

9. SPECIAL INSTRUCTIONAL PROGRAMS

- References:
- (a) DoD Instruction 1342.12, "Provision of Early Intervention and Special Education Services to Eligible DoD Dependents," April 11, 2005
 - (b) DoD Instruction 1315.19, "Authorizing Special Needs Family Members Travel Overseas at Government Expense," December 20, 2005
 - (c) DoDEA Administrative Instruction 2500.14, "Nondiscrimination and 504 Accommodation on the Basis of Disability in DoDEA Conducted Education Programs and Activities," April 29, 2009
 - (d) DoDEA Regulation 2440.1, "English as a Second Language Programs," March 16, 2007
 - (e) DoDEA Guide, "English as a Second Language Program Guide: Planning for English Language Learner Success," March 2007
 - (f) DoDEA Guide 2590.2, "Gifted Education Program Guide," January 2006
 - (g) DoDEA Regulation 2500.01, "Instructional Services for Home or Hospital," June 15, 2009
 - (h) DoD Instruction 1205.13, "Junior Reserve Officers' Training Corps (JROTC) Program," February 6, 2006

Additional Resources:

- DoDEA Guide 2500.13, "Special Education Procedural Guide," September 2005
- DoDEA Regulation 1342.13, "Eligibility Requirements for Education of Elementary and Secondary School-Age Dependents in Overseas Areas," September 20, 2006, as amended
- DoDEA Regulation 2000.06, "Systemwide Assessment Program," March 26, 2010
- DoD Dependents Schools, "Public Law 86-91, Personnel Guide," Pamphlet 92-P-0012
- DoDEA Regulation 2590.1, "Programs for Gifted Education Students," August 22, 2006
- DoDEA Regulation 1030.1, "Space-Available Eligibility Requirements for Education of Minor Dependents in Overseas Areas," April 4, 2005
- DoDEA Regulation 2000.1, "High School Graduation Requirements," July 29, 2004
- DoDEA Regulation 2000.3, "Student Placement," March 26, 2004, as amended

a. Special Education. Reference (a) implements the special education program within DoDEA, and establishes policies and procedures for providing free and appropriate educational programs for all eligible students with disabilities. It also requires an ongoing process for the identification and evaluation of students with disabilities. This ongoing process includes a building level administrator or designee who is a part of every step of the process and who oversees the process. For Individualized Education Program (IEP) meetings, the committee must include an administrator. For eligibility and other meetings specific to a particular student's needs, the administrator may designate a representative. However, administrative participation is encouraged. When a designee is used, the designee may not represent two separate required participants (e.g., designee and special education teacher).

(1) Policy. It is DoDEA policy that all students be provided a free, appropriate education in schools where placement and service decisions are based on the individual needs of the

student, in the least restrictive environment, and in accordance with the system's guiding principles.

(2) Inclusive Educational Environment. A requirement of the special education program is that students be educated in an inclusive educational environment. Such an environment is defined as the participation of all students, including those with disabilities, limited English proficiency, identified gifts and talents, and other special needs, in the general education curriculum. Supplementary aids and services are provided to these students where necessary in order for them to attain success. Inclusive education is grounded in the philosophy that all children can learn, should have equal access to a high quality education, and should have the opportunity to be challenged to perform at higher levels of achievement. DoDEA educators share the responsibility of educating all children through collaborative efforts and through implementing the goals and objectives of the DoDEA Community Strategic Plan.

(3) Definitions

(a) Special education. Instruction and related services for which a child, ages 3 to 21 inclusive, becomes entitled when a Case Study Committee (CSC) determines that the child's educational performance is adversely affected by one or more disabling conditions.

1. Special education is specifically designed instruction, including physical education, which is provided at no cost to the parent/sponsor to meet the unique needs of a child with a disability. It includes instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings.

2. Special education includes speech pathology or any other related service—if the service consists of specially designed instruction.

3. Special education also includes transition planning and services required to assist in preparing children (aged 14 or older) for post-secondary school life.

