



**Advocates for Justice and Education, Inc.**  
 The Parent Training and Information Center for the District of Columbia

# AJE UPDATE

Volume 12, Issue 4 • Spring Into Action! • Spring 2014

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## Mission

The mission of AJE is to educate parents, youth, and the community about the laws governing public education, specifically for children with special needs. We seek to empower youth and parents to be effective advocates and youth to self advocate to ensure that children receive an appropriate education. It is also our mission to make the public aware of the consequences of institutional negligence of children with or without disabilities to promote school accountability.

## About AJE

AJE is home to the Parent Training and Information Center, DC Parent Information Network, DC Health Information Center, and the DC Parent Center.

**V:** (202) 678-8060  
**F:** (202) 678-8062  
**TF:** (888) 327-8060  
**W:** [www.aje-dc.org](http://www.aje-dc.org)  
**E:** [information@aje-dc.org](mailto:information@aje-dc.org)

1012 Pennsylvania Avenue SE  
 Washington, DC 20003  
 Hours: 9am - 5pm (Mon - Fri)

3912 Georgia Avenue, NW  
 (Mary's Center)  
 Washington, DC 20011  
 Hours: Tues. & Thurs. 9am - 3pm

## Autism Spectrum Disorders and the DSM-V



**T**he Diagnostic and Statistical Manual of Mental Disorders, 5th. Edition, (DSM-V) published by the American Psychiatric Association, more commonly known as DSM-V was released in May of last year. This edition brought significant changes to the way children are diagnosed with Autism Spectrum Disorders.

The changes to the criteria was not intended to deny people services. Rather, it is meant to standardize diagnostic criteria for a set of conditions that were not being diagnosed in a standard fashion as other disorders are diagnosed. It was also meant to bring those criteria up to date and in alignment with what is known today about the conditions that make up the spectrum and to improve the diagnosis of very young children, something the DSM-IV criteria was unable to do effectively.

The most significant changes are the introduction of a new diagnosis, Social Communication Disorder; and the elimination of the autism subcategories. The previously separated conditions, Aspergers, Pervasive Developmental Disorder - Not Otherwise Specified (PDD-NOS), childhood disintegrative disorder, autism disorder, will all fall under the blanket diagnosis of Autism Spectrum Disorders (ASD).

An early concern of parents and advocate groups was that

the new criteria would significantly reduce the number of children receiving the ASD diagnosis and thereby reducing services for those who truly need it. The new criteria were field tested in comparison to the former criteria and were found to not have significantly changed the numbers of children that would be diagnosed with ASD. The variation, between 10% and 14% will now fall under the new diagnosis.

Under the DSM-V, Social Communication Disorder (SCD) is a non-autism disorder. This diagnosis is only for newly diagnosed children. The typical presentation for SCD would

be a young person who cannot communicate on the same level as their peers, but does not have restricted interests and/or repetitive behaviors as seen in other persons with ASD. Some young people who previously may have been diagnosed as having PDD-NOS will now have this diagnosis.

What happens to those who have a diagnosis of Asperger's Disorder or PDD-NOS? Anyone diagnosed under the DSM-IV will retain their diagnosis and treatments. No reevaluations are necessary solely because of the DSM-V changes. Persons with ASD are entitled to treatments and supports throughout the lifespan because the condition will last for the lifespan. Levels of needed support may change throughout the lifespan and should be addressed as needed.

How will these changes impact insurance coverage for treatments? Given the relative newness of the diagnosis, it is still unclear how insurances will handle coverage for SCD treatments. Families who have had experience trying to get insurance coverage for SCD treatments are encouraged to contact Autism Speaks to tell your story and to allow them to collect your data.

Information for this article was extracted from the DSM-V FAQs page on [AutismSpeaks.org](http://AutismSpeaks.org)

## Spotlight on Special Education Program: Extended School Year

As the end of the academic year approaches, it is important that parents are prepared for Individualized Education Program (IEP) meetings to discuss Extended School Year (ESY) eligibility for their children. Extended School Year differs from summer school in that summer school is an academic session held during the summer and is ideally for enrichment or remedial purposes. Whereas, ESY services are provided to students with disabilities who are determined to be eligible for such services by the IEP team. The intent of ESY services is to provide a free appropriate public education (FAPE) as required under the Individuals with Disabilities Education Improvement Act (IDEIA). ESY also serves as a preventative measure to assist with the potential decline in the student's educational progress, if they were to have an extensive break without receiving their IEP services.

