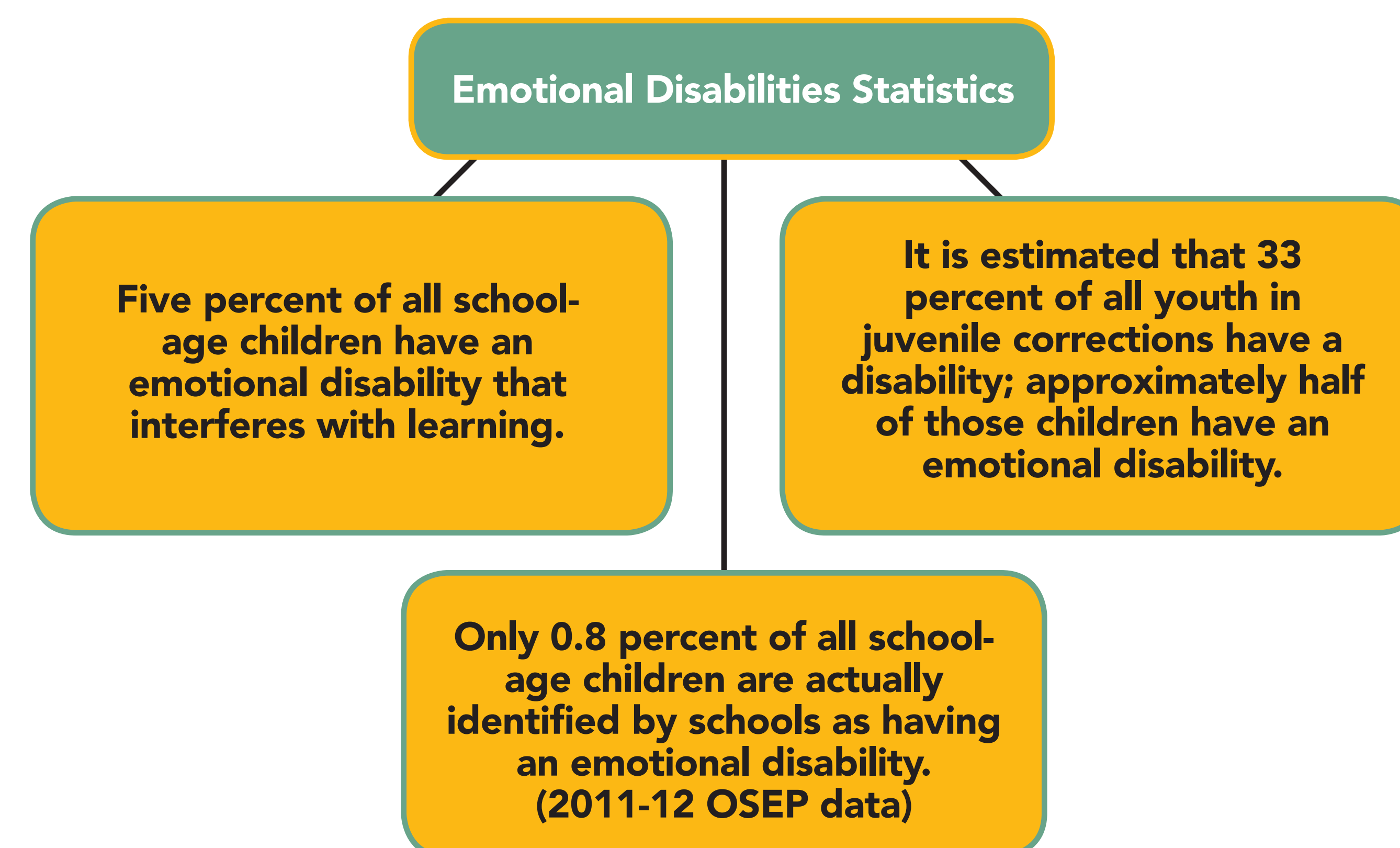


Children with Disabilities: Getting School Systems to Identify and Address Emotional Disabilities through the Child Find Mandate

Authors: Maureen van Stone, JD, MS; Alicia Woolf, MEd; and Christopher L. Smith, PhD

