

# ADHD & Education

Attention Deficit Hyperactivity Disorder



Partners Resource Network, Inc.

# Policy Clarification

During the reauthorization of the Individuals with Disabilities Education Act (IDEA) in 1997, the Department of Education took the position that it was not necessary to include ADHD as a separate category of disability.

Their position was that children with ADHD were potentially eligible for special education and related services under the existing disability categories in Part B of IDEA.

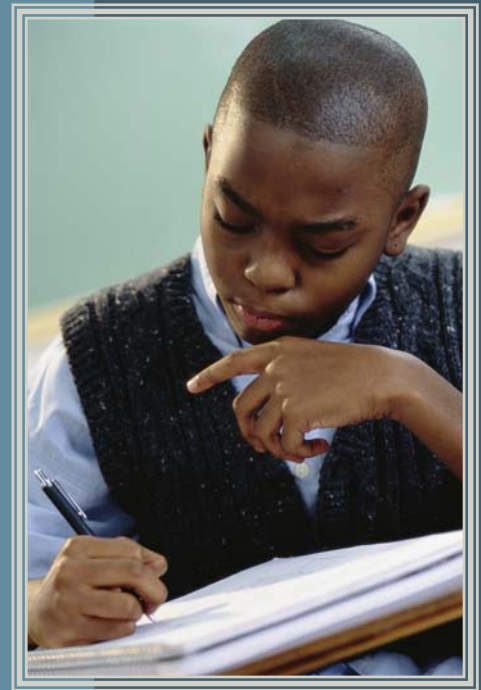
Part B of IDEA requires that State and local education agencies provide a free and appropriate public education to all eligible children with disabilities.

# Policy Clarification

These agencies have an affirmative obligation, called “child find”, to locate, identify, and evaluate all children who have a disability or who are suspected of having a disability and are in need of special education and related services.

A local school district may not refuse to evaluate a child for special education and related services solely because he or she has been identified as ADHD.

Parents need to know, though, that the diagnosis alone is **not** sufficient reason for schools to provide special education.

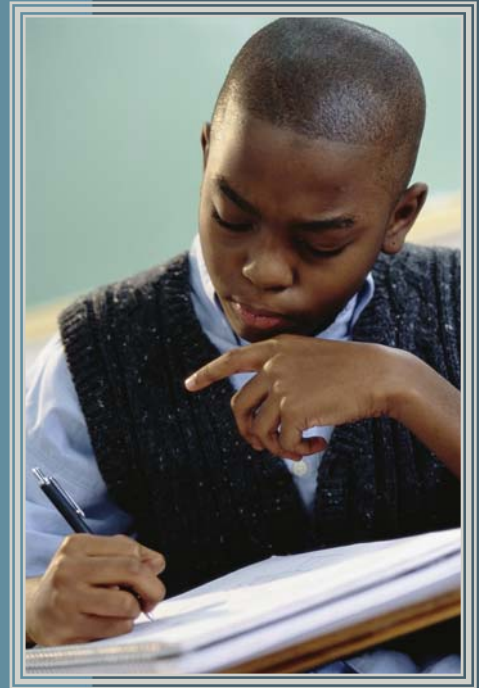


# Policy Clarification

Before a child with ADHD (or a child with any other disability) can receive special education and related services, the district must conduct an evaluation.

This evaluation will be completed by a multidisciplinary team, including at least one person who is knowledgeable about the child's diagnosis.

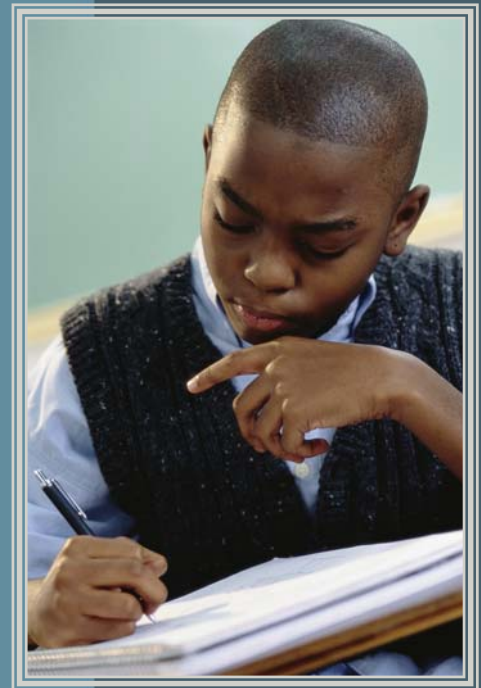
Under Part B, eligible children will be provided special education and related services through an Individualized Education Program (IEP).



