

A Reminder of OCR Guidance Regarding Students With ADHD

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School Districts should keep in mind last year's guidance from the U.S. Department of Education Office of Civil Rights (OCR) that students with attention deficit/hyperactivity disorder (ADHD) are entitled to equal educational opportunity under Section 504 of the Rehabilitation Act of 1973.

The Department of Education issued this guidance after noticing, over a five-year period, that more than ten percent of complaints received by OCR alleged discrimination against students with ADHD. OCR also published "Students with ADHD and Section 504: A Resource Guide," intended to help school districts identify eligible students and provide appropriate services. The resource guide is available at:

<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201607-504-adhd.pdf>

OCR noted several common problems related to 1) the identification of students with ADHD and 2) the services provided to students with ADHD. Below is a summary of the problems identified by OCR:

■ Identification of students with ADHD

OCR noted that Districts often:

– *fail to identify students who need evaluation*

Districts should remember that when staff believes a student may have ADHD (or any disability) the District has a responsibility to conduct an evaluation. Districts should not rely solely on parental requests to initiate the evaluation process.

-fail to identify students in a timely manner

-conduct inadequate evaluations of students

■ Services provided to students with ADHD

OCR noted that Districts often:

-make inappropriate decisions regarding services provided, because they misunderstand ADHD and the requirements of Section 504

-fail to distribute documentation (such as 504 plans) to appropriate staff

-inappropriately consider financial and administrative burdens when selecting aids and services

Practical Advice

School Districts should periodically examine the special education services being provided to students, to ensure compliance with applicable laws and regulations. School Districts should consult with solicitors with regard to legal questions that may arise during this process. Doing so will help protect Districts from costly special education litigation.

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