

Services in your child's school

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Overview

When you are seeking mental health services for your child, it is important to investigate every resource. As discussed in Chapter 3, these resources include your own private insurance and insurance plans offered by the government. The government offers another kind of resource as well: direct services, which are provided directly to you by the state through the public school system or state agencies. Generally, direct services are low-cost or free of charge and are available regardless of your insurance coverage if you and/or your child meet the program's eligibility requirements.

Schools and preschools in Massachusetts are currently overseen by the Department of Elementary and Secondary Education (ESE) and the Department of Early Education and Care (EEC) (together, these departments were formerly known as the Department of Education). These schools play a central role in the provision of direct mental health services to families with children. This is because most children spend much of their time in school, where teachers and administrators are able to observe any learning or social problems that might be developing. As mentioned in Chapter 2, the school is equipped to provide feedback and information about your child's development. The school will have a nurse on staff, and most schools also have a school counselor, social worker, and/or psychologist. Generally, these health care professionals are trained to provide limited mental health services to the students.

However, it is important to note that every school is different in terms of how it provides mental health services and the kinds of in-school services that may be available. Some schools have some or no services in house, some have services that are delivered by outside programs, and some have school-based health centers. You will need to figure out what your child's school offers: what services are available, who is delivering these services, and the steps you must take to access these services.

The school is also required to provide special services for children with disabilities who would otherwise be unable to make progress in their education. These services include special education services and services that are provided under Section 504 of the Rehabilitation Act (often referred to as "Section 504 services").

Although people sometimes assume that special education and Section 504 services are only for students who have physical, learning, and/or developmental disabilities, these services are also available to students with serious emotional problems and/or mental health issues—conditions that can interfere with the learning process. However, it is important to keep in mind that a child with emotional problems is not necessarily considered disabled. In order to receive services designed for children with disabilities, he or she must meet the eligibility requirements spelled out by the laws.

Advocacy Tip

Schools must provide on-site educational services to any child who is hospitalized or must stay at home for a period of 14 school days or more. To receive these services, download the form (www.doe.mass.edu/sped/28MR/28r3.pdf), have your child's physician sign it, and then give it to the school principal.

Advocacy Tip

If your child is very young (birth to age three), you might be interested in the Early Intervention programs provided by the Department of Public Health (see Chapter 6).

This chapter will give you an overview of the mental health services that may be available at your child's school. You will also find information about eligibility rules that will help you decide whether your child's mental health concerns are serious enough to qualify him or her for these services.

Most children in Massachusetts attend public schools (including charter schools), and the information in this chapter is primarily about public schools. If your child attends a private school, some of the rules discussed below may be slightly different at your child's school.

Services and eligibility

1. Basic mental health care

As mentioned above, your child's school will have a designated mental health care professional on staff and/or on call. In a few cases, schools have a full-time or part-time counselor, social worker, or psychologist in residence. These professionals are responsible for psychological testing in the schools. On occasion, they may also provide some limited short-term mental health care, such as one-on-one counseling or group counseling, for students in the school. They can also assist in emergency situations. If you believe your child could benefit from meeting with the school's mental health care professional, consider contacting the school to discuss the services that are available.

Basic mental health services in schools are available to students regardless of eligibility for special education or Section 504 services. Your child can get these

services without following a specific process or plan. However, as mentioned earlier, it is important to keep in mind that the mental health services available in schools can vary a great deal from school district to school district. Try to learn as much as you can about what your child's school offers and whether these services will meet your child's needs.

2. Special Education

Overview

Your child's public school system is governed by state and federal laws that require it to provide a "free appropriate public education" (FAPE) to students with disabilities. Special education services are designed to make this possible. The school is responsible for either providing or funding the special education services that its students need.

Eligibility

In order to be eligible for special education services, your child must be between the ages of three and 22 and must not have graduated from high school yet. He or she must also have a disability that affects his or her ability to make progress in school and/or form good social relationships.

