



EDUCATION SERVICES FOR CHILDREN WITH ATTENTION DEFICIT DISORDER/ATTENTION DEFICIT HYPERACTIVITY DISORDER (ADD/ADHD)

CAN A STUDENT WITH ATTENTION DEFICIT DISORDER (ADD OR ADHD) GET SPECIAL HELP IN SCHOOL?

YES, if the attention problem interferes with the child's ability to learn or participate fully in school activities the student may be eligible for extra help.

WHAT KIND OF HELP IS AVAILABLE?

Children with ADD/ADHD are entitled to the supports they need to help them succeed in school. Some children may need a special education program for some or all of the day. Others may need only minor adjustments to their regular classes such as changes in seating arrangements or the use of a computer or tape recorder. Still other children may need a special behavior program or counseling services.

WHAT LAWS PROTECT MY CHILD?

Different laws apply depending on whether or not the child needs special education (that is, adaptations to the program of instruction).

Children Who Need Special Education: the IDEA and Chapter 14

Under federal law (the Individuals with Disabilities Education Act or "IDEA"), as well as "Chapter 14" of Pennsylvania state regulations, some children with ADD/ADHD are eligible for special education. The federal definition of "other health impairment" includes children who have "a heightened alertness to environmental stimuli, that results in limited alertness to the educational environment." This describes many children with ADD/ADHD. A child is also eligible for special education if s/he has a "specific learning disability" or "emotional disturbance" as those phrases are defined in the law, and as a result needs instructional adaptations. Many children with ADD/ADHD meet these requirements as well.

Such children are eligible for special education *if*, as a result, the child needs adaptations to the content or method of instruction.

One type of service that can benefit a student who meets these requirements is "assistive technology." An assistive technology (AT) device is any item, whether customized or "off the shelf," that is used to improve the functioning of a child with a disability. AT services and devices can help students with ADD and ADHD organize their school work more effectively. Very simple AT devices that can help include index tabs and coded folders, recorded materials (books on tape, taped lectures), and markers and other aids to highlight text. Somewhat "higher tech" devices include pagers, electronic and voice output reminders for assignments, palm computers, software for concept development and for outlining and organizing ideas, and electronic organizers. AT devices and services are mandated if the child needs them to make meaningful educational progress.

Children Who Do Not Need Special Education, But Who Need Help in the Educational Setting: Chapter 15

A child with a disability who does not need specialized instruction, but who does need help in the school setting, is entitled to that help under Pennsylvania's "Chapter 15." These regulations guarantee children who have a disability that has a substantial effect on learning or another major life activity the special supports they need in school.

WHAT IS THE DIFFERENCE BETWEEN THE SPECIAL EDUCATION PROCESS UNDER THE IDEA AND CHAPTER 14, AND HOW CAN I GET SERVICES FOR MY CHILD UNDER CHAPTER 15?

In general, the IDEA and Chapter 14 apply when, because of the ADD/ADHD, the child requires specialized instruction in order to learn. A full evaluation of the child is done by a team of people that includes the parents. The evaluation team decides whether the child has a disability, and makes recommendations regarding the child's programming needs. Then the Individualized Education Program (IEP) team, which includes the parents, meets to decide the services needed and the type of class in which the child will be placed. The program and services are described on an IEP written by the team, and must provide the student a "free appropriate public education."

Children who need only non-instructional adjustments or supports (for example, special seating, access to a computer, counseling, etc.), can use Chapter 15. If school officials and parents agree that help is needed, they meet and write a "Service Agreement" or "504 Plan" that describes the necessary services or adjustments. The special help must give the

child an opportunity to participate in academic and extracurricular school activities that is equal to the opportunity given children who do not have a disability.

HOW DO I GET THE PROCESS STARTED?

If you think your child is eligible for special education, write to the school principal to request a special education evaluation. If you want to speed things up, tell the school district that you want to sign the "Permission to Evaluate" form right away. If you have reports documenting that your child has ADD/ADHD and is in need of special education, it's usually to your advantage to send those along. Once you have signed a "Permission to Evaluate" form consenting to a special education evaluation, the evaluation must be completed and the written report given to you within 60 school days. A meeting (to which you must be invited) must be held within 30 additional calendar days to design the child's program.

When requesting an evaluation for special education, you may ask that your child also be considered for services under Chapter 15. Or you can begin by focusing on special education and ask for consideration under Chapter 15 later if it appears that your child is not eligible for special education.

If you want to request consideration under Chapter 15 *only*, you can do so by writing to the school principal. Again, if you have reports that support your requests it's usually wise to send them. School officials must respond within 25 school days - by either agreeing that your child is eligible for services, disagreeing, or requesting your permission to do more evaluations.

WHAT IF I DO NOT AGREE WITH THE SCHOOL'S DECISION?

If you disagree with the school's decision on any of these matters, or believe your child needs more or different help than is being offered, you have the right to ask for a hearing. The hearing is conducted by a hearing officer from outside your school district. The hearing officer makes a decision, which is legally binding unless either side appeals (in which case the matter goes further). Before having a hearing, you can ask for a "pre-hearing conference" to try to resolve the disagreement.

Another, less formal alternative is to use the Mediation System operated by the State's Office for Dispute Resolution. This service, which can be reached at 800-992-4334, employs a trained mediator to see if an agreement can be reached. If mediation doesn't resolve your problem, you'll still have the right to have a hearing.

For more information on dispute resolution options, see ELC's Fact Sheet "Resolving Special Education Disputes" from our website or telephone number listed below.

CAN THE SCHOOL REQUIRE MY CHILD TO TAKE MEDICATION?

No. Whether a child should take medication is a decision only parents can make after discussion with the child's doctor. It is illegal for a school to require that your child take drugs as a condition of attendance or of receiving help.

FOR MORE INFORMATION, TRY:

www.chadd.org

www.adhdnews.com

www.addhelpline.org

FOR MORE INFORMATION ABOUT ASSISTIVE TECHNOLOGY, TRY:

Pennsylvania Initiative on Assistive Technology: 800-204-7828 (voice) or 800-750-7428 (TTY)

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Prepared by: *Education Law Center (Rev. 8/06)*
(215) 238-6970 (Philadelphia)
(215) 789-2498 (TTY – Philadelphia)
(412) 391-5225 (Pittsburgh)
(412) 467-8940 (TTY – Pittsburgh)
www.elc-pa.org