

SLIPPING THROUGH THE CRACKS: CHILDREN WITH DISABILITIES AND MENTAL HEALTH NEEDS:

By: Danielle Augustin

As a nation we are filled with many questions in the face of the growing horrific tragedies like Newtown. Many of us need to find answers or blame someone or something. Do we need better gun-control laws? Probably. What about providing safer schools for our children? Of course. However, as a society, if we don't address the underlying issue that is found in each one of these tragedies, tougher gun laws and safer schools will not provide the answers we need.

At the core of each of these incidents is an undiagnosed mental illness, an under-treated mental illness, or some other form of disability. Who is responsible for treating children, adolescents and teenagers that are faced with disabilities, including autism or other mental illnesses? School districts are ultimately responsible for providing these services in many cases. We as parents do everything we can to help support our children and if needed, seek out and provide for them appropriate therapy, mental health treatment and anything else that can provide help and support. But what many people don't know is that the school district, where our children reside, is ultimately responsible for providing appropriate special education services to children that have even the "suspicion" of a disability. Put bluntly, school districts are mandated by state and federal law to seek out children that they suspect may have a disability that is impacting their education, and they are required to offer services to help them. This includes many disabilities such as autism, attention deficit disorder, and other mental health disabilities to name a few.

Why is treating children and adolescents by the school district so important? Because once the students who have received or should receive special education services graduate from high school and transition into adulthood, they need the appropriate skills to function in society. Unfortunately many students are either not identified as a student with a disability or they are provided services but they are not appropriate to meet their needs.

Federal law requires that school districts provide a transition plan to students with disabilities before graduating from high school. This is an extremely important step as the school district must provide this to children, especially those with mental health illnesses or social disabilities. Left unaddressed or undiagnosed, students graduate from high school, become adults, and are left with nearly no resources.

For our more seriously disabled children, school districts may actually be responsible to provide them appropriate services until they reach the age of 22. However, if a child graduates with a high school diploma, even if they have significant social and mental health disabilities, the school district is no longer responsible for them. To make matters worse, local state agencies responsible for picking up the services for these students as they transition into adulthood, are often not providing them because their disabilities are not "severe" enough.

As a special education attorney representing these students, I see far too often that they seem to slip by under the radar. For example, we have seen time and time again students with autistic-like behavior be labeled as socially awkward or antisocial. Instead, they should be assessed for special education supports and services. Along the same line, children with attention deficit disorder, bipolar disorder, anxiety or depression who act out in school and get in trouble

for discipline issues, are often labeled with having behavioral problems, not with having disabilities. Many times these children are actually expelled from school for their behavior when the conduct is actually directly connected to an underlying disability.

Of course, we want to keep children safe, and children that act in an unsafe manner absolutely have to be punished or be provided appropriate treatment. But, kicking them out of school or simply ignoring the problem is not the answer. It will only make matters worse. It must be addressed. What should be happening more often, is assessing these children for special education supports and services as soon as possible to determine if they have a disability that is impacting their education, academically or socially. The mere fact that a child has a disability does not automatically qualify them for special education services by their school district. However, if they do have the suspicion of a disability or an actual disability that is impacting their education, the school district is responsible for providing the appropriate services. But what about the child with high functioning autism who has the ability to do very well in school, maybe even passing all their classes, but they are not doing well socially? They may not have friends, and they may be getting into trouble because they say socially inappropriate things that can be oftentimes taken as a threat. Because these students are passing their classes, many of them are not provided services as they appear to receive an education by having good grades. What is being missed very often is the social side which can push these kids to their limits.

To compound these concerns, school districts and state agencies throughout the country have not been provided appropriate funding to address these issues.

Therefore, even if we take steps to make our schools safer and provide better gun-control laws, if we don't address the other incredibly important underlying issue of the mental health needs of our society, it won't be enough and this will continue happening to our children and our families.

What needs to be done? To start, we need to provide appropriate funding and better guidelines for school districts to seek and find these children with mental health needs and social disorders. Many school districts have put in place protocols that go beyond federal and state law and they're doing a great job. But there are many children that are missed each year.

Providing stricter guidelines and funding for better community support for transitioning these children out of high school and into adulthood is also a topic that needs to be reworked.

Services provided after graduation by other state agencies is lacking and must be addressed.

We must protect our children and our society. Although there is not one quick answer to prevent these tragedies in the future, steps must be taken to address the flaws in our system. The failure to provide appropriate treatment to the disabled, even from a young age, can have a devastating impact upon our children and our society as a whole. We must act now!

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