Eligibility is determined through a four-part test:

- Does your child have a disability?
- Is your child making effective progress in the general education program?

Advocacy Tip

Even if your child is enrolled in a private school, he or she (if disabled) is eligible to receive special education services from the public school system.

- If not, is this a consequence of his or her disability?
- Does your child require specialized instruction or a related service in order to benefit from the curriculum that is taught in the school?

According to the definition of “disability” in the laws governing your child’s school, a child with an “an emotional impairment” may be disabled by an emotional and/or mental health problem if the condition is serious enough to meet these standards:

- The condition has been or will be present for a long period of time
- The condition is having or will have a serious negative effect on your child’s performance in school

Additionally, at least one of the following must also be true:

- Your child is having trouble learning, and there is no other explanation for this difficulty
- Your child is unable to build or maintain good relationships with his or her classmates and teachers
- Your child’s behavior and/or emotional response is often inappropriate
- Your child is generally depressed or unhappy
- Your child has a tendency to develop physical symptoms and fears that are associated with school problems and/or with other people

Requesting an evaluation

If you have genuine concerns about your child’s development or possible disability, you may request that the school system evaluate your child to determine whether he or she is eligible for special education services. Your child’s teacher or another professional (such as a pediatrician) may also make this request.

Regardless of who requests the evaluation, you will have to consent to it in writing before the evaluation can take place.

Once you request an evaluation, the school is required to perform it. The evaluation is carried out by mental health care professionals working with your child's school. It consists of a series of tests that will help these professionals learn about your child's abilities, behavior, and day-to-day functioning. Your child's education history, medical history, and history of social and emotional development will also be reviewed. Be sure that evaluators also pay attention to any information and reports that you give them concerning your child.

The evaluators must assess all areas relating to your child's suspected disabilities, and they will use a variety of approved testing tools. As a parent, you will have an opportunity to review and discuss the proposed tests as well as the team of evaluators who will conduct them.

This evaluation must take place within 30 school days of the day you gave your written consent. You may find that you need to encourage the school to pay attention to its deadlines.

The school is also required to conduct a re-evaluation every three years after the initial evaluation. This re-evaluation may take place sooner than three years if you or your child's teacher requests it or if the school district decides

Advocacy Tip

You may be able to get information about a school district's compliance with special education regulations through the ESE's Program Quality Assurance Services (PQA).

one is necessary. For example, a re-evaluation may be triggered by a noticeable change in your child's behavior or learning in the classroom, your child's absence from school for more than 60 days due to medical reasons, or the school's suggestion that your child's placement be changed.

The Individualized Education Plan (IEP)

Within 45 school days of the day you consented to the evaluation, the school must arrange a meeting with you, your child's teacher(s), and any other service providers who may be involved. Note that you can ask to receive a copy of your child's test results two days before this meeting, and the school should follow through with your request. Make sure that your request is in writing and is signed and dated.

Advocacy Tip

Experience shows that a school may resist paying for services as a child's needs intensify. Learning when to persist with the school—and when to back off—may help you get the services your child needs.

At the meeting, you will all discuss the results of the evaluation and reach a decision about whether your child is eligible for special education services. If—as a group—you determine that your child is eligible to receive special education services, you will all work together to create an Individualized Education Plan (IEP). This group of people then becomes your child's IEP team. If your child is 14 years old or older, he or she may also be a member of the IEP team. However, being present at the meetings can make a child feel anxious, so you should consider the pros and cons before inviting your child to join the team.

After discussing services and deciding which services your child needs, the IEP team will then discuss where your child will be placed to receive these services.

In general, your child's school is required to provide special education services in the "least restrictive environment" (LRE), which means that your child will spend as much time as possible learning in regular education classes with his or her classmates. If possible, the school will give your child the services he or she needs within the school setting. However, depending on the situation, the school may need to find a placement for your child in a private day setting or residential school setting.