(b) Students with disabilities. Students who are evaluated as those who need special education and/or related services because of those conditions as defined in DoD Instruction 1342.12 (Reference (a)).

c. IEP

(1) An IEP is a written document defining specially designed instruction for a student with a disability, ages 3 to 21 inclusive.

(2) Students with an IEP are eligible to receive educational services in DoDEA through their 21st year of age. Such educational services include both special education and regular education. Specifically, if a student turns 22 by September 1 (the enrollment cut-off date for kindergarten and Sure Start), he or she is not eligible for educational services and cannot be enrolled in school (e.g., a student turns 22 on August 30).

(3) If a student turns 22 after September 1, he or she is entitled to educational services for the completion of the school year (e.g., a student turns 22 on December 10). This student would continue to receive educational services for the remainder of that school year. Services terminate at the end of the school year.

(4) An IEP is developed for each student with disabilities upon identification of those disabilities that adversely affect the student's educational performance. The IEP is reviewed periodically, but not less than once annually, and revised as required. The local school maintains IEP records for each student with disabilities.

d. Secondary Course Substitutions

(1) When a student with disabilities cannot participate successfully in a general education course, including foreign language, even when provided with appropriate accommodations, modifications, and supports, the CSC may consider substitution of a particular course or courses required for graduation. Refer to the DoDEA list of approved course substitutions for the major subject areas issued spring 2009.

(2) Based on the educational needs of a student, the CSC may recommend that the school administrator allow a substitution of a particular general education course or courses required for graduation. Administrator approval is required for all substitution of courses.

(3) Whenever a course substitution is considered, the CSC must review the student's transition plan to ensure the course substitution is appropriate to the student's post-secondary interests. The CSC, including the school administrator, must address the following questions:

(a) How does the student's performance—despite the use of accommodations, modifications, and supports—prevent the student from successfully completing the required course?

(b) Why would the substitute course be appropriate to meet the student's needs in meeting standards, course requirements, and transition goals?

(4) Based on the answers to the above questions, the CSC may feel it is necessary to consider student placement in a special education course. The following additional factors must then be addressed:

(a) Does the student's disability require significant individualized instruction and repetition?

(b) Is the student's functioning level in the specific subject area (e.g., reading, math) 3 to 4 years below grade level?

(c) Does the student have significant deficits in auditory/visual memory and/or processing and/or language processing?

(d) Is the student unsuccessful in the general education course, even with appropriate environmental and curricular accommodations and modifications?

e. Procedural Safeguards

(1) Parents/sponsors of children with disabilities are afforded procedural safeguards to ensure that their children receive a free, appropriate public education. The procedural safeguards as defined in Reference (a) should be followed to ensure that the rights of parents and students (pertaining to the education of the student) are protected. The rights afforded parents/sponsors under the procedural safeguards include:

(a) Written notice by the school before it does any of the following:

1. Initiates a change in the identification or evaluation of the student.
2. Changes the educational placement of a student.
3. Refuses to initiate or change the identification, evaluation, or educational placement of a child.

(b) Consent of the parent/sponsor to initiate a formal evaluation, initial placement in special education, or change in educational placement.

(c) Independent educational evaluation (IEE) of their child at DoDEA's expense. The school system, without unnecessary delays, must do one of the following:

1. Initiate an impartial due process hearing to show that its evaluation is appropriate.
2. Ensure that the DoDEA-funded IEE obtained by the parent complies with DoDEA evaluation criteria.

(d) Access to all educational records with respect to identification, evaluation, and educational placement of their child.

(e) The opportunity to present and resolve complaints involving a child's identification, evaluation, and educational placement, or the delivery of a free, appropriate public education. This includes the time to make a formal complaint, the availability of mediation, the opportunity for the school to resolve the complaint, and the right to an impartial due-process hearing at DoDEA's expense.

