



CALIFORNIA AREA INDIAN HEALTH SERVICE
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Native Youth Mental Health in School Settings: Family Advocacy, Care Team Communication, Section 504 & Special Education Support

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Tara Ford

Tara Ford, Senior Counsel at Public Counsel's Opportunity Under Law Project, has focused her career on working with children and their families to safeguard their rights to education, special education, health care, and mental health care. She has long worked to protect the rights of children and families when they are involved in the dependency system, with the goal of keeping families together. She has also partnered with Native American children, families, and tribes – litigating cases focused on education, ICWA, and voting rights.



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Theme for Today

- Children and families do best when professionals around them support students' rights to education – your expertise is critical!



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Overview of Presentation

- Learning Objectives
- Introductory Context Relevant to Protecting Student Rights
- IDEA
- 504
- Teaming with Students and their Families



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Learning Objectives

At the end of this presentation, participants will be able to:

- Identify at least four key special education rights related to students with mental health conditions in schools
- List two federal laws that protect students with disabilities
- List at least two practical approaches for helping families and students advocate for what students need in school



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Where Do Students Go To School?

- District Public Schools
 - Neighborhood School
 - Non-Neighborhood School
 - Transfer/Out of Boundary
- Public Charter Schools
- BIE Schools
- Tribally Controlled Schools
- State Supported Schools
- Residential Treatment Schools
- Private Schools



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Who Is In Charge of Public Schools?

- State Departments of Education
- Local School Districts
- Public Charter Schools
- BIE
- Tribally Controlled Schools
- BIE Operated Schools

*monitoring and accountability may be different based on who is in charge



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Process for Identifying Students with Disabilities

- Identification and Referral
- Evaluation
- Parent/Guardian Consent and Input
- Team Meeting
- Individualized Plan for Services and Placement
- Review and Re-evaluation
- Procedural Safeguards



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What is the IDEA? 20 U.S.C. §1400 *et. seq.*, 34 C.F.R. §300 *et. seq.*

- The IDEA is a federal statute that is meant to ensure all children with disabilities receive a free and appropriate public education (“FAPE”) in the least restrictive environment (“LRE”).
- Children ages 0-22 are covered
 - Part C covers children 0-2
 - Part B covers children 3-21



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Disabilities Protected by IDEA

Students with the following education disabilities are protected by IDEA *when they need special education and related services*:

- **Emotional Disturbance**
- **Other Health Impairment**
- **Specific Learning Disabilities**
- **Autism**
- Intellectual Disabilities
- Speech & Language Impairments
- Visual Impairments
- Hearing Impairments
- Orthopedic Impairment
- Traumatic Brain Injury
- Deaf-blindness
- Multiple disabilities



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Common Education Issues

- Reading
- Mental Health Needs
- Discipline Issues
- Restraint and Seclusion



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Important Terms to Remember

- Free Appropriate Public Education (FAPE)
- Child Find
- Individualized Education Program (IEP)
- Least Restrictive Environment (LRE)
- Prior Written Notice
- Stay Put



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Procedural Protections

- State Complaint
- Administrative Due Process Hearing
- BIE Division of Performance and Accountability
 - Request for Mediation
 - Complaint
 - Due Process Hearing
- Federal Court
- There may be other avenues in your state for education related complaints



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Section 504 29 U.S.C. §794 34 C.F.R. §104

- Applies to a child who has a physical or mental impairment that substantially limits a major life activity, and who has a record of such impairment or is regarded as having such an impairment.



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504 – Anti-Discrimination Law

- Prohibits discrimination based on disability
- Identification of students with disabilities
- Provision of FAPE
- LRE
- Reasonable Accommodations
- Comparable facilities
- Family notice and participation
- Procedural Safeguards



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Procedural Protections for 504

- Public School Complaints
United States Department of Education
Office of Civil Rights DOE
[Complaint Form - English \(PDF\) \(ed.gov\)](#)
- Tribally Controlled School Complaints
United States Department of Education
Office of Civil Rights
[Complaint Form - English \(PDF\) \(ed.gov\)](#)
- BIE Operated School Complaints
BIE
[Section 504 | Bureau of Indian Education \(bie.edu\)](#)
Part 30, Indian Affairs Manual Chapter 15
[30 IAM 15: Section 504 of the Rehabilitation Act of 1973 \(bia.gov\)](#)
- Federal Court



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Helping Teams Make Good Decisions

- Ask students and parents how the student is doing in school.
 - Are there academic subjects that are difficult or does the child have trouble meeting behavioral expectations?
- Make sure parents know that they can request their children's records.
- Empower parents as experts on what their children need and inform them that they have the right to participate in special education decisions.
- When a child is not succeeding in school, academically or behaviorally, make sure parents know that they can request an evaluation to determine whether the child has special education needs.
- Share your observations about what the child needs with parents.
- With parents' consent, share your observations about the child's strengths and needs with the school.



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Questions for the Audience

- In what ways have you seen special education services benefit students?
- What are some of the challenges you have seen students and families face?



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