

Problems at School- Could Your Child Be Eligible For Special Services and Protections?

There are times when, as a parent, you know there is something wrong with your child's school program. The school may be complaining about your child's behavior, grades may be poor...or his grades may be good, but still his behavior is poor. Maybe your child had a head injury over the summer...bumped his head while skateboarding, and since the accident he's had some problems remembering things, he gets angry easier, gets into fights, and can't get his homework done.

Your child's teacher or you or other staff at the school could refer you to a Student Assistance Team (SAT) meeting and do Response to Intervention (RTI) screening and interventions in regular education to help support your child in the regular class. However, beware of your child getting stuck in the SAT process. Some kids have been stuck in the SAT process for years, so they still do not have the protections of a 504 plan (Section 504 of the Rehabilitation Act that protects people from discrimination in the schools) or an IEP (Individualized Education Plan).

If problems persist or are more serious and you think more interventions in the regular classroom need to be done:

- Talk to your child's doctor and ask for some testing to be done.
- A neuropsychological evaluation can sometimes be more helpful than just a psychological evaluation. Sometimes there might be a neurobiological disorder that is causing behavior problems at home and in the school.
- If you have private insurance or Medicaid, check to see what neuropsychologist you have on your plan.
- Get a referral from your child's doctor. Make an appointment and be sure to follow up and take your child to the appointment. Some of these tests may take several hours, but they can be fun. (Check out Brain Age for Nintendo DS).
- If the results show a disability and you think your child could benefit from some accommodations at the school, call the school and ask to speak to the 504 coordinator.
- Make a list of the accommodations that might be helpful for your child and take your list of concerns and ideas to the 504 planning meeting.
- During the meeting a 504 plan should be written with the accommodations your child requires.
- If your child has a 504 plan, your child is more protected should your child have behaviors that could lead to a suspension.

What if my child has problems that are more severe and need more support than a 504 plan in the regular classroom can provide?

Many school districts have not hired 504 coordinators in New Mexico and districts rarely place students on 504 plans when they are providing educational supports for students. Many students end up getting stuck in the SAT and RTI process and do not advance to

504 or special education services when the school staff are obligated to identify these kids and move them more rapidly into these services. When there is a serious or obvious problem that the student is exhibiting, the school staff must move ahead in identifying and serving these needs. Request in writing to the special education director that you would like your child evaluated for special education services, date it, and save a copy for yourself. If you still believe your child is falling between the cracks and the school fails to respond in a timely manner, you may want to consider filing a formal complaint to the Public Education Department in Santa Fe.

What if the school says my child doesn't need special education services any more because his grades are okay, however I'm worried he does need it because his behaviors are still a serious problem?

Sometimes the school districts exit students from special education because these students are difficult to serve. They may not tolerate inappropriate behaviors in the school district. Now that the school has exited the student from special education, it is easier for them to expel the student.

It may be that your child still should be in special education because his behaviors of fighting and cursing put him at risk for long term suspension. Request to have your student placed on a 504 plan, if your child has been diagnosed with a disability, has been on a special education IEP program, and is now exited from special education because the school says he no longer needs the services. There are some protections on a 504 plan that will require the school to hold a manifestation determination meeting if your child continues to exhibit behaviors directly related to his disability (for example, rudeness directly related to a neurobiological disorder called oppositional defiant disorder). The schools must continue to provide services for the student.

If your child has behaviors related to a disability, check out our tip sheets on functional behavior assessment, behavior intervention plans, long term suspension, change of placement, and manifestation determination reviews.

For additional information contact:

Disability Rights New Mexico (Formerly P and A) 505-256-3100 or 1-800-432-4682

Parents Reaching Out (PRO) 505-247-0192 or 1-800-524-5176

New Mexico Family Network (PBDC) 505- 256-0430 or 1-800-273-7232

Educating Parents of Children with Special Needs (EPICS Project) 505- 867-3396

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