The IEP for your child must be completed within 45 school days of the day you consented to the evaluation. In most cases, you will leave the meeting with an IEP in hand. If the actual plan is not completed at the meeting, the school should provide you with a written summary of the meeting's proceedings. You should then receive the IEP within three days of the meeting.

After the IEP is completed, you have up to 30 school days to consent to both the IEP and the placement that has been recommended for your child. If you want to consent to some parts of the plan but continue working on (or dispute) other parts of the plan, you can give a partial consent. The parts of the plan that you accept will be implemented immediately, and you can then work to resolve the problems with the rest of the plan.

Advocacy Tip

The goals and benchmarks described in your child's IEP should be very clear, concrete, and well-defined. You should be able to recognize when your child is making progress.

Special education services

Public school systems are required to provide—or fund—the services and assistance a child needs to be successful in a regular education setting.

These services may include:

- educational services, including residential services
- technologies to help disabled students
- counseling for students and/or their families
- transition services for students moving from one level of services to another level of services
- consultation services
- behavioral support
- home-based services
- after-school services
- summer services
- related services such as transportation, interpreting, parent counseling and training, physical and occupational therapy, social work services, etc.

Sometimes a child who has problems in school needs to be placed in a residential educational setting away from home. The school district is a major source of funding for children in residential settings, and a special education program may be the right solution for a child whose difficulties are caused by a serious emotional and/or mental disability. However, keep in mind that the school district is only required to provide mental health services to children who demonstrate a related educational need.

Advocacy Tip

Dealing with special education can be very stressful for parents, particularly when the school system drags its feet. Seek help from an advocate! You can start by exploring this Guide's Resource List.

Advocacy Tip

It's important to schedule next year's IEP meeting before leaving this year's meeting! Otherwise, you may have trouble finding a time when all team members can meet.

The IEP team will identify the specific services your child needs and will create a list of these services to include in the IEP. In addition, the IEP team will discuss the hopes and dreams you and your child have for the future and will outline goals for your child to meet. These goals are also included in the IEP. Your child's school will measure his or her progress toward these goals, and will provide you with written progress reports.

At least once a year, your child's IEP team will sit down together and review the IEP, making any changes that are necessary. As discussed earlier, the school will conduct a re-evaluation of your child every three years or sooner.

Discipline by the school

If your child is eligible for special education and/or if your child's school is aware that he or she has a disability, there are limits to the school's ability to suspend or exclude your child from school. If the school wants to exclude your child for more than 10 days, the school must raise this question with your child's IEP team. The team must then decide whether your child's behavior is a result of a disability. If it is, then your child cannot be excluded from school unless you agree to the arrangement (or unless the situation is one involving a weapon or drugs). If your child's behavior is not a result of a disability, the school can exclude him or her for more than 10 days.

Advocacy Tip

Do your best to communicate with your child's school often (and document the communication). You can play a vital role in keeping the school informed and aware of your child's needs.

In addition, if your child is receiving services and is excluded from school for more than 10 days, the school district must continue to provide the services. The services may be provided in an alternative setting, such as an alternative school program or an at-home tutoring program.

Resolving disagreements or disputes

When you are seeking special education services for your child, or when the school is providing these services, there are a number of problems that might come up. For example, you and your child's school may get into a dispute because you disagree about:

- the amount of time it takes for the school to respond to your request for an evaluation and/or complete other tasks
- the eligibility determination process or decision
- your child's IEP (part of it, or all of it)
- the way services are being delivered to your child
- any disciplinary actions being taken against your child
- any other matter relating to the education and/or placement of your child

Whenever you are able to solve a problem by sitting down with people from your child's school and/or school district and talking about it, this is probably the easiest and least complicated solution. However, you have other options for resolving disagreements with your child's school.

Advocacy Tip

You are almost always better off trying to work things out with your child's school informally before going forward with a formal procedure. Formal procedures are time-consuming and may be viewed negatively by the school.

Independent Educational Evaluation

If your child's school has completed an evaluation for special education services, and if you disagree with the school's results, you can request an Independent Educational Evaluation (IEE). You can ask the school to provide some or all of the funding. At this point, the school will request financial information from you and will use a sliding scale to determine how much of the IEE costs will be paid by the school and how much will be paid by you. If you choose not to provide financial information to the school, you may pay for an IEE from your own funds.

The Bureau of Special Education Appeals

If you get into a dispute with your child's school, the Bureau of Special Education Appeals (BSEA) has the authority to hear the arguments and resolve the dispute. The BSEA will first offer you a chance to participate in a mediation process with the school. This is a less formal procedure that is worth considering if you are interested in avoiding formal legal proceedings.

Advocacy Tip

Some school districts have developed procedures for resolving special education disputes at a local level. However, there are times when formal proceedings are unavoidable.

However, you can choose instead to take your dispute before the BSEA in a formal legal proceeding. Your child has the right to stay in his or her educational placement until the legal proceedings have come to an end.

Because BSEA hearings are formal and usually require witnesses and documentation, the hearings often last for several days. Questions about rules and procedures are usually raised. You

can choose to represent your child on your own at a BSEA hearing. However, families that have assistance from either a lawyer or an advocate generally fare much better in this process. See the Special Education timeline on the next page for more information.

3. Section 504

Overview

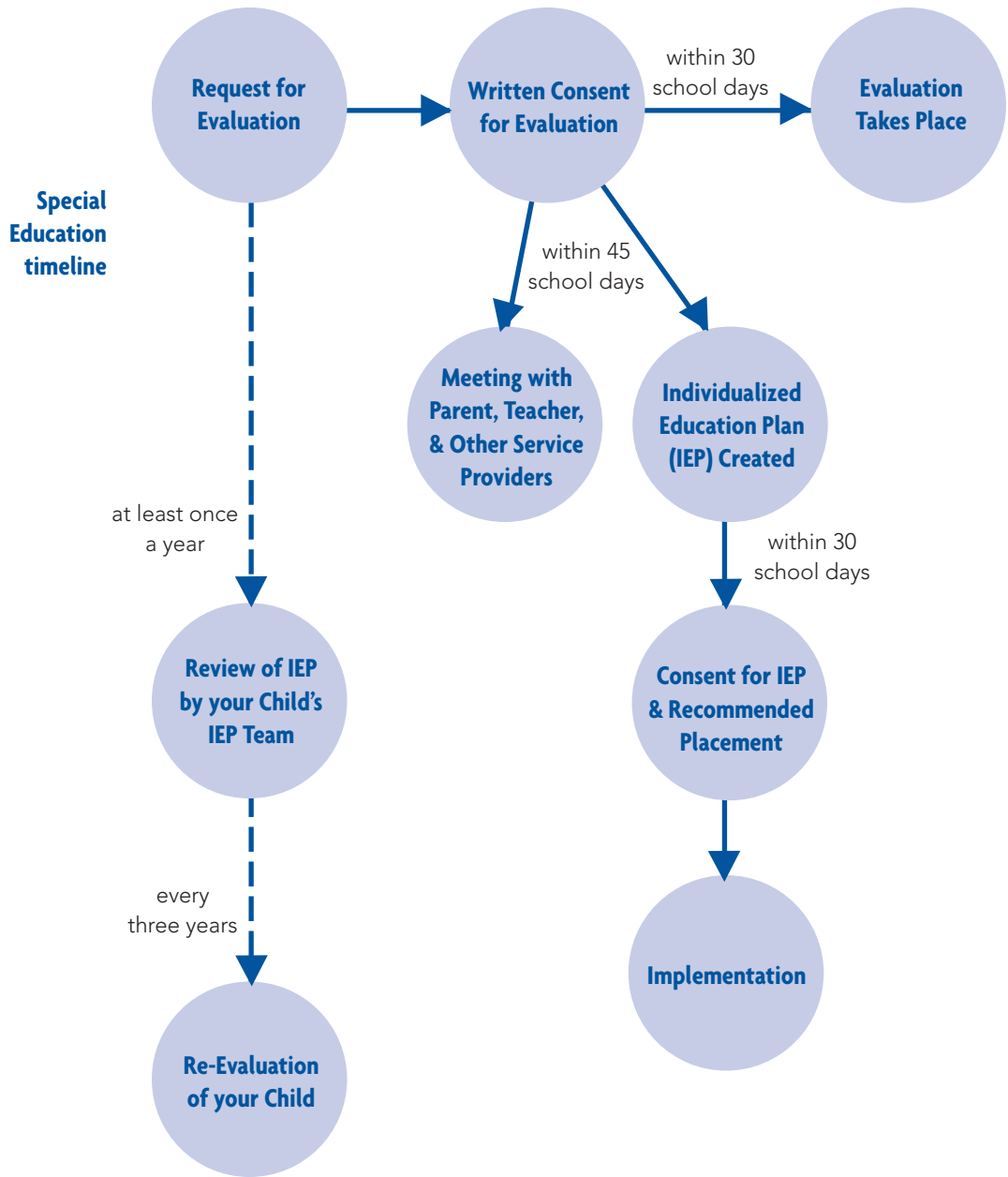
Some students with disabilities are able to succeed in school without special education, as long as the school provides them with the support services they need. Under a law known as Section 504 (part of the Rehabilitation Act of 1973), schools are required to make the adjustments that are necessary to help these students learn.

