintained on the special education and related services provided to children in accordance with this Instruction, pursuant to DoDD 5400.11 (Reference (i)).

d. Related services as prescribed in an IEP for a child with disabilities enrolled in a DoDEA school in the United States, its territories, commonwealths, or possessions are provided by DoDEA.

e. Transportation is provided by DoDEA in overseas and domestic areas as a related service to children with disabilities when transportation is prescribed in a child's IEP. The related service of transportation includes necessary accommodations to access and leave the bus and to ride safely on the bus and transportation between the child's home, the DoDEA school, or another location, as specified in the child's IEP.

f. Appropriate personnel participate in the development and implementation of a CSPD.

g. Appropriate written guidance is issued to implement the requirements pertaining to special education and related services under sections 921-932 of Reference (b), Reference (c), and the IDEA.

h. Activities to identify and train personnel to monitor the provision of services to eligible children with disabilities are funded.

4. SECRETARIES OF THE MILITARY DEPARTMENTS. The Secretaries of the Military Departments shall:

a. Establish educational and developmental intervention services (EDIS) to ensure infants and toddlers with disabilities are identified and provided EIS where appropriate, and are afforded appropriate procedural safeguards in accordance with the requirements of the IDEA and implementing guidance authorized by this Instruction.

b. Staff EDIS with appropriate professional staff, based on the services required to serve children with disabilities.

c. Provide related services required to be provided by a Military Department in accordance with the mandates of this Instruction for children with disabilities. In the overseas areas served by DoDEA schools, the related services required to be provided by a Military Department under an IEP necessary for the student to benefit from special education include medical services for diagnostic or evaluative purposes; social work; community health nursing; dietary, audiological, optometric, and psychological testing and therapy; occupational therapy; and physical therapy. Transportation is provided as a related service by the Military Department when it is prescribed in a child's IFSP for an infant or toddler birth up to 3 years of age, inclusive, with disabilities. Related services shall be administered in accordance with guidance issued pursuant to this Instruction, including guidance from the ASD(HA) on staffing and personnel standards.

d. Issue implementing guidance and forms necessary for the operation of EDIS in accordance with this Instruction.

e. Provide EIS to infants and toddlers with disabilities and their families, and related services to children with disabilities as required by this Instruction at the same priority that medical care is provided to active duty military members.

f. Provide counsel from the Military Department concerned or request counsel from the Defense Office of Hearings and Appeals (DOHA) to represent the Military Department in impartial due process hearings and administrative appeals conducted in accordance with this Instruction for infants and toddlers birth up to 3 years of age, inclusive, with disabilities who are eligible for EIS.

g. Execute Departmental responsibilities under the Exceptional Family Member program (EFMP) prescribed by Reference (h).

h. Train command personnel to fully understand their legal obligations to ensure compliance with and provide the services required by this Instruction.

i. Fund activities to identify and train personnel to monitor the provision of services to eligible children with disabilities.

5. DIRECTOR, DOHA. The Director, DOHA, under the authority, direction, and control of the GC, DoD/Director, Defense Legal Services Agency, shall

a. Ensure impartial due process hearings are provided in accordance with the IDEA and implementing guidance authorized by this Instruction with respect to complaints related to special education and related services arising under the IDEA.

b. Ensure DOHA Department Counsel represents DoDEA in all due process proceedings arising under the IDEA for children age 3 through 21 who are eligible for special education and related services.

c. Ensure DOHA Department Counsel, upon request by a Military Department, represents the Military Department in due process proceedings arising under the IDEA for infants and toddlers birth up to 3 years of age with disabilities who are eligible for EIS.

d. Ensure the DOHA Center for Alternative Dispute Resolution maintains a roster of mediators qualified in special education disputes and, when requested, provides a mediator for complaints related to special education and related services arising under the IDEA.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

ASD(HA)	Assistant Secretary of Defense for Health Affairs
CSPD	comprehensive system of personnel development
DoDEA	DoD Education Activity
DoDD	DoD directive
DoDI	DoD instruction
DOHA	Defense Office of Hearings and Appeals
EDIS	educational and developmental intervention services
EIS	early intervention services
FAPE	free appropriate public education
GC, DoD	General Counsel of the Department of Defense
IDEA	Individuals with Disabilities Education Act
IEP	individualized education program
IFSP	individualized family service plan
U.S.C.	United States Code
USD(P&R)	Under Secretary of Defense for Personnel and Readiness

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purpose of this Instruction.

child-find. An outreach program used by DoDEA, the Military Departments, and the other DoD Components to locate, identify, and evaluate children from birth to age 21, inclusive, who may require EIS or special education and related services. All children who are eligible to attend a DoD school under sections 921-932 of Reference (b) or Reference (c) fall within the scope of the DoD child-find responsibilities. Child-find activities include the dissemination of information to Service members, DoD employees, and parents of students eligible to enroll in DoDEA schools; the identification and screening of children; and the use of referral procedures.

children with disabilities. Children, ages 3 through 21, inclusive, who are entitled to enroll, or are enrolled, in a DoD school in accordance with sections 921-932 of Reference (b) and Reference (c), have not graduated from high school or completed the General Education Degree, have one or more disabilities in accordance with section 1401(3) of the IDEA, and need and qualify for special education and related services.