Background

- Child find, a legal requirement of the Individuals with Disabilities Education Act (IDEA), requires that “the State have in effect policies and procedures to ensure that all children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated ...”
- Child find also must include “children who are suspected of being a child with a disability...even though they are advancing from grade to grade...”
- Children with emotional disabilities (e.g., depression, bipolar disorder, schizophrenia, or anxiety disorders) who have average or above IQ scores are often denied initial evaluations (e.g., educational, cognitive, or psychological) by school systems.
- School systems fail to identify how the emotional disability has an educational impact on the child.
- Some school systems turn to police, juvenile courts, home and hospital teaching services, suspension, and expulsion before completing an initial evaluation and qualifying the child for special education and related services.
- All too often, school systems abandon children who are passing from grade to grade, yet show signs of depression, anxiety, attention deficit hyperactivity disorder (ADHD), and other mental health challenges.



Vignettes

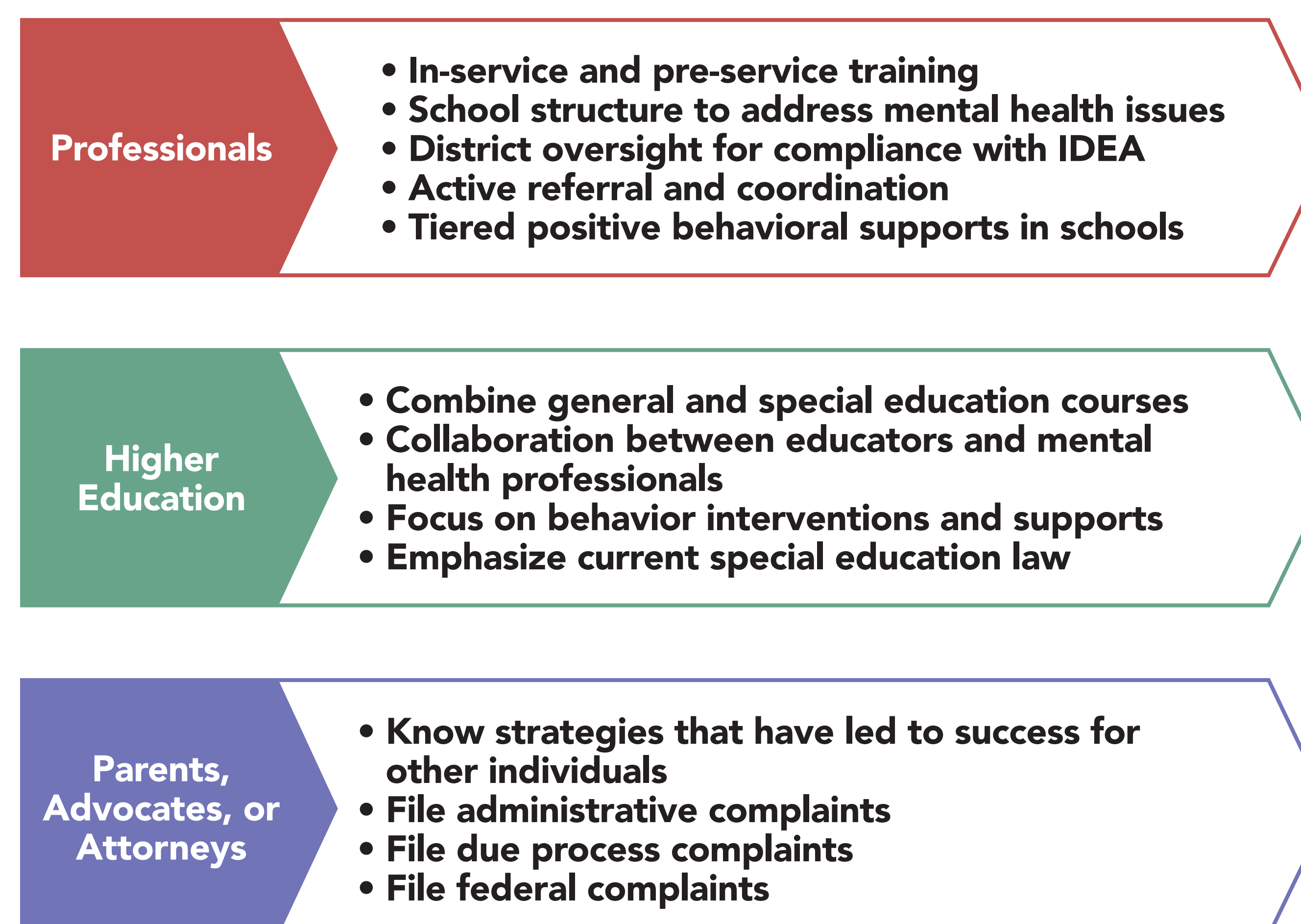
- A 15-year-old student diagnosed with depression and anxiety attempted suicide in school, and was denied an initial evaluation for special education and related services. Instead, the school system provided her with home and hospital teaching services for six hours per week for five months.
 - Through effective legal representation, the school system qualified the student for special education and related services under IDEA and provided her necessary services and supports in a nonpublic placement. The dispute was resolved through the IEP process.