Eligibility

Under Section 504, some students—including students with mental and/or emotional disabilities—who may not be eligible for special education can still get special assistance. For example, if a child who is hard of hearing wants to tape record a class, her school may have to consider allowing her to tape record the class even if it has a policy against it. Similarly, a child who is challenged by emotional and/or mental health issues might need to take medication during school or might need to be given an opportunity to use other self-calming techniques during school. If the school does not try to accommodate a student in one of these situations, its actions may amount to

Advocacy Tip

For help understanding the complications of special education and Section 504, try the ESE's excellent parents' guide on these topics (available on the ESE website).



discrimination against a person with disabilities. Section 504 protects against this kind of discrimination in education.

Any child who is eligible for special education services will also be protected under Section 504, but it is important to know that Section 504 covers a broader range of students with disabilities than the special education laws cover.

In order for your child to receive services under Section 504 in school, the following statements must be true:

- Your child has (or has a history of) a physical or mental impairment
- The impairment interferes with your child's learning in a significant way
- The school can help with this learning problem by making reasonable accommodations (such as allowing a student to tape record classes, in the previous example)

Requesting an evaluation

If you request a Section 504 evaluation and/or someone in your child's school requests one, the school may conduct an evaluation to see if your child meets the qualifications stated above. The school is not required to conduct this evaluation, but it is required to give you its reasons if it turns down your request.

The school must obtain your consent before performing a Section 504 evaluation of your child.

Services provided under Section 504

As it does for students eligible for special education services, the school will put together a team of people—including you—that will decide whether your

child is eligible for Section 504 services. If he or she is eligible, the team will then create a written plan that details which services are necessary (and/or if a specialized education placement is necessary) to help your child succeed in school.

This written plan is called a Section 504 Plan. Unlike the Special Education IEP, this plan does not have to follow the specified IEP format. However, the team developing the plan can use an IEP format if the team determines that this is in the child's best interests.

The school is required to offer Section 504 students a full range of services, which means it will provide or fund the services that are necessary for a Section 504 student to receive his or her "free appropriate public education" (FAPE) in the "least restrictive environment" (LRE). The services your child receives will depend on his or her particular needs.

Unlike what is required for special education, the school does not have to re-evaluate your child every three years. However, the school does have to perform re-evaluations on a regular basis and must re-evaluate your child before making any significant changes to the services your child receives and/or to his or her placement.

Advocacy Tip

To find people who can provide advocacy assistance, contact the Federation for Children with Special Needs (FCSN) and ask about the Special Education Advocacy Network. (See the Resource List at the back of this Guide.)

Advocacy Tip

In general, the Special Education process in your child's school may offer more services than your child would receive under Section 504. If you have questions about the difference between Special Education services and Section 504 services, find a SPED expert (see our Resource List) who can assist you.

Resolving disagreements or disputes

Independent evaluations

Under Section 504, you do not have the right to seek funding from your child's school to help pay for an independent evaluation. You can still get an independent evaluation for your child if you are prepared to pay for it yourself or through private insurance.

The Bureau of Special Education

If you have a dispute with your child's school regarding the provision of a "free appropriate public education" under Section 504, the Bureau of Special Education has the authority to resolve this dispute.

4. School-Based Health Centers

Overview and eligibility

School-Based Health Centers (SBHCs) are located onsite at a limited number of elementary, middle, and high schools across the state. These Centers provide primary health care—including mental and behavioral health care—to school-aged children. SBHC staff are trained to recognize the warning signs of mental illness and are able to help parents find the appropriate services for their children. SBHC staff also work to educate school staff and administrators about child mental health warning signs and needs, as well as healthy emotional

Advocacy Tip

Whenever your child's school commits to providing help for your child, be sure to write a letter of confirmation to the school. This letter may be useful if disagreements arise.

development. Each SBHC is operated by a private health care provider, and SBHC staff encourage partnerships between schools, health care providers, and families.

Any school-aged child is eligible to enroll for mental health care at a local SBHC, regardless of his or her insurance coverage or the family's ability to pay for services. Generally, a parent or guardian must give written consent to the child's treatment.

Keep in mind that school systems vary widely in the kinds of mental health services they provide. An SBHC may be a convenient and accessible resource, but it may also be limited. For example, services may not be available during the summer and other school vacations.

Getting SBHC services

An SBHC is usually open for patients whenever the school is in session. In many cases, students with emotional and/or mental health concerns receive services on a walk-in basis. Depending on the particular SBHC, mental health services may also be available by appointment.

If your child is enrolled at an SBHC, you will receive specific information about where to go for mental health care when the SBHC isn't open. Any SBHC that closes during school vacations and/or the summer vacation must transfer student health records to its associated health care provider. The provider is then able to provide care to the students while the SBHC is closed.

Types of services

The services available at SBHCs include:

- Student screening and comprehensive evaluations
- Referrals for special services
- Treatment planning and crisis plans
- Emergency interventions
- Assistance for students returning to school after hospitalization
- Updates for parents about their child's treatment and progress
- Communication with a child's primary care clinician as needed

Paying for services

If your child is covered by private health insurance or MassHealth, the SBHC will collect the insurance information from your child and will try to recover some or all of the costs of mental health care. The SBHC will not turn students away or refuse to give services based on an inability to pay.

**Summary
and things to
remember**

The public school system can be a key factor in your child's growth and development. If your child is enrolled in a public school, its teachers, administrators, and mental health professionals are responsible for your child's health and well-being as well as his or her education. They can offer observations and information that will help you understand your child's behavior. As discussed in this chapter, they can also provide crucial services that may have a profound effect on your child's ability to learn and make progress in his or her education.

If your child is eligible for special education services or Section 504 services from the school, you will have an opportunity to work with a team of people who have your child's best interests at heart. This team approach can be very useful. You will have the chance to hear different points of view and learn more about your child's situation. You may even find that some members of the team will help you gain a better understanding of other mental health services and options that might be available to your child.

The next chapter discusses additional direct services that may be available to you and your child through state agencies such as the Department of Public Health and the Department of Mental Health. It is important to remember that you may have to work hard to get the mental health services your child needs—and it is always helpful to have someone else working by your side. Any time you meet someone (such as one of your child's teachers) who might help you advocate for your child, try to make the most of the assistance they are offering. The more people you have on your side, the better off your child may be.