Special Education for the Student with Obsessive Compulsive Disorder

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Federal Disability Laws

- Individuals with Disabilities Education Act (IDEA)
- Section 504 of the Rehabilitation Act of 1973
- The Americans with Disabilities Act (ADA)
- Other state and federal statutes
Federal Individuals With Disability in Education Act (IDEA)

- Students pre-K through high school.
- Governs Individual Education Plans (IEP)
- Administered by Office of Special Education Programs and Rehabilitative Services in U.S. Department of Education.
- NJ Office of Special Education Programs at N.J.A.C. 6A:1400 et. seq.
- PA Dept. of Education at Chapter 14, Title 22. Office for Dispute Resolution coordinates services for Due Process Hearings and other dispute resolution (i.e. mediation & IEP facilitation).
- IEP provisions do NOT apply to colleges
Rehabilitation Act Section 504 & Title II of the ADA

- U.S. Dept. of Education Office for Civil Rights (OCR)
- OCR enforces Section 504 & ADA Title II
- Section 504 & Title II both prohibit discrimination
- “Practically every school district and postsecondary school in the U.S. is subject to one or both of these laws, which have similar requirements.”
- “These laws” require equal access to educational opportunities.
- Law applies to colleges/universities
IEP
A student’s disability must be:
- Identified under the law
- Adversely affect the child’s educational performance
- A student must need:
  Special education and related services

504 PLAN
A student must have:
- Physical or mental impairment substantially limiting one or more major life activities:
  - Seeing, hearing, caring for oneself, reading, writing, performing math calculations-major life activities.
IEP

- School-based evaluations required for eligibility
- Provide students with accommodations within the classroom setting
- Provides special education and related services

Vs.

504 PLAN

- Requires independent medical evaluations and reports
- Primarily receives accommodations within school setting.
Tips for Writing Letters in Support

- Specifically name and explain medical condition(s) and tests used to determine diagnosis.
- Note how long the child has had the disability, how long you have been treating the child.
- Explain, with as much detail as possible, how the disability affects learning at school and at home and daily functioning.
- Note if the condition has improved or worsened.
- Make recommendations on accommodations that would be helpful to the student at school.
Examples From Letters in Support

- “interferes with Joe’s ability to fall asleep at night and wake up in the morning and this interferes with him getting to school on time”
- “affects Nina’s ability to concentrate, focus and sit still in class”
- “prevents Max from leaving his house before 9:30 am to attend school. It is not school refusal, it is overwhelming anxiety based on an OCD thought or the need to perform rituals”
Examples From Letters in Support (cont.)

- Allow Joe to take frequent breaks by walking to the rest room or guidance office.”
- “permit Nina to use a squeeze ball at his/her desk to reduce anxiety and/or increase focus”
- “allow Max to attend school on modified schedule (late start)”
1. Auditorily impaired
2. Autistic
3. Cognitively impaired
4. Communication Impaired
5. Emotionally Disturbed
6. Multiply disabled
7. Deaf/blindness
8. Orthopedically impaired
9. Other Health Impaired
10. Preschool child with a disability
11. Social maladjustment
12. Specific learning disability
13. Traumatic brain injury
14. Visually impaired
What is Special Education?

Specially designed instruction at no cost to parents to meet the unique needs of a child with a disability, including:

1. Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings;

2. Instruction in physical education
Special Education for the Student w/ OCD

- Supplemental Instruction: for instruction missed due to absence from class or for missed instruction when the level of distraction is high because of obsessions and compulsions causing him/her to miss material.

- In-class Resource Support for writing

- A note about Aides
1. Transportation
2. speech-language pathology and audiology services,
3. interpreting services,
4. psychological services,
5. physical and occupational therapy,
6. recreation, including therapeutic recreation, social work services,
Related Services (cont.)

7. school nurse services designed to enable a child with a disability to receive a free appropriate public education as described in the individualized education program of the child,

8. counseling services, rehabilitation counseling,

9. orientation and mobility services,

10. medical services, except that such medical services shall be for diagnostic and evaluation purposes only, as may be required to assist a child with a disability to benefit from special education, and includes the early identification and assessment of disabling conditions in children. EXCEPTION: the term does not include a medical device that is surgically implanted or the replacement of such device
IEP & 504 Accommodations

Additional time to complete tests/assessments (up to 100% additional time)

Additional time to complete classroom work/homework without penalty

Preferential seating-end row to allow easy access to door

Copy of class notes

Extra time for task completion

Monitor time for task completion and time on task

Utilize student in development of tasks/goals

Encourage student to self-advocate
IEP & 504 Accommodations (cont.)

- Take missed tests/assessments with guidance counselor
- Counselor generated schedule
- Pass to guidance or nurse as needed
- No penalty for lateness to class
- Leave class early to transition to next class
- Complete tests in quiet room when necessary
- Use of a computer, email documents to teachers
- Late-start to school day
How to Request an IEP

✓ Contact, in writing, district’s head of the special education (title varies district to district) or your student’s principal

✓ Copy your student’s guidance counselor, teacher, and the school’s Child Study Team head, if one exists

✓ Evaluations conducted within 60 days of your initial consent to evaluate (generally take 90 days to complete)
How to Request 504 Plan

✓ Contact, in writing, your student’s guidance counselor and the 504 Plan committee head at your school

✓ Generally, school districts have a written policy that explains the process to follow

✓ After the formal written request, the school will set up a meeting to discuss your child and the accommodations needed. The medical documentation will be required for this meeting.
Who Attends IEP Eligibility Meeting?

✓ You (Parents of the Student)
✓ The General Education Teacher
✓ A Special Education Teacher
✓ A Child Study Team Member
✓ A Case Manager
✓ A School District Representative
✓ Your Child (Maybe)
✓ Any guests you would like to invite, such as specialists, advocates or a friend. (Let the school know)
Who Attends 504 Eligibility Meeting?

- Members of the school’s 504 Plan Committee
- Student’s Guidance Counselor
- Possibly 504 Plan Case Manager
- Parents or Guardians
- Student (when appropriate)
How Should I Prepare for the Meeting?

✓ Be organized.

✓ Bring any relevant information, including medical reports, assessments and school reports.

✓ Create a discussion list of topics and questions, including:
  Your child’s strengths and weaknesses
  What goals are important to you
  Your child’s likes and dislikes, learning styles and strategies, and interests
  Feedback from your child

✓ Take a deep breath - the assembled team is there to help your child.
What Can a Parent Do?

- Understand the issues as best you can
- Know your rights and your child’s rights
- Be proactive and your child’s advocate
- Find resources to support you
- Parent’s groups
- Medical or legal professionals
- Be organized
- Breathe!
How Can a Law Firm Help?

✓ Provide LEGAL COUNSEL AND REPRESENTATION to parents at the end of their rope who have tried to manage alone or with an advocate.

✓ Work with parents on the MANY steps involved in due process, only the very end of which involves the courts.

✓ Help parents retain a partnership with school districts
EVALUATIONS

- Excellent
- Good
- Average
- Poor
Questions?