

ADVOCATING FOR YOUR CHILD

Medical diagnosis doesn't guarantee access to special educational services

Editor's Note: *With the impact of coronavirus on school operations, it's more important than ever for parents to advocate for the education of their children.*

Families who have children on the spectrum face even more challenges ensuring their children receive the services and educational support they are due. With that in mind, we offer this piece from attorney Adam M. Wasserman, of the Education Justice Law Group. The text is excerpted from Wasserman's writing found at www.educationjusticelaw.com.

By Adam M. Wasserman

Adam Wasserman is a Los Angeles attorney who grew up with ADHD and Dyslexia. His insights to families come from his life experience as a child with a disability. The Social Justice aspect of his practice helps families that do not have access to legal assistance. His practice is statewide. He exclusively practices special education law for children from the age of 3 to adults the age of 22.

- A discrepancy between performance and ability
- Limited progress, or deficiency in cognitive areas,
- Evidence of emotional or behavioral disturbances, and
- Problems with fine or gross motor skills.

For example, if a child is developmentally and chronologically 10 years old but continues to read at a first grade level, the adverse effect would be a limited progres-

simultaneously, which is often the best strategy for children on the autism spectrum.

The most important factor in both processes is the goal of maximizing each child's potential.

ing not just the criteria for a specific disability (such as autism), but also finding that a student is in need of special services.

Understanding the differences between a medical diagnosis and an educational determination of eligibility for special education services can help you become a better advocate for your child.

Medical diagnosis

A medical diagnosis is made by a doctor or other specially trained clinician by using symptom criteria set in the Diagnostic and Statistical Manual of Mental Disorders, a book published by the American Psychological Association. Many individuals with a medical diagnosis of autism spectrum disorder were diagnosed using the fourth edition of the DSM.

DSM-IV, as the fourth edition of the manual is called, established specific criteria for diagnosing individuals with three different autism spectrum disorders: autistic disorder, Asperger's disorder, and pervasive developmental

sion in reading.

With regards to ADHD (attention-deficit/hyperactivity disorder), IDEA allows school districts to add classifications at their discretion.

This means that if a disorder is severe, the IEP team can determine that a child needs special education services. Many districts use the "Other Health Impaired" category for these types of situations.

Impact on services

In addition to the possible disparity mentioned earlier, the primary difference between a medical diagnosis and an educational eligibility determination is the impact the condition has on student learning.

disorder not otherwise specified (PDD-NOS).

In May 2013, the American Psychological Association published DSM-5, which eliminated these three subcategories and grouped all three conditions under the name of autism spectrum disorder.

Diagnostic criteria were also modified, and, going forward, doctors and clinicians will use DSM-5 criteria when determining a diagnosis.

Under both DSM-IV and DSM-5, an individual must meet a specific number of symptoms, including repetitive behaviors and difficulties with social interactions, to be diagnosed.

DSM-IV requires qualitative impairments, while DSM-5 requires that symptoms limit and impair everyday functioning, but this is to be interpreted broadly.

Individualized Education Program eligibility

In contrast, eligibility for an individualized education program,

The educational team (along with the parents) must conclude that autism symptoms or other disorders interfere with learning and that the student needs special services in order to make academic progress.

Because of this additional requirement, it is possible (and not infrequent) that a student has a medical diagnosis of autism (or other disorders) but is ineligible for special education.

Students who are found ineligible for special education may qualify for other services, such as accommodations, under the Rehabilitation Act of 1973.

Options to consider

The fundamental distinction between a medical diagnosis and

or IEP, is decided by a team comprised of various school professionals and a student's parents who consider a disability's impact on a child's education.

The team must find that the student qualifies for services under the Individuals with Disabilities Education Act.

To be eligible, the IDEA requires that a student have at least one of 14 specified disabilities and be in need of special services.

Autism is one of the 14 categories, but the definition of autism varies from state to state.

Though special education eligibility is bound by IDEA, there are no definite rules for determining who is eligible for special education. This is a *very* important concept to understand — it means that under the law, the IEP team has the flexibility to determine if a child qualifies for services.

Criteria states that to qualify for special education services, a child must have one of the 14 disabilities as defined by IDEA *and* the impact of the disability must create a need for services.

Examples of adverse impacts include:

an educational determination is the impact the condition has on student learning.

Parents have a variety of options regarding treatment and have to decide whether to pursue treatment through the medical system, the education system, or both.

If your concerns about your child are mostly behavioral and are mainly occurring in the home, then you might want to pursue psychological treatment first.

If your child is having academic or behavioral difficulties at school, then you should pursue an evaluation through the school district to see what resources are available to your child.

However, educational and medical services can be pursued si-