CSPD. A system of personnel development that is developed in coordination with the Military Departments and the Director, DoDEA. CSPD is the training of professionals, paraprofessionals, and primary referral source personnel with respect to the basic components of early intervention, special education, and related services. CSPD may also include implementing innovative strategies and activities for the recruitment and retention of personnel providing special education and related services, ensuring that personnel requirements are established and maintaining qualifications to ensure that personnel necessary to carry out the purposes of this Instruction are appropriately and adequately prepared to provide special education and related services. Training of personnel may include working within the military and with military families, the emotional and social development of children, and transition services from early intervention to preschool and transitions within educational settings and to post-secondary environments.

EDIS. Programs operated by the Military Departments to provide EIS to eligible infants and toddlers with disabilities, and related services to eligible children with disabilities in accordance with this Instruction.

EIS. Developmental services for infants and toddlers with disabilities, as defined in this Instruction, that are provided under the supervision of a Military Department, including evaluation, IFSP development and revision, and service coordination, provided at no cost to the child's parents (except for incidental fees also charged to children without disabilities).

FAPE. Special education and related services that are provided under the general supervision and direction of DoDEA at no cost to parents of a child with a disability, in conformity with an IEP, in accordance with the requirements of the IDEA and DoD guidance.

IEP. A written document that is developed, reviewed, and revised at a meeting of the CSC, identifying the required components of the individualized education program for a child with a disability.

IFSP. A written document identifying the specially designed services for an infant or toddler with a disability and the family of such infant or toddler.

infants and toddlers with disabilities. Children from birth up to 3 years of age, inclusive, who need EIS because

They are experiencing developmental delays as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: cognitive development, physical development including vision and hearing, communication development, social or emotional development, adaptive development; or

They have a diagnosed physical or mental condition that has a high probability of resulting in developmental delay.

multidisciplinary. The involvement of two or more disciplines or professions in the integration and coordination of services, including evaluation and assessment activities and development of an IFSP or an IEP.

natural environment. A setting, including home and community, in which children without disabilities participate.

parent. The natural, adoptive, or foster parent of a child, a guardian, an individual acting in the place of a natural or adoptive parent with whom the child lives, or an individual who is legally responsible for the child's welfare if that person contributes at least one-half of the child's support.

primary referral source. Parents and the DoD Components, including child development centers, pediatric clinics, and newborn nurseries, that suspect an infant or toddler has a disability and bring the child to the attention of the EDIS.

psychological services. Psychological services include:

Administering psychological and educational tests, and other assessment procedures.

Interpreting assessment results.

Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning.

Consulting with other staff members in planning school programs to meet the special educational needs of children as indicated by psychological tests, interviews, direct observations, and behavioral evaluations.

Planning and managing a program of psychological services, including psychological counseling for children and parents.

Assisting in developing positive behavioral intervention strategies.

qualified. A person who meets the DoD-approved or recognized certification, licensing, or registration requirements or other comparable requirements in the area in which the person provides evaluation or assessment, EIS, special education or related services to an infant, toddler, or child with a disability.

related services. Transportation and such developmental, corrective, and other supportive services, as required, to assist a child with a disability to benefit from special education under the child's IEP. The term includes services or consults in the areas of speech-language pathology; audiology services; interpreting services; psychological services; physical and occupational therapy; recreation including therapeutic recreation; social work services; and school nurse services designed to enable a child with a disability to receive a FAPE as described in the child's IEP; early identification and assessment of disabilities in children; counseling services including

rehabilitation counseling; orientation and mobility services; and medical services for diagnostic or evaluative purposes. The term does not include a medical device that is surgically implanted or the replacement of such.

special education. Specially designed instruction, which is provided at no cost to the parents, to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings, and instruction in physical education.

transition services. A coordinated set of activities for a child with a disability that is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation, and is based on the individual child's needs, taking into account the child's strengths, preferences, and interests and includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation.

transportation. A service that includes transportation and related costs, including the cost of mileage or travel by taxi, common carrier, tolls, and parking expenses, that are necessary to enable an eligible child with a disability and the family to receive EIS, when prescribed in a child's IFSP; enable an eligible child with a disability to receive special education and related services, when prescribed as a related service by the child's IEP; and enable a child to obtain an evaluation to determine eligibility for special education and related services, if necessary. It also includes specialized equipment, including special or adapted buses, lifts, and ramps needed to transport children with disabilities.