



Special education series

Know your Rights:

Signs an adolescent may have an educational disability

It is not uncommon for a student to have an educational disability that goes unnoticed until middle or high school. Learning and emotional disabilities may become much more noticeable with the increased academic pressures and social complexities that are part of secondary education. These students may have disciplinary problems, and difficulty with maintaining positive relationships. They may get discouraged enough in school to give up, resulting in truancy and academic failure.

Youth who end up involved in the juvenile justice system have a disproportionately high incidence of educational disabilities, often undiagnosed. The lack of appropriate educational services increases the likelihood these students will have significant problems in school.

Some signs of a hidden educational disability

- Behavior and disciplinary problems
- Social immaturity, trouble resisting peer pressure, involvement in bullying as perpetrator or victim
- Gap between ability and achievement
- Disorganization, short attention span, trouble concentrating
- School or homework avoidance
- Poor performance in school
- Substance abuse, which may be attempted self medication



Educational evaluations for a suspected disability

If someone suspects that a student may have an educational disability, the first step towards getting help is to refer him or her to the school for an educational evaluation. The student's parent, doctor, teacher, social worker, or anyone else can make the referral to the school district for an evaluation. If the school suspects that the student has a disability, the school must conduct an evaluation. The purpose of the evaluation is to determine if the student has an educational disability, and to determine the educational needs of the student. The school district is responsible for the costs of the evaluation.

Once the school receives a referral, it must immediately notify the parent. Within 15 days of the referral, the team must meet to consider whether an evaluation is necessary, and give the parent written notice of its decisions. The team must decide whether the concerns raised by the referral can be addressed using existing educational services available to all children, whether additional information is required, and what testing, if any, is needed to address any unresolved concerns.

For more information about educational evaluations, see <http://drcnh.org/SEevaluation.pdf>



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This brochure is not meant to be legal advice.

Intellectual disability

means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance.

Other health impairment

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 adversely affects educational performance. This is often the case with attention deficit disorder.

Some definitions of educational disabilities under the Individuals with Disabilities Education Act

Emotional disturbance 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:

1. An inability to learn that cannot be explained by intellectual, sensory, or health factors.
2. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
3. Inappropriate types of behavior or feelings under normal circumstances.
4. A general pervasive mood of unhappiness or depression.
5. A tendency to develop physical symptoms or fears associated with personal or school problems.

Children who are socially maladjusted may be eligible for special education if they also have an emotional disturbance.

Specific learning disability 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 the 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.

Disorders not included: Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

