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YOUTH DAY CAMP EVENT:

► *School Accommodations*

*Virtual Event via Zoom for
Students with Migraine and
their Parent / Caregivers*



*McAndrews, Mehalick, Connolly,
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SPECIAL EDUCATION AND ACCOMMODATION 101: A Practical Overview



Introductions: who we are



Poll Time!



Special Education Laws

- ▶ Section 504 of the Rehabilitation Act
 - ▶ aka “Section 504”
- ▶ Individuals with Disabilities Education Act
 - ▶ aka “IDEA”
- ▶ Americans with Disabilities Act
 - ▶ aka “ADA”



Planning: spoon theory



504 vs. ADA vs. IDEA

- ▶ **Section 504** is a federal non-discrimination statute that protects persons with disabilities. A 504 Accommodation Plan is created in K-12 settings to eliminate barriers and provide access so the student can fully participate at school. **The ADA** and section 504 are similar, but the ADA ensures access in college settings without a Plan. **Does not** alter the content/curriculum.
- ▶ **IDEA** is federal education statute that provides funding to ensure that students with disabilities receive a **free appropriate public education (FAPE)**. It is **not** an antidiscrimination statute. An **Individualized Education Plan (IEP)** is created to provide accommodations, specially designed instruction (“bespoke”), and related services. **Does** alter the content/curriculum.



Poll Time!



What is Section 504?

- ▶ A federal civil rights law that prohibits discrimination against individuals with disabilities.
- ▶ Applies to all recipients of federal funds, including public schools.
- ▶ Procedural protections less robust - can be more delay, may require more advocacy.



Who is Protected?

504 defines an “individual with a disability” broadly.

Any person who

- (1) has a physical or mental impairment which substantially limits one or more of such person’s major life activities;
- (2) has a record of such an impairment; or
- (3) is regarded as having such an impairment.

Notes: Learning is a major life activity, and pain and the many other migraine disease symptoms are physical impairments.



504 - Age of Eligibility?

- ▶ 504 provides services to individuals with disabilities who qualify from birth to death.



504 Plan

- ▶ If a student with disabilities is eligible for protection under 504, they can receive an accommodation plan that will allow them to access their education as adequately as their nondisabled peers.
- ▶ **Accommodations:** Adaptations to the classroom environment need to be considered individually for each child.



What Else Can a 504 Plan Include?

- ▶ Special Education
- ▶ Related services
- ▶ Supports for school personnel
- ▶ Extended school year

There are fewer requirements for what must be included in a 504 Plan compared to an IEP.



What is IDEA?

- ▶ A federal **education law** that provides **funding** to State and local education agencies to guarantee that eligible children with disabilities receive a **Free Appropriate Public Education (FAPE)**, including appropriate special education and related services. Is not an antidiscrimination statute. School District has affirmative obligations and must comply with procedural protections.
- ▶ Main category for migraine/chronic migraine is Other Health Impairment (“OHI”), but TBI, speech/language, visual impairment also relevant.



Who is IDEA For?

FAPE for a Student

Educational services in the least restrictive environment including access to and support with school-sponsored extracurricular activities

AND

FAPE for Parent

Access to information so you can **meaningfully participate**



Individualized Education Program (IEP)

- ▶ If a student with disabilities is eligible under IDEA, they can receive an IEP: a written statement that is reasonably calculated to afford meaningful educational progress in all domains (academic, social, emotional, behavioral, physical).



IEPs

- ▶ Independence and self-sufficiency
- ▶ Specially Designed Instruction
- ▶ Accommodations and supports
- ▶ Transition services
- ▶ ESY (summer)



IEP Related Services

- ▶ Occupational Therapy
- ▶ Speech/Language Therapy
- ▶ Physical Therapy
- ▶ Transportation
- ▶ Orientation and mobility services
- ▶ Parent counseling and training
- ▶ Interpreting services
- ▶ Diagnostic medical services
- ▶ Psychological services
- ▶ Recreation
- ▶ Rehabilitation counseling services
- ▶ Social work services
- ▶ Physical therapy
- ▶ Audiology
- ▶ Counseling services
- ▶ School health and school nurse services
- ▶ Early identification and assessment



Equal Access vs. Educational Benefit

- ▶ Purpose of a 504 Plan/ADA is to provide students with disabilities equal access to education as students who are not disabled. **It levels the playing field.**
- ▶ Purpose of IEP is to allow students with disabilities to make meaningful educational progress and prepare them for further education, employment and independent living. **It requires SD to provide specially designed instruction.**



Poll Time!



Leveling the Field

- ▶ Accommodations (whether via 504/ADA or SDI/IEP) are NOT an unfair advantage
- ▶ But your headaches are a DISADVANTAGE
- ▶ Your accommodations are a step towards fairness and level the playing field, like a ramp. And if that's not enough, SDI via an IEP.



Poll Time!



Invisible/Hidden Disabilities: skepticism -- but clear coverage

- ▶ Self-advocacy more important. Resources include:
 - ▶ US ED OCR 1/1/95 letter: “The Civil Rights of Students with Hidden Disabilities under Section 504”
 - ▶ Andrew Solomon article “What Happens When You’re Disabled but Nobody Can Tell” in NYT 7/10/20 - <https://www.nytimes.com/2020/07/10/style/invisible-disabilities.html>
 - ▶ Invisible Disabilities Association (IDA)
 - ▶ Disabled World site § on Invisible Disabilities
 - ▶ Katie M. Golden, “Images of an Invisible Illness” on migraine.com
 - ▶ <https://butyoudontlooksick.com/about/>



Invisible/Hidden Disabilities: skepticism -- but clear coverage

- ▶ 2008 - ADA Amendments Act (ADAAA)
- ▶ Broadened meaning of "disability" by expanding definition of "major life activities" and "major bodily functions." If a condition substantially limits such activity/function, individual may be entitled to protection. See 42 U.S.C. § 12101(2).
- ▶ The amendments make it easier for people with with invisible disabilities to qualify for protection. In the past, they may have been refused accommodations if their disabilities were not immediately apparent or their condition did not meet the more narrow definition of disability.



Evaluations: How does this process start?

- ▶ In migraine, usually via neurologist prompting testing either privately or in school.
- ▶ If done via school, Permission to Evaluate
- ▶ 45 school or 90 calendar days
- ▶ Initial evaluation: reason to suspect disability and need for services
- ▶ Parent or District can initiate
- ▶ Final report = ESR



Independent Educational Evaluations (IEEs)

- ▶ Parents have the right to an IEE, often at public expense
- ▶ Reject District evaluation if inappropriate and request IEE
- ▶ District can agree or file for due process to defend its evaluation
- ▶ With migraine, psychoeducational, neuropsychological, and/or neurological reports are often **critical** to show need.



Potential Areas to Evaluate

- ▶ Psychoeducational or Neuropsychological
- ▶ Psychiatric
- ▶ Neurological
- ▶ Functional Behavioral Assessment (FBA)
- ▶ Occupational Therapy
- ▶ Speech/Language
- ▶ Physical Therapy
- ▶ Optometrist
- ▶ Auditory Processing



Least Restrictive Environment (LRE)

1. Each public agency must ensure that -

- a) To the maximum extent appropriate, children with disabilities, are educated with children who are nondisabled in the school the child would attend if not disabled, and as close as possible to the child's home.

- b) A continuum of placements must be maintained and be available to meet the needs of children with disabilities. The continuum must include: instruction in regular classes; special classes; special schools; residential schools; instruction in the home; and instruction in hospitals and institutions.



LRE Continued- “HOME”

- ▶ “Instruction in the Home” a special education placement
- ▶ “Homebound instruction” (a medical reason to provide instruction at home through the school code) Not an IDEA/FAPE placement
- ▶ “Home schooling” (a parental choice to provide instruction by family members and outside providers rather than by/at the public schools). Program requires review and approval
- ▶ “Dual Enrollment” - finishing high school at a college with more flexible schedule, for credit in both - at least in PA, have right to be in high school up to age 21



College search/ transition

- ▶ SAT/ACT accommodations. Gap year may be good idea.
- ▶ Students should take the lead in college search. Self-advocacy.
- ▶ Find a location near a nationally certified comprehensive headache center (see list at Migraine Research Fndn site) - contact doctor in advance & get on waiting list & ensure insurance coverage, or continue telehealth & visits w your pediatric neurologist if possible. But not always possible - depends on treatment & policies of your headache specialist.
- ▶ Location where you feel more comfortable - weather, barometric pressure swings (figuring out your triggers), near/far.
- ▶ When visiting, check out dorms, go to Office of Disability Services, ask what % of students have accommodation, any with migraine - if so, see if you can talk w those students.



College academic adjustments

- ▶ Students with disabilities who meet the academic and technical standards for admission to, or participation in, a postsecondary education program may receive academic modifications and auxiliary aids and services to ensure their equal opportunity to participate in the program.
- ▶ These are called “academic adjustments,” not “academic accommodations.”



Determining appropriate academic adjustments

- ▶ The appropriate college/university academic adjustments must be determined based on disability and individual needs. Academic adjustments may include auxiliary aids and services, as well as modifications to academic requirements as necessary to ensure equal educational opportunity.
- ▶ In providing an academic adjustment, the school is not required to lower or substantially modify essential requirements. In addition, schools do not have to make adjustments that would fundamentally alter the nature of a service, program, or activity, or that would result in an undue financial or administrative burden. Finally, schools do not have to provide personal attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature, such as tutoring and typing.



What to do when discrimination occurs

- ▶ Practically every postsecondary school must have a person—frequently called the Section 504 Coordinator, ADA Coordinator, or Disability Services Coordinator—who coordinates the school’s compliance with Section 504, the ADA, or both laws.
- ▶ The school must have grievance procedures which must include steps to ensure that students may raise your concerns fully and fairly, and must provide for the prompt and equitable resolution of complaints. School publications, such as student handbooks and catalogs, usually describe the steps that you must take to start the grievance process.
- ▶ If you are dissatisfied with the outcome of the school’s grievance procedures or wish to pursue an alternative to using those procedures, you may file a complaint against the school with the US Dept of Education's Office for Civil Rights or in a court. You may learn more about the OCR complaint process from the brochure *How to File a Discrimination Complaint with the Office for Civil Rights* at <http://www.ed.gov/ocr/docs/howto.html>.



What is your favorite
academic
accommodation?



Examples of Accommodations for Students with Migraines

- ▶ Permission to record classes
- ▶ Access to outlines/PowerPoints/handouts in advance or for missed class
- ▶ Access to recordings of class or notes from a notetaker
- ▶ No penalty for missing classes due to headache/flexibility re attendance
- ▶ Preferential seating to minimize distractions and visual/auditory migraine triggers
- ▶ All text available in digital/e-text or audio formats
- ▶ Access to voice-to-text software
- ▶ Reduced course load
- ▶ Preferential course scheduling
- ▶ Single dorm rooms/suites + AC
- ▶ Permission to have water available and snacks for breaks during class
- ▶ Ability to have laptop in class for notetaking
- ▶ Eligibility for subscriptions for Audio textbooks



Testing Accommodations for Students with Migraines

Testing accommodations:

- 50% extended time on all assessments and timed work.
- Flexible scheduling/rescheduling of tests in the case of an acute migraine attack
- Not more than one high-stakes test (midterm or final) per day with a maximum time not to exceed 3 hours per day
- Unlimited breaks (breaks do not count towards time)
- Testing in a small, quiet, distraction-free environment
- Mark answers directly in the test booklet if the test is not on the computer
- Decreased material on the page
- Ability to use an audio format for all reading passages on tests
- Access to a calculator for all math and science requiring calculations
- Access to a keyboard or use of your own laptop computer for all writing



Poll Time!



Virtual Learning Tips

- ▶ 20-20-20 Rule
- ▶ Screens at eye-level
- ▶ Move regularly
- ▶ Screen covers OR blue-light filtering glasses
- ▶ F.lux or Night Shift
- ▶ Work in a comfortably lit area, not in the dark
- ▶ Clean your computer display
- ▶ Intentional screen breaks
- ▶ Permission to take yourself off-screen
- ▶ Good headphones
- ▶ Text-listening apps ([audible.com](https://www.audible.com), [learningally.com](https://www.learningally.com), text-to-speech)
- ▶ Livescribe pens
- ▶ Greater use of all other accommodations



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Further
discussion/
questions



Additional resources:

- ▶ Coalition for Headache and Migraine Patients (CHAMP), a project of Miles for Migraine: <https://headachemigraine.org>
- ▶ Alliance for Headache Disorders Advocacy (AHDA) advocates for equitable policies for people with headache disorders and puts on “Headache on the Hill,” an annual Congressional advocacy event: <https://allianceforheadacheadvocacy.org/>
- ▶ Invisible Disabilities Association: <https://invisibledisabilities.org/>
- ▶ Center for Disability Rights NY site § on Invisible Disabilities
- ▶ “Spoon Theory” by Christine Miserandino: <https://butyoudontlooksick.com/articles/written-by-christine/the-spoon-theory/>
- ▶ Migraine Research Foundation list of Comprehensive Headache Centers
- ▶ <https://www.securevideo.com/blog/2016/03/18/global-barometric-variation-annual-maps-and-monthly-raw-data> -- barometric pressure variation map for migraine
- ▶ Counsel of Parent Attorneys and Advocates: www.copaa.org
- ▶ Wrightslaw (Pete and Pam Wright): www.wrightslaw.com
- ▶ Out of My Head film (available on Amazon): <https://www.outofmyheadfilm.com/>
- ▶ Unfixed film: <https://www.unfixedfilm.com/>



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