All schools are required to consider ESY for students with IEPs. ESY services do not have to be provided in the exact manner as the IEP (i.e., amount of services hours, location, etc). Examples of ESY services may include specialized instruction, related services and transportation.

### What is Considered When Determining a Student's Eligibility for ESY?

The regression of the student's educational progress during a break from school is a primary reason why a student would be found eligible for ESY. The IEP team would have to determine the likelihood that the student could lose critical skills during the time when services are not delivered. If the IEP team agrees that the student is likely to regress then the team must also determine the recoupment ability of the student, which is the amount of time it will take the student to regain the prior level of educational skills. If the student's recoupment length is high, it could interfere with what new emerging skills they need to gain when the new school year begins.

Another factor the IEP team must consider is the nature and severity of the child's disability. Although every disability classification under IDEA should be considered for ESY, students with severe disabilities are more likely to be referred for ESY programs, since their regression may be more significant, and their recoupment abilities may extend over a longer period of time.

### The Takeaway: Extended School Year Services are...

- Based only on the individual student's specific critical skills that are critical to his/her overall educational progress as determined by the IEP team.
- Designed to maintain the student's mastery of critical skills and objectives represented on the IEP and achieved during the regular school year.
- Designed to maintain a reasonable readiness to begin the next school year.
- Based on multi-criteria and not solely on regression.
- Considered as a strategy for minimizing the regression of skill, thus shortening the time needed to gain back the same level of skill proficiency that existed at the end of the previous school year.

Parents may obtain the ESY policy for the District of Columbia from the Office of the State Superintendent of Education (OSSE) website at [www.osse.dc.gov](http://www.osse.dc.gov).

### References

- "Services Beyond the School Year for Students With IEPs" by Candace Cortiella, The Advocacy Institute.  
 "Standards for Extended School Year (ESY)" by Nissan B. Bar-Lev.

## Health Insurance Enrollment: Applying for Medicaid or CHIP

Beginning October 1, 2013 individuals and families must use DC Health Link, the web-based health benefits exchange program, to apply for health coverage including, Medicaid and DC's Children Health Insurance Program (CHIP). You can apply for Medicaid or CHIP through the DC Health Link in one of several ways; and you are not required to visit an office to complete the application. DC Health Link verifies application information using electronic data sources. Applicants are not required to submit paper documentation unless electronic verification data is not available or the information provided does not match the application.

When applying for health coverage through DC Health Link, make sure you meet income eligibility requirements to receive coverage through Medicaid or CHIP. As of 2014, an eligible family of four can earn a maximum of \$3,975 per month and a single adult can earn a maximum \$1,945 per month. If you earn more than these amounts for the size of your family, you may qualify for a federal tax credit instead. This can be done by completing and submitting a single application.

### Things you'll need:

- Employer and income information for everyone in your family
- Policy numbers for any current health insurance
- Information about any job-related health insurance available to your family

- Social Security Number (or document numbers for any eligible immigrants who need insurance)

### Instructions:

Determine your preferred application method. Applications for CHIP are accepted online, by phone, by mail, or in person. You can call 1-855-853-5465, Monday through Saturday 8:00 a.m. – 12:00 a.m., to get application assistance. You can also go to an Economic Security Administration Service Center.

### Economic Security Administration Service Centers in D.C.

Taylor Street Service Center	1207 Taylor Str. NW
H Street Service Center	609 H St. NE
Anacostia Service Center	2100 MLK Ave. SE
Fort Davis Service Center	3851 Alabama Ave. SE
Congress Heights Service Center	4001 South Capitol St. SW

DC Health Link can provide individual assistance online, by telephone, and in person. Visit [www.dchealthlink.com](http://www.dchealthlink.com) or call us at 1-855-532-5465, TTY/TDD 711 (1-855-532-5465).

