



# Individuals with Disabilities Education Act (IDEA) & Tourette Syndrome

# Federal Law

## Section 1400 (d)(1) Purpose of IDEA

“...to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living” and “to ensure that the rights of children with disabilities and parents of such children are protected....”

# IDEA

## Sec. 300.304(c)(4)

(4) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;

# Other Health Impairment (OHI)

- (9) Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that--
- (i) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and
  - (ii) **Adversely affects a child's educational performance.**

# Comments Section the Federal Regulations

, “...we do believe that Tourette syndrome is commonly misunderstood to be a behavioral or emotional condition, rather than a neurological condition. Therefore, including Tourette syndrome in the definition of other health impairment may help correct the misperception of Tourette syndrome as a behavioral or conduct disorder and prevent the misdiagnosis of their needs.

Changes: We have added Tourette syndrome as an example of an acute or chronic health problem in Sec. 300.8(c)(9)(i).”

# Professional Development & Preservice Preparation

- Sec. 601(c)(5)(E)

supporting high-quality, intensive preservice preparation and professional development for all personnel who work with children with disabilities in order to ensure that such personnel have the skills and knowledge necessary to improve the academic achievement and functional performance of children with disabilities, including the use of scientifically based instructional practices, to the maximum extent possible;

# Development of IEP

## **§ 300.324 Development, review, and revision of IEP.**

(a) Development of IEP—(1) General.  
In developing each child's IEP, the IEP Team must consider—

- (i) The strengths of the child;
- (ii) The concerns of the parents for enhancing the education of their child;
- (iii) The results of the initial or most recent evaluation of the child; and
- (iv) The academic, **developmental, and functional needs of the child.**

# Suspension Protection

## Manifestation Determination Meetings:

- ▶ (a) Case-by-case determination. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct.

Regulations: Part 300 / E / 300.530 / a



# Protections from Section 504 (Anti-discrimination law that includes IDEA)

- ▶ “OCR (Office of Civil Rights) works to protect students with disabilities from violations of their rights in the discipline process. Under Section 504 and Title II, students with disabilities may not be punished or disciplined for behaviors that is caused by or is a manifestation of their disabilities. To protect against this, schools must hold a hearing before suspending a student with a disability for more than 10 cumulative days during a school year.”

# Medication Sec. 612(a)(25)(A)

- ▶ (A) In general.--The State educational agency shall prohibit State and local educational agency personnel from requiring a child to obtain a prescription ...as a condition of attending school, receiving an evaluation under subsection (a) or (c) of section 614, or receiving services under this title.
- ▶ Does not prohibit school from sharing important student observations regarding student's academic and functional performance either on or off medications.

# Resources

<http://idea.ed.gov/explore/home>

- Complete Federal Regulations
- Complete statute (IDEA)
- You can:
  - Search Engine for Regulations or Statute
  - Common Topics
  - Connect with Your State Regulations
  - Excellent Q&A Articles
- <http://store.tsa-usa.org/education.html>
- IEP Essentials for Parents