

# ADHD: When and How to Seek Special Education Services

Lunch & Law Webinar  
September 14, 2011



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# ATTENTION DEFICIT HYPERACTIVITY DISORDER (ADHD)

- What is ADHD?
  - Common childhood diagnosis
  - One of three types:
    - Predominantly hyperactive-impulsive
    - Predominantly inattentive
    - Combined hyperactive-impulsive and inattentive
- How can ADHD impact a child in school?
  - Impulsivity
  - Executive functioning skills/organization
  - Peer and adult interaction
  - Retention and integration of information



# WHAT SCHOOL-BASED SUPPORTS ARE AVAILABLE FOR CHILDREN WITH ADHD?

- Specialized Instruction
- Related Services
  - Including therapies and counseling
- Accommodations and Modifications
  - Seating accommodations
  - Changes in information presentation
  - Modification to homework assignments
  - Testing accommodations and modifications
  - Adaptive furniture, “fidgits”



# HOW ARE THOSE SUPPORTS MADE AVAILABLE TO A CHILD WITH ADHD?

- Individuals with Disabilities in Education Improvement Act (IDEIA)
  - IDEIA ensures that all children with disabilities are provided a free and appropriate public education designed to meet their unique needs and prepare them for further education, employment, and independent living (Special Education)
- Section 504 of the Rehabilitation Act (Section 504)
  - Insures that a plan must be in place for children with a disability that substantially limits one or more “major life activities.”



# DO ALL CHILDREN WITH ADHD QUALIFY FOR THESE SUPPORTS?

- **Short answer → No**
- ***IDEA***
  - Must be one of 14 enumerated disabilities
  - The disability must impact the child's ability to access his or her education
- ***Section 504***
  - The disability must impact an important life activity/activity of daily living, which can include:
    - Walking/mobility, communicating, learning, concentrating, relating to others, etc.



# WHAT ARE SOME SIGNS THAT A CHILD WITH ADHD NEEDS EXTRA SUPPORT?

- Multiple suspensions or an expulsion
- Multiple calls home regarding problems in school
- Problems retaining information
- Inability to repeat or follow directions
- Inability to complete homework
- Impulsivity that impacts education
- Explosive anger
- Poor academic performance or grade retention



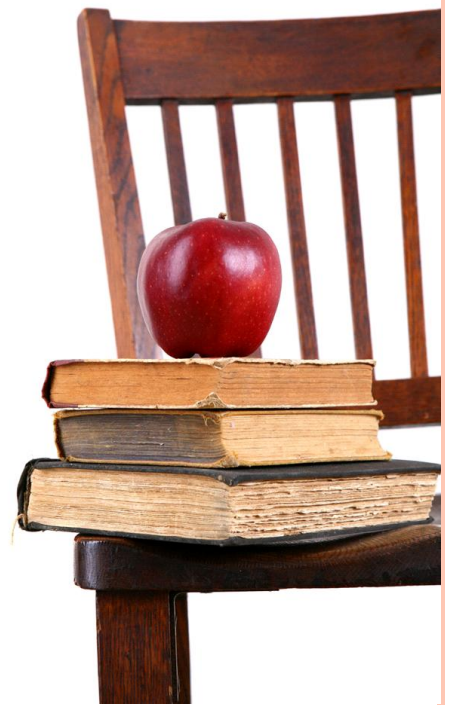
# GENERALLY, WHAT DOES THE LAW REQUIRE?

- School districts must locate, identify and evaluate all children with suspected disabilities.
- Children whose disabilities rise to the level of needing intervention should still be educated with their typically developing peers to the maximum extent possible
- A child with a disability who needs interventions, accommodations or modifications in school should have a coherent plan that is both:
  - developed by a team of people who knows the child
  - communicated to everyone working with that child



# GETTING THE PROCESS STARTED

Ensuring a child with ADHD has the supports he or she needs to succeed in school



# STEP #1: REFERRAL

- To be evaluated for IDEIA or Section 504 supports, a child with a suspected disability must first be referred for evaluations
- A child can be referred by parent, school staff, adult child or employee of state agency
- The referral should:
  - Be made in writing to the principal of the child's school
  - Include simple statement of educational concerns of the child and disability (if known)
  - Include statement requesting evaluations and special education services
  - If available, include evaluations/diagnosis documents
  - Include signature and contact information of person making the referral
- Parent should keep a copy of referral letter



# WHAT HAPPENS ONCE A REFERRAL IS MADE?

- The school must hold a meeting before conducting the evaluations
- At the meeting, the school should:
  - Review current information, data, and observations about the child and any pre-referral interventions
  - Develop a Student Evaluation Plan (SEP) detailing the reasons for the referral and the evaluations to be conducted
  - Explain to the parent what evaluations are going to be conducted and why
  - Obtain informed consent from the parent of the child
  - If some services, modifications, and/or accommodations can be implemented based upon available data, no legal need to wait



# WHO IS INCLUDED ON THE TEAM?

- Though different meetings have different members, generally the group includes:
  - The Parent\*
  - A regular and a special education teacher
  - Any service providers
  - Someone from the school district who knows about available resources and can commit district funds
  - Someone who can interpret evaluations, if evaluations are being discussed
  - Those with specialized knowledge about the child

*\*Although parents are required members of a team under the IDEIA, they are not required under Section 504 – however, we believe parents are crucial to the formation of any educational plan involving their child.*



# STEP #2: EVALUATION FOR SPECIAL EDUCATION AND RELATED SERVICES

- The school is responsible for conducting a comprehensive and individualized evaluation to determine:
  - Whether a child is a child with a disability, and
  - The educational needs of the child
- Under the IDEIA, DC law allows the school 120 days to complete the evaluations
- Under Section 504, the standard is “a reasonable time”



# STEP #3: ELIGIBILITY DETERMINATION

- When the evaluations are complete, the school must convene another Meeting
- The team must review the evaluations and other relevant information and decide whether the child has a disability that qualifies him to receive special education or a 504 Plan
- If the parent disagrees with the evaluation, that parent can:
  - get an independent evaluation to be paid for by the school, or
  - file for a due process or fair hearing



# “DISABILITY” UNDER THE IDEIA

- 1) Learning Disability
- 2) Emotional Disturbance
- 3) Mental Retardation
- 4) Speech and/or Language Impairment
- 5) Other Health Impairment (ADHD, sickle cell, etc.)
- 6) Autism
- 7) Deaf-Blindness
- 8) Deafness
- 9) Developmental Delay
- 10) Hearing Impairment
- 11) Multiple Disabilities
- 12) Orthopedic Impairment
- 13) Visual Impairment (Including Blindness)
- 14) Traumatic Brain Injury



# “DISABILITY” UNDER SECTION 504

- All persons with a disability who:
  - Have a physical or mental impairment which substantially limits one or more major life activities;
  - Have a record of such an impairment; or
  - Are regarded as having such an impairment.
- A disability is a physical or mental impairment affecting one or more of the following systems: neurological, musculoskeletal, special sense organs, respiratory, speech, cardiovascular, reproductive, digestive, skin or endocrine or any mental or psychological disorder



# STEP #4: DEVELOPMENT OF AN INDIVIDUALIZED EDUCATIONAL PROGRAM (IEP) OR 504 PLAN

- The written plan for the child's educational program and services
- Developed by the team to either:
  - Address the child's unique needs (IEP); or
  - Level the playing field between a child with a disability and his/her typically developing peers (504)
- May include related services, accommodations and modifications and specialized instruction



# DIFFERENCES BETWEEN AN IEP AND A 504 PLAN

- Qualification for a 504 Plan is more broad than for an IEP
- An IEP guarantees “educational benefit” and a 504 Plan guarantees “equal access”
  - 504 Plans are often focused on reasonable accommodations and modifications to allow a child with a disability to access his or her education
  - IEPs are focused on ensuring the child can make meaningful progress and that the child’s unique needs are addressed.
  - IEPs provide parents and children stronger procedural protections in terms of service delivery for their child.



# RELATED SERVICES CAN INCLUDE:

- Speech and Language Therapy
- Occupational Therapy
- Physical Therapy
- Counseling Services
- Transportation Services
- Parent Counseling and Training
- Social Work Services



# ACCOMMODATIONS/MODIFICATIONS AND SUPPLEMENTARY AIDS AND SERVICES CAN INCLUDE:

- Dedicated Aide
- Use of Word Processor
- Use of other assistive technology
- Special Seating
- Adaptive Furniture, “Fidgets”
- Extra Time for Tests
- More frequent breaks
- Specified Form for Directions (repeated, written, oral)
- Use of Calculator
- Audio Books



# STEP #5: PLACEMENT

- After developing the educational plan, the team then discusses what placement is appropriate for the child
- Parents have the right to be a part of the decision-making process
- Continuum of Placements
  - Instruction can be in regular classes; special classes; special schools; at home; or in hospitals or institutions.



# SUSPENSIONS AND EXPULSIONS

- In DC, students with IEPs or 504 Plans are given special protections relating to discipline.
- Protections cover children who have been excluded from their classroom for over 10 days.
- IDEIA protections also cover children with disabilities who have not yet been found eligible for special education if:
  - *The school system knew that the child is a child with the disability*



# WHAT HAPPENS WHEN THE SCHOOL SYSTEM FAILS TO PROVIDE A CHILD WITH THE NEEDED SUPPORTS?

- Child may fail to acquire the necessary skills to succeed
  - Academic skills
  - Social skills
  - Functional skills
- A parent has the right to:
  - Request that the team meet at any time
  - Request mediation
  - File a state complaint
  - Request a Hearing