# Policy Clarification

To be eligible for special education under Part B, a child must be evaluated as having one or more specific physical or mental impairments and must need special education and related services as a result of the impairment.

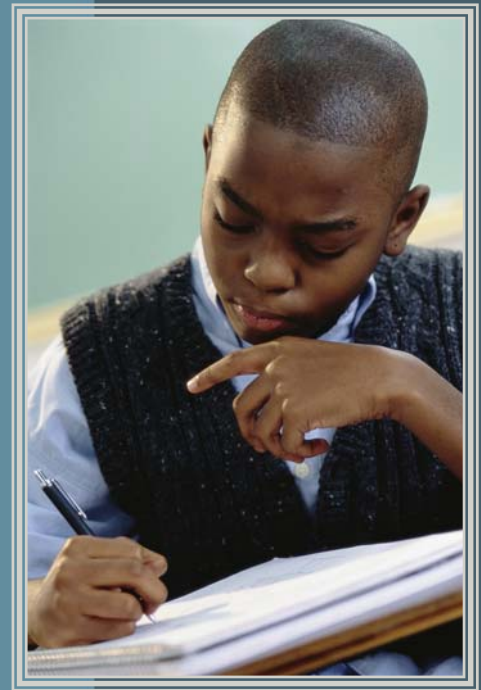
For all children with ADHD, the manifestation of their disabilities may be different from one another – that is, some children will have difficulty paying attention, others may have problems with hyperactivity or acting-out behaviors, and still others will have impulsive behaviors that need attention.



# Policy Clarification

Children with ADHD may need services under one or more of the existing categories, such as under Other Health Impairment (OHI), Emotional Disturbance (ED), or Specific Learning Disability (SLD).

When a child is found not to be eligible under Part B, the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504) may apply. This Civil Rights Act prohibits discrimination on the basis of disability by any program receiving federal funding.

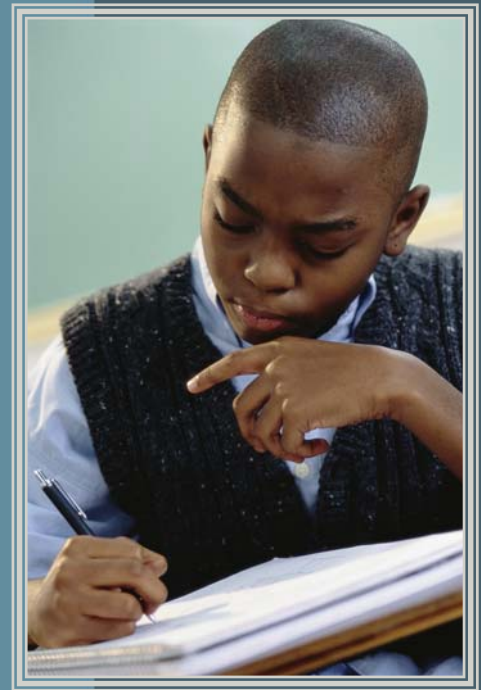


# Policy Clarification

Parents may submit a written request for evaluation from their local school district if their child is having difficulty learning because of ADHD.

The evaluation will determine if a child needs special education and related services as a result of ADHD.

If parents have requested the evaluation and the district refuses to conduct one, the parents then have the right to request a due process hearing to disagree with the school's position.



# Other Health Impairment

**“ Other Health Impairment (OHI) means** having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that:

(i) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia; and

(ii) Adversely affects a child’s educational performance.” 300.7 (c)(9)



# Other Health Impairment

The list of health problems included in the definition of ADHD is not inclusive.

## Consider OHI when:

- ADHD is a chronic or acute health condition
- A child has limited alertness( to school work because of the ADHD)
- ADHD adversely affects educational performance



# Other Health Impairment

If a child's ADHD results in a chronic or acute impairment that limits alertness and thus negatively affects educational performance, then the child may potentially be considered disabled under Part B of IDEA.

For parents, it may seem as though the last problem their child will ever have is with alertness, especially for those children who are also hyperactive. If a child is distracted by stimuli, including sounds or sights, then that child may not be alert to the learning task the teacher is presenting.

A child with ADHD may be considered disabled under Part B solely on the basis of ADHD in OHI category where special education and related services are needed because of the disorder.

# Emotional Disturbance

“ Emotional Disturbance is defined as the following:

(i) The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child’s educational performance:

(A) An inability to learn that cannot be explained by intellectual, sensory, or health factors.

(B) An inability to build or maintain satisfactorily interpersonal relationships with peers and teachers.



# Emotional Disturbance

(C) Inappropriate types of behavior or feelings under normal circumstances.

(D) A general pervasive mood of unhappiness or depression.

(E) A tendency to develop physical symptoms or fears associated with personal or school problems.

(ii) The term includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance."

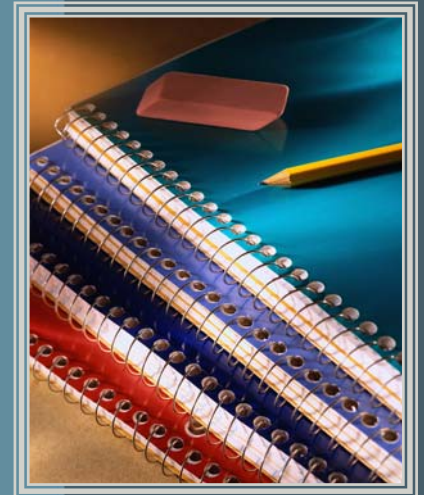


# Emotional Disturbance

Some children with ADHD will develop maladaptive behaviors.

Some will need an emotionally supportive environment with firm expectations for behavior, and may be called "emotionally disturbed" based on those behaviors.

Parents will want to be sure that their child with ADHD who is determined to be eligible based on ED criteria will receive concrete instruction in behavior change strategies with positive reinforcement for meeting behavioral goals.



# Specific Learning Disability

**Specific Learning Disability (SLD) is defined as follows:**

- (i) **General.** The term means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.



# Specific Learning Disability

(ii) **Disorders not included.** The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

A high number of children with ADHD also have co-occurring learning disabilities.



# Specific Learning Disability

They may need specialized, supportive instruction to address their learning deficits, as well as strategies to learn to manage the behavior and inattention common to ADHD.

Since self-esteem is often affected in children with ADHD because of their difficulties with attention and task completion, intensive remediation of learning disabilities is critical to helping young children see themselves as capable learners.



# Section 504

## Section 504

A child diagnosed with ADHD but found not to be eligible for special education and related services under Part B of IDEA, may be eligible for the protections of Section 504 of the Rehabilitation Act of 1973.

This federal Civil Rights Act covers a broader number of children than IDEA.

Under Section 504, a school district must provide a free appropriate public education (FAPE) to any child who has a disability within the meaning of Section 504.



# Section 504

Under Section 504, a “qualified disabled person” means one who:

1. Has a physical or mental impairment which substantially limits one or more major life activities (caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working);
2. Has a record of such impairment; or
3. Is regarded as having such an impairment.

A child with ADHD would be entitled to accommodations under condition #1 if he or she had ADHD and it substantially interfered with learning.

# Section 504

A Section 504 Coordinator, rather than the special education coordinator, will develop the accommodations needed by children with disabilities who do not qualify for special education and related services under IDEA, but who are disabled under Section 504.

To guarantee that students are treated fairly, schools may develop a Section 504 accommodations plan that outlines any services or other accommodations that a child requires in regular or special education,

A school district must implement any agreed-upon accommodations.



# Section 504

Following are a number of examples of issues and possible accommodations under Section 504:

- An elementary student is not permitted to go on a school field trip because of disruptive behaviors that have been identified as part of his ADHD. A reasonable accommodation might be to hire a behavior specialist or management person to accompany the child on the trip.
- A high school student with ADHD receives a failing grade for school work that is not finished within the allotted class time. If the child cannot finish the work due to ADHD, a reasonable accommodation would be to either shorten the assignment or provide extra time without penalty for completing work.

# Section 504

- A youth was removed from the soccer team for failing to meet the grade requirements for participation. If meeting those requirements is not a reasonable expectation for the youth because of the ADHD, a reasonable accommodation might include waiving or amending the grade requirement for participation, or providing sufficient accommodations in classes so that he or she had the same opportunity as other children to meet the standard.
- A child is unable to copy work that is written onto the blackboard because of an inability to maintain focus on the task required. An accommodation would be to provide print copies of all work on the board.

These kinds of accommodations or modifications ensure that youth with ADHD have the same opportunities as their peers to succeed in school.

# Contact Information

If you have any questions regarding  
special education and ADHD,  
please contact us:

(409)-898-4684

TX Parents Only 1-800-866-4726

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Website: [www.PartnersTx.org](http://www.PartnersTx.org)

The curriculum was developed by the Technical Assistance Alliance for Parent Centers and the Families and Advocates Partnership for Education.

# ADHD

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