(2) To the extent possible, every effort shall be made to ensure that students with disabilities are educated with students who do not have disabilities. Removal of students with disabilities from the regular educational environment will occur only when the nature or severity of the disability is such that education in regular classes, with the use of supplementary aids and services, cannot be achieved satisfactorily.

f. Testing and Evaluation Materials. Testing and evaluation materials used for assessment and placement will be nondiscriminatory and valid for the purpose selected. No single procedure will be used as the sole criterion for determining an educational program for the child. Materials and instruments will be provided and administered in the student's primary language and mode of communication, unless it is not feasible to do so.

g. Referral for Appropriate Educational Program

(1) When an appropriate educational program is not available for the student with disabilities at the local school, it is the district's responsibility to ensure the delivery of an appropriate program. This may require realigning resources to meet the student's need, allocating additional resources, and/or contracting locally for the required instructional and/or related services.

(2) In certain cases it may be appropriate to consider a residential placement in the host country or in the continental United States at no cost to the parent/sponsor. Consideration for and determination of a non-DoDEA placement requires the involvement of the district and Area offices. When the school believes the needs of the student exceed the available resources, and it is unable to provide an adequate educational program for the student even after realignment of resources, the district and Area special education coordinators must be contacted. Schools cannot make an independent decision to recommend or to place a student in a non-DoDEA facility.

h. Related Services. Medical services for diagnostic and evaluative purposes are provided as required to assist a child, ages 3 to 21 inclusive, with a disability or suspected of having a disability, to benefit from special education. These services are provided by qualified related service providers and are, in general, diagnostic and therapeutic in nature. The sources for these services are in civilian and military communities. In overseas locations, Educational and Developmental Intervention Services provide medically related services.

i. Exceptional Family Member Program (EFMP). This program only applies to military assignments, and it refers to two different functions:

(a) Personnel function. This is a mandatory program for all active duty service members that is standardized across all four military services. EFMP identifies family members with special medical and/or educational needs, documents the services required, and considers those needs during the personnel assignment process when approving family members for accompanied travel to overseas locations.

(b) Family support function. DoD policy on Family Centers allows, but does not require, the military services to offer family support services to exceptional family members within the military service's family support system. Family support differs from service to service. In the Army and Marine Corps, Family Centers are staffed with EFMP coordinators whose responsibility is to provide support to families with exceptional family members. In the Navy and Air Force, the EFMP staff who support the personnel function may also provide family support services. Family Centers also have resources and referral personnel who may help.

j. DoDEA Accommodation Plan and Services for Students with Disabilities Not Eligible for Special Education

(1) According to DoD Instruction 1315.19 (Reference (b)), it is DoDEA policy to ensure that students who are entitled to enroll in DoDEA schools, and who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973, are identified, evaluated, and provided with appropriate educational services. This is not special education legislation but civil rights legislation. Thus, general education takes the lead in the implementation of the 504 processes and delivery of accommodations in compliance with DoDEA Administrative Instruction 2500.14 (Reference (c)).

(2) A student may be considered disabled under this act even though he or she is not eligible for special education services under the Individuals with Disabilities Act (Reference (a) and Reference (c)). Section 504 and Reference (c) define a student with a disability as a student who has a mental or physical disability that substantially limits one or more major life activities.

(a) Physical disability. Physical disability is defined as any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary, hemic, and lymphatic; skin; and endocrine.

(b) Mental disability. Mental disability is defined as any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(c) Major life activities. Major life activities are defined as basic activities that the average person in the general population can perform with little or no difficulty. These activities include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) A school committee will address the identification, evaluation, and implementation of appropriate educational services for students who are eligible or suspected of being eligible for services. Based on Reference (c), the school committee should address the seven areas that make up the content of the Accommodation Plan:

- (a) Describe the nature of the student's disability and the major life activity it limits.
- (b) Identify the basis for determining the disability.
- (c) Identify the educational impact of the disability.
- (d) Identify the necessary accommodations.
- (e) Place the student in the least restrictive environment.

(f) Ensure parental/sponsor rights.

(g) Reconvene a school committee meeting to review each qualifying child's Accommodation Plan and make needed adjustments. This should be done no less than annually.

k. English as a Second Language (ESL)

(1) DoDEA Regulation 2440.1 (Reference (d)), and DoDEA ESL Program Guide (Reference (e)) establish policies and procedures for providing ESL services to students whose dominant language is a language other than English. School staff should ensure that English language learners (ELLs) are provided equal opportunities and access to services so that they become fully proficient in English (i.e., basic interpersonal communication skills and cognitive academic language proficiency) and reach full educational parity with comparable native English speakers. ELLs also need to develop an orientation to the American culture.

(2) The following procedures should be followed to ensure the success of these students:

(a) Determine if a language other than English is spoken at home regardless of the student's race, ethnicity, or language background.

(b) Ascertain the student's level of English proficiency using appropriate entry/exit assessment and evaluation procedures.

(c) Provide a program of instruction to all students who lack English proficiency.

(3) Administrators should do the following:

(a) Ensure that follow-up occurs to the home language questionnaire completed at registration.

(b) Establish an ESL Review Team to complete a self-study of the overall effectiveness of the ESL program.

(c) Evaluate all ESL students annually to monitor progress and placement for the next school year.

(d) Ensure a copy of the ESL Annual Program Review self-study is submitted at the end of each year (See Chapter 6, p. 1 of Reference (e)).

l. Gifted Education

(1) Students who perform or show the potential to perform at remarkably high levels of accomplishment when compared with others of their age, experience, or environment, will be identified for gifted education services using the guidelines provided in Section one of DoDEA Guide 2590.2 (Reference (f)). School staff should choose services for these students that

specifically respond to both their unique needs and capabilities, and to the realities of resources and opportunities in their home schools.

(2) Principals will appoint the school's standing Gifted Education Review Committee, which will determine the eligibility of referred students.

(a) The committee may request that a student be monitored for up to two (2) semesters or until the spring meeting if the data is insufficient to make a decision.

(b) Parents/sponsors of students found ineligible for gifted program services may appeal the decision to the school's administrator.

(3) To encourage optimum achievement, a school should provide varied and challenging learning opportunities matched to the needs of its identified students. Schools will use the guidelines, models, and standards in Section two of Reference (f) to develop and provide appropriate challenging and stimulating programs for their eligible students.

(4) Data on students' eligibility status, placement, and service options will be entered into the School Information System data system yearly within one month of eligibility or review decisions. Identification and provision of service for all identified students will be recorded and monitored on an ongoing basis.

m. Heritage– Domestic Dependent Elementary and Secondary Schools / Host Nation– Department of Defense Dependents Schools

(1) Host nation teachers. Host nation teachers cannot teach Carnegie unit credit courses.

(2) Elementary schools. In view of the interdisciplinary nature of the program, the host nation teacher's schedule needs to be flexible. This calls for the careful, responsible, and close cooperation of classroom teachers, other resource educators, and host nation teachers. Time and instruction with preschool students should be a local decision and is best accommodated within the preschool classroom as part of the developmentally appropriate curriculum.

(3) Junior high and middle schools. Course offerings in the junior high and middle schools should be based on the local needs of the students. Collaboration between host nation and general education teachers is encouraged when scheduling study trips, contacting host nation resources, and planning intercultural activities.

(4) Secondary schools. With the administration's support, local national teachers are encouraged to assist in the preparation of subject-related study trips, contacting host nation resources, and coordinating intercultural events.

(5) Additional time. As much as possible, principals should schedule time for host nation teachers to coordinate the intercultural program with other school personnel and to prepare for study trips. Time also is needed to contact host nation resources and gather locally

available instructional materials. The resulting schedule should support local, curricular, student, and professional staff needs, and should be compatible with local labor agreements.

(6) Cooperative U.S. and local national teacher planning. Local national teachers, classroom teachers, resource educators, and school administrators share an equal responsibility for the development and maintenance of an active intercultural program. Publications such as a study trip planning booklet or a newsletter containing host nation community activities, should be cooperatively written by the school staff.

(7) Professional Development. Host nation teachers should be included in all in-service activities to the maximum extent possible.

n. Instructional Services for Home or Hospital. Instructional services (e.g., visitation program, correspondence courses, virtual school) for homebound or hospitalized students is designed for those enrolled in a DoDEA school who are unable to attend for more than 15 consecutive school days due to an extended illness or injury (see DoDEA Regulation 2500.01 (Reference (g))).

(1) Services for the student should be initiated as soon as it is feasible.

(2) Specific requirements for alternative education placement as described above, for physically or otherwise health impaired students, shall be initiated no later than 15 school days after certification from a medical professional.

(3) Progress reports for each student shall be recorded in accordance with DoDEA school policies.

(4) Instructional time shall be a minimum of 2 hours a week if a DoDEA-resourced teacher is involved.

(5) There is no minimum class load for itinerant teachers. Teachers usually need a minimum of 1 hour a day for preparation and evaluation of lessons. Factors such as travel time, consulting with the regular teacher, and securing materials should be considered.

(6) Principals will establish parameters for teachers when utilizing such things as virtual schools, and program texts, when applicable.

(7) The curriculum should parallel the student's regular classroom program as nearly as possible. The teacher of home or hospital instruction will establish and maintain a regular schedule. In developing this schedule, the teacher should recognize the needs and conveniences of the family and/or hospital. Effort should be exerted to maintain the stability of each student's routine. Appropriate educational plans (e.g., graduation plan, 504 Accommodation Plan, Individualized Education Plan) need to be reviewed and possibly modified in accordance with established procedures, when appropriate.

(8) It is reasonable to request the parent/adult to provide the student and teacher with a quiet, comfortable place to work. An adult must be present at the home during the instruction period.

(9) The classroom teacher shall assist the homebound teacher as deemed necessary by the school principal.

(10) Reimbursement shall be at the regular teacher and/or substitute rate and shall include travel expenses incurred from the teacher's home to the student's home or hospital and back.

o. Junior Reserve Officers' Training Corps (JROTC)

(1) Public Law 88-647, commonly known as the ROTC Vitalization Act of 1964, directs the secretary of each military service to establish and maintain JROTC units for their respective services. A contract delineating program responsibilities between DoDDS and the applicable Military Service is developed for each school level JROTC program.

(2) The purpose of JROTC is to instill in students in U.S. secondary educational institutions the values of citizenship, service to the United States, personal responsibility, and a sense of accomplishment.

(3) JROTC units in the Air Force, Army, Marines, and Navy are available in selected DoDEA high schools.

(4) The curriculum for each service unit is prescribed by the military branch of service. Classroom instruction is augmented by community service activities, drill competition, marksmanship training, leadership opportunities, field trips, and other training opportunities.

(5) Secondary schools wishing to host a JROTC unit must meet certain criteria, and should contact their district superintendent.

(6) JROTC instructors may be assigned duties other than those associated with the JROTC program. DoDEA will adhere to DoD Instruction 1205.13 (Reference (h)), that enables JROTC staff to be assigned to other duties normally performed and rotated among faculty members. This is in accordance with the practice employed with other DoDEA teaching staff.

(7) Transportation may be provided for students participating in JROTC competitive events such as rifle and drill teams.

(8) JROTC programs are authorized for grades 9–12 only.

(9) JROTC instructors can authorize the use and/or possession of appropriate weapons on school property to JROTC students in accordance with the instructional program.

p. Sure Start (DoDDS only). Sure Start is a preschool program designed to provide high-quality services to children identified to be at risk for future school success. Sure Start has four components: educational, health and nutrition, social services, and parental. The principal should use the July 2007 "Sure Start Program Guide," which is posted on the DoDEA Sure Start Web page, for further guidance and assistance in implementing and operating the program.

(1) Program guidance. Sure Start has specific program requirements that are mandated by the Office of the Secretary of Defense. Administrators should help the program successfully meet these requirements to ensure program integrity and fidelity.

(2) Eligibility

(a) Sure Start's first responsibility is to the 4-year-old child (a child who turns four by September 1 of the enrolling year) of a military or eligible DoD employee whose rank is one of the following:

1. E-1 to E-4.
2. General Schedule (GS)-1 to GS-4.
3. National Security Personnel System (NSPS) pay band 1, rank equivalent.
4. Non-appropriated fund (NAF) employee with a NAF-1 to NAF-2 rank equivalent at the date of application.