## PARENT'S CORNER: Should I Allow the School to Retain my Child?

Retention policies vary by school if your child attends a District of Columbia Public School (DCPS) or a public charter school. Consideration of retention of a child is a very important decision that must involve all necessary parties to ensure that the student is a student who should be retained.

### If your child attends a District of Columbia Public School (DCPS):

A student may only be retained in 3rd, 5th and 8th grades with the following requirements:

- a) A student cannot be retained more than once during his/her enrollment in DCPS unless there is a review by multiple school personnel and approval from the Instructional Superintendent of that school; and
- b) If a student is promoted because they have already been retained, the principal must provide a list of the unmet grade level requirements to the next school so that the new school can work on these requirements with the child. All students who do not achieve grade level content standards will be given additional support services.

Only after the school has tried to provide the additional support services and they have been unsuccessful, should a student be considered for retention. The principal, guidance counselor, student support team, the student's teachers, and his/her parent shall review all possible retentions. For students with special needs, the special education teacher should also be involved in reviewing the

proposed retention.

### If your child attends a Public Charter School:

Charter schools have individual policies regarding retention. After the parent receives notice about a possible retention, they should review the retention policy in the respective charter school's handbook to ensure that the policy is being implemented properly.

Prior to issuing notice about the proposed retention, the charter school should implement interventions for the student to encourage academic process and avoid possible retention. This includes response to intervention (RtI) strategies, and Child Find requirements, if the school suspects that the student has a disability that may be impacting their ability to learn and make progress in school.

### Advice for Parents

#### Student does not have an Individualized Education Program (IEP):

If you have received notice that your child is facing retention, you should request a meeting with the Student Support Team (SST) to discuss interventions. You should also contact your child's teachers to discuss how your child is performing and some challenges that may have impacted their grades. This will help you understand what the problem is, so that you can be prepared to offer solutions during the SST meeting to develop an appropriate plan.

\*\*Remember that before retention is determined, interventions and strategies should be implemented to help support the student. Interventions can include tutoring, modified assignments and much more. The important thing to remember is that the plan should be individualized for the student. If there is a suspected disability, the SST may also recommend that the child be referred to the Multidisciplinary Team (MDT) for initial evaluations. Completion of initial evaluations and implementation of the SST Plan can occur concurrently.

#### Student has an IEP:

If your child is facing retention and has an Individualized Education Program (IEP), you should request a meeting with the IEP team to discuss your child's progress, and modify the IEP as needed. The team should discuss whether your child has made progress on their IEP goals. It is also important to obtain and review your child's records prior to the meeting to determine if your child received all of the services identified in their IEP and to be prepared to offer recommendations to the team.

Remember, before retention is determined, interventions should be implemented to support your child to make academic progress. Additionally, retention for a student with an IEP should involve discussion with the IEP team. The IEP team may also consider alternatives to retention such as completion of Extended School Year or summer school.

## Overview of School Discipline Guidance

In January 2014, the U.S. Departments of Education and Justice released the first ever federal policy guidance on school discipline. This guidance does not add requirements to applicable law, but provides information and examples about how the Departments evaluate whether school districts and staff are complying with their obligations under federal law when disciplining students. Federal law prohibits schools from discriminating against students based on race, color, and national origin. While this guidance specifically addresses racial discrimination, which is prohibited by Title IV and Title VI of the Civil Rights Act of 1964, federal law also prohibits discriminatory discipline based on other factors, including disability, religion, and sex, but it does so under different statutes.

The guidance highlights concerns that an increasing number of students are losing important instructional time due to the overuse of suspensions, expulsions, and referrals to law enforcement. Studies have shown that suspensions are ineffective, as overly harsh and exclusionary discipline policies do not make safer schools. In fact, studies have shown a connection between the exclusion of students from school and subsequent educational, economic, and social problems. Students who are suspended are more likely to experience

school avoidance, diminished academic achievement, increased behavior problems, falling behind, dropping out, substance abuse, and involvement with juvenile justice systems.

The guidance also includes recent data which shows that suspensions and expulsions are applied disproportