

# WHAT ARE MY CHILD'S RIGHTS?

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# **IDEA 2004 & FEDERAL REGULATIONS 300.8 (c ) (9)**

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**“We believe that Tourette Syndrome is commonly misunderstood to be a behavioral or emotional condition, rather than a neurological condition. Therefore including TS in the definition of OHI (Other Health Impaired) may help correct the misconception of TS as a behavioral or conduct disorder and prevent the misdiagnosis of their needs.”**

# What are my options?

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## **Americans With Disabilities Act (ADA)**

- Levels the playing field for students with disabilities by providing educational accommodations through a 504 Accommodation Plan

## **Individuals With Disabilities Education Act (IDEA)**

- Provides an Individualized Education Plan (IEP) - Accommodations plus direct services of a special education teacher or other service providers (OT, Speech, Counseling, etc.)
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# Possible Accommodations Under a 504 Plan

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- Extended time on tests/assignments
- Testing in a separate location
- Extra set of textbooks at home
- Preferential seating
- Access to a computer for long written assignments
- In service on TS for all staff working with the child
- Extra locker to assist with organization
- Use of a scribe
- Books on tape

**(See Catalog of Accommodations - TSA, Inc.)**

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# How Does My Child Qualify?

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- **Not all children with TS will be eligible for special education and an IEP.** Some will merely require modifications or accommodations through a 504 Plan
  - Some will require a higher level of services through an **IEP**
  - Some schools will refuse an IEP at first request. It's best to accept the 504 Plan to at least get accommodations. If that doesn't work, you have the rationale to then insist on an IEP
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# A Word to the Wise

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**Do not accept a refusal for classification based on the following reasons:**

- Your child does not qualify as Learning Disabled. **This doesn't apply because you are not seeking a classification of LD, but OHI.** □
  - Your child does not qualify for services because he is receiving good grades or not failing. **Federal law states that special education cannot be denied because a student is receiving passing grades and/or progressing from grade to grade.** Additionally the Law states that a student's developmental and functional progress must be taken into consideration in addition to academic performance.
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# How do I know that my child might need services?

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- **A decline in grades**
- **Increased frustration**
- **Decrease in the child's self esteem**
- **Social difficulties**
- **A negative attitude about school**
- **School avoidance/phobia**
- **Behavioral issues at school**
- **Increase in TS symptoms due to stress or anxiety**
- **Difficulties at home that are a direct result of school issues**



# REMEMBER

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You are an **equal**  
**member** of the  
IEP team



# What are some reasons why students with TS need services?

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- **Interfering tics**
- **Interfering obsessions and compulsions**
- **Dysgraphia (Handwriting Difficulties)**
- **Attentional Deficits**
- **Short term memory deficits**
- **Social skills deficits**
- **Processing deficits**
- **Hyperactivity**
- **Behavioral issues**
- **Executive Dysfunction (Organizational Difficulties)**

**Impact on Educational Performance and Learning**

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# RULES TO FOLLOW

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- **Always put your request in writing to the director of special education for the district and/or the school principal**
  - **Always try to bring someone from your local TSA or an advocate with you to the first meeting and remember that you have the right to take the IEP/504 Plan home with you and have it reviewed before agreeing to it.**
  - **Obtain information available through TSA, Inc. Assume that most of your child's teachers know little about TS and the accompanying disorders. Do your homework and be prepared to educate school personnel about TS, related disorders and the approach that is most effective for your child.**
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# SAMPLE SCHOOL LETTER

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Dear \_\_\_\_\_,

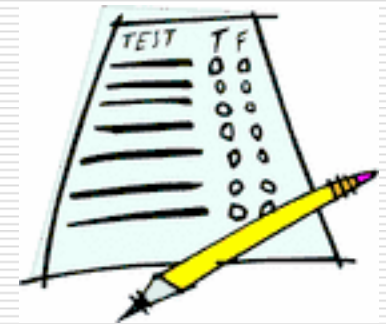
My child, \_\_\_\_\_, has recently been diagnosed with Tourette Syndrome by Dr.\_\_\_\_\_. Tourette Syndrome is a neurological spectrum disorder which is almost always accompanied by other neurological disorders. My child has thus also been diagnosed with (LIST RELATED DISORDERS). I have observed the impact that all of these disorders are having on his/her academic performance and social emotional well being. I have also learned from TS literature that a very large number of children with TS also exhibit learning disabilities especially in the area of non-verbal learning. These disabilities very often include sensory issues, processing difficulties and dysgraphia (difficulty with written language). I am therefore requesting that my child be observed and receive a complete psycho-educational evaluation by the school psychologist as the first step in seeking from the IEP Team a classification of Other Health Impaired. I am also requesting evaluations in the following area(s) that I suspect as being areas of deficit. (LIST SPECIFIC AREAS OF DIFFICULTIES) I am including a letter of diagnosis from the treating physician and materials from the Tourette Syndrome Association to be shared with my child's teachers and the school psychologist. In the interim, I will be more than happy to meet with school personnel working with my child to discuss what behaviors he/she may be exhibiting in the classroom as a result of this diagnosis and what educators can do to assist. Thank you for your prompt attention to this matter. I look forward to hearing from you soon and to working together with school personnel to provide an optimum learning environment for my child. Sincerely,

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# WHAT EVALUATIONS DO I ASK FOR?

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- Occupational Therapy Evaluation for Dysgraphia
- Sensory Evaluation
- Executive Function Evaluation
- Auditory Processing
- Assistive Technology
- Functional Behavioral Assessment



IDEA states: Sec. 614(b)(3)(B) The child is assessed in all areas related to the suspected disability

# WHAT IF I DON'T AGREE WITH THE COMMITTEE DECISION?

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***Due process*** protects the right of parents to have input into their child's educational program and to take steps to resolve disagreements. When parents and school districts disagree with one another, they may ask for an impartial hearing to resolve issues. Mediation must also be available.



# 1

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*Mediation* is a meeting between parents and the school district with an impartial person, called a mediator, who helps both sides come to an agreement that each finds acceptable.



## 2

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*An impartial due process hearing* is a meeting between parents and the school district. Each side presents its position, and a hearing officer decides what the appropriate educational program is, based on requirements in law. School districts must give parents a written copy of special education procedural safeguards. This document outlines the steps for due process hearings and mediation. Parents must be given a copy when their child is first referred for an evaluation and each time they are notified of an IEP meeting for their child.

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# What if I don't get everything I ask for?

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**Don't expect to get everything at one meeting - Moving forward is an accomplishment. There will be more meetings to make more gains. □**



# A Cooperative Effort

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- **Be willing to negotiate**
- **Be assertive but not aggressive**
- **Present yourself professionally**
- **Keep good organized files**
- **Keep a positive attitude**
- **Bring someone with you**

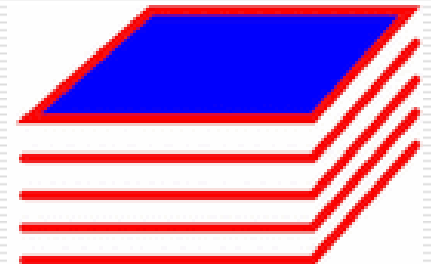


# Resources

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**TSA has many wonderful brochures and videos including the following:**

- **The Advocacy Manual**
- **Getting Help at School - Where Do I Begin?**
- **The ABC's of Special Education**
- **504 Plan vs IEP**
- **TS is more than Tics**



**Go to [www.tsa-usa.org](http://www.tsa-usa.org). Click on the Education Section.**

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