(b) The application date is not to exceed 6 months before the first day of the following school year.

(c) The NSPS and NAF ranks use different banding levels than their counterparts. In order to determine the priority order for enrollment in the Sure Start Program, the NSPS and NAF employee ranks must be at a level that is equivalent to the enlisted service member and GS civilian employee.

(d) Eligibility for Sure Start programs does not extend to children who are non-DoD sponsored or to children who are geographically in a non-DoDDS site.

(e) Only the sponsor's rank is used to determine eligibility. Family income is not considered unless it is used to determine rank equivalents for NAF Levels 1-4.

(f) Any sponsor in the range of E-5 to E9, GS-5 to GS-9, or NAF-3 to NAF-4 rank equivalent who wishes to apply for the program is eligible to do so with the understanding that first priority is given to those children whose sponsor is in the E-1 to E-4, GS-1 to GS-4, or NAF-1 to NAF-2 rank equivalent range.

(3) Staffing

(a) Sure Start has a strict staffing ratio of nine (9) students to one (1) adult. Therefore, the Sure Start program has been allocated a dedicated aide.

(b) The aide is funded for 38 hours per week and is to work the same days as teachers. The aide cannot be used to staff other areas of the school at any time during the day. Substitutes for aides must be provided.

(c) The only permissible time that a Sure Start classroom may be out of compliance with the 9 to 1 ratio is during the students' rest time, when the teacher and aide will take their respective lunch breaks.

(4) Components

(a) Educational. Sure Start classrooms should use the DoDEA Pre-K foundational standards and the Sure Start program standards to guide the curriculum. A centers-based curriculum should be used in all Sure Start classrooms.

(b) Social Service. Teachers are responsible for referring families to the appropriate military social services when needed. Teachers will work with military social service components in order to develop a professional working relationship.

(c) Health. Sure Start students are required to have medical and dental records completed within nine (9) weeks of enrollment in the program. Administrators should assist teachers in working with the required medical units as needed.

1. Immunizations. All Sure Start students must have required immunizations before starting school.

2. Nutrition

a. Sure Start students are provided a lunch and two snacks each day at no cost to the family. Families are required to fill out a Free and Reduced Lunch Form as part of registration.

b. Family-style lunch is a requirement of the Sure Start program. Students eat in their classroom, not a cafeteria. Lunchtime is a component of the Sure Start curriculum and is considered instructional time. Teachers are to interact with students during this time, modeling and teaching essential behaviors and attitudes regarding nutrition. Administrators should assist teachers in working with the lunch and snack providers to ensure that healthy and appropriate meals and snacks are provided.

3. Safety in the environment. Because the immune systems of young children are not fully developed and their behavior usually facilitates the quick spread of germs, Sure Start

has strict guidelines about the design and cleaning of classroom furniture, materials, and supplies. Teachers should follow the guidelines in the Sure Start Guide.

(d) Parental involvement. This is essential to a child's progress and success in school.

1. The Sure Start program requires mandatory parental involvement via volunteering either in the classroom or at home. Each parent is required to volunteer for 30 hours during the year. Exceptions to this requirement are listed in the Sure Start Guide.

2. Home visits are required once at the beginning of the school year and at least one other time during the school year. Teachers are required to make home visits with the Sure Start aide. Teachers should never conduct a home visit alone.

q. Pre-Kindergarten

(1) DoDDS Sure Start. In selected communities, which have Sure Start program. Students must be 4 years of age by September 1 of the current school year.

(2) DDESS pre-kindergarten. DDESS pre-kindergarten follows DoDEA guidelines for program regulations, curriculum, and instruction. All DDESS elementary schools have universal half-day pre-kindergarten, and students must be 4 years of age by September 1 of the current school year.

r. Summer School

(1) Summer school is subject to available funds and requirements.

(2) Determination of summer school offerings resides with the Area office.

s. Information Center. Professional staffing is provided as a part of instruction in accordance with accreditation standards.