

Special Education and Emotion Disturbance

If your children struggle in school due to their mental health issues, request the school to evaluate your child for special education services.

To qualify for special education, the child must be in one of the following 13 categories:

1. Autism
2. Blindness
3. Deafness
4. Emotional Disturbance (ED)
5. Hearing Impairment
6. Intellectual Disability
7. Multiple Disabilities
8. Orthopedic Impairment
9. Other Health Impaired
10. Specific Learning Disability
11. Speech or Language Impairment
12. Traumatic Brain Injury
13. Visual Impairment

Children with mental health issues will qualify for either section 504 or IEP (Individualized Education Plan) under the ED category (Emotional Disturbance). 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 [Section 300.8 (c) (4)(i)]:

- (A) An inability to learn that cannot be explained by intellectual, sensory, or health factors.
 - (B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
 - (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) Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance under paragraph (c)(4)(i) of this section.

Two general types of services are available for students with disabilities to access Free and Appropriate Public Education (FAPE):

1. Modifications and accommodations under Section 504 of the American Disabilities Act of 1973.

504 plans guarantee equal access to an education which is comparable to education given to those without any disability. The accommodations under 504 plan are limited but may be suitable for children who may only need few modifications. Modifications may include taking the test in a separate setting, extended time to complete assignments and tests, frequent breaks etc.

Here is a list of [504 accommodations](#) you can request from your school (www.wrightslaw.com). To learn about 504 plan, click [here](#).

2. Special education services under the Individuals with Disabilities Education Act (IDEA) to prepare an Individualized Educational Programs (IEP) for the student.

IEP sets learning goals and provides services which may include therapeutic support in the classroom, academic support, modifications to class curriculum, transition planning. IEP is especially useful for students whose mental illness causes behavioral issues, school avoidance or other conditions that impair their ability to attend school and/or their academic abilities. Learn more about special education [here](#).

[Difference between 504 plans and IEP](#) -This table lists the difference between 504 plans and IEP.

[Special Education Flow Chart](#) – See this flowchart from Understood.org for a visual overview of the IEP process.

Transition Planning:

In addition to dealing with behavioral and mental health issues, the teens and adolescents are also facing a transition into adulthood. Once they turn 18, parents will no longer have legal rights to help them coordinate health care, education, housing, employment and manage other adult responsibilities. Here are some resources to guide your teen during these transition years.

- Educate yourself about [DOR Student Services](#) offered by the Department of Rehabilitation for students with 504 or IEP.
- **Transition planning should be part of IEP.** Ask about [WorkAbility I \(WAI\)](#) or [Transition Partnership Program](#) offered through your school district as early as freshman year of high school.
- While it is not mandatory to inform the College about your disability, identifying yourself as having a disability, will enable you to continue to receive services through 504 plan. A 504 plan will transfer to college, but IEP does not. However, the student with IEP will qualify for 504 in College. Under section 504, your college is required to provide you with necessary academic adjustments so that you are not discriminated on the basis of your disability. Some of the academic adjustments may include auxiliary aids, academic adjustments and services such as priority registration, reducing course load, substituting one course for another, providing with note takers, recording devices, extended time for testing and other adaptive software or hardware. Learn more [here](#).
- Community colleges may have a summer program to help students with disabilities get familiar with the campus before the Fall of their Freshman year. Contact the college's Disability Service department to find out about resources available for students with disabilities.
- [TAY Resources in Santa Clara County](#): List of online mental health resources available for transition age youth.
- [Transition Year](#): This website gives information for parents and students who are planning for higher education after high school.

Resources for Special Education

- [Parents Helping Parents – Phone: \(408\) 727-5575 Toll Free: \(885\) 727-5575](#)
Sobrato Center For Nonprofits-San Jose, 1400 Parkmoor Avenue Suite 100, San Jose, CA 95126

- [Community Alliance for Special Education \(CASE\)](#) - Phone: (415) 431-2285
Provides legal support, representation, technical consultations and training to parents concerning special education services.
- [WrightsLaw](#) - This website is a good resource for accurate, reliable information on special education law and advocacy for children with disabilities.
- [Parent Center Hub](#) - This website provides webinars, parent guides, explanations of early intervention and special education.
- [Back to the School toolkit](#) to support the full inclusion of student with early psychosis in higher education.
- [Santa Clara County Office of Education SELPA](#)
This office coordinates with Santa Clara school districts and the County Office of Education to provide a continuum of programs and services for disabled individuals from birth through 22 years of age. The Parents and Community page includes information of interest to parents and caregivers. The SCCOE SELPA also has an Inclusion Support “Warm Line” - a free support, information and referral service regarding the inclusion of children with special needs and disabilities. For school district staff, there is a [SELPA Procedural Handbook](#). See Chapter 8, Appendix A for procedures specific to “related mental health services guidelines”.
- [Understanding Special Education](#) – This is a guide to parents and caretakers from the SCCOE SELPA Inclusion Support.
- [Warm Line Family Resource](#) website educates families on the special education process. It includes information on how to request for an initial assessment with a [sample letter](#), goal setting and other useful information to help parents. It also shows the IEP referral process with mandatory timelines for school officials to respond.