Case Law		
W. B. v. Matula (1995)	Schaffer v. Weast (2005)	Jamie S. v. Milwaukee Public Schools (2007)
<ul style="list-style-type: none"> • Schools must evaluate students suspected to have a disability within a “reasonable time.” • Knowledge of behavioral challenges and history of therapy is enough to suspect disability. 	<ul style="list-style-type: none"> • “State education agencies must identify and evaluate children.” • The task falls on the Individualized Education Program (IEP) team, including parents, school staff, and administrators. • Parents are not solely responsible for identifying that their child may have a disability; school professionals are specifically responsible. 	<ul style="list-style-type: none"> • Schools must develop and implement a “practical method...to determine which children with disabilities are currently receiving needed special education.” • Although IEP teams do not have to agree with all available data, they must examine all available data to make an informed decision about identification.

- An 11-year-old boy diagnosed with ADHD, depression, and anxiety engaged in school refusal behavior and suicidal ideation. His parents requested an initial evaluation for special education and related services under IDEA; however, the school system denied his eligibility because he did not need specially designed instruction in reading, written language, or mathematics. His depression and anxiety resulted in his removal from his gifted and talented math class and four inpatient hospitalizations during fifth grade.
 - Through effective legal representation, the school system qualified him for special education and related services under IDEA and developed an appropriate IEP for the student. To achieve this outcome, his parents filed both a complaint with the state education agency and a due process hearing request. A settlement was reached.

Action Steps

To provide eligible children with disabilities a free appropriate public education, as required by law, state educational agencies must implement evidence-based strategies to be effective.



References

- Individuals with Disabilities Education Act, 20 U.S.C. § 1400 (2004).
- *Jamie S. v. Milwaukee Public Schools*, et al., 01-C-928 (United States District Court Eastern District of Wisconsin September 11, 2007).
- National Center for Education Statistics, Common Core of Data (CCD), “State Nonfiscal Survey of Public Elementary/Secondary Education,” 2010–11 and 2011–12.
- New Freedom Commission on Mental Health (2003). *Achieving the promise: Transforming mental health care in America* (Final Report) (DHHS Pub. No. SMA-03- 3832). Rockville, MD: SAMHSA.
- *Schaffer v. Weast*, 04-698 (Supreme Court of the United States November 14, 2005).
- Wagner, M. 1991. Secondary school programs. In *Youth with disabilities: How are they doing?* The first comprehensive report from the National Longitudinal Transition Study, ed. M. Wagner, L. Newman, R. D’Amico, E.D. Jay, P. Butler-Nalin, C. Marder, and R. Cox, 3-1-3-54. Menlo Park, CA: SRI International.
- *W.B. v. Matula*, 95-5033 (United States Court of Appeals for the Third Circuit October 17, 1995).
- U.S. Department of Education, Office of Special Education Programs, Individuals with Disabilities Education Act (IDEA) database, retrieved September 18, 2015, from https://nces.ed.gov/programs/digest/d13/tables/dt13_204.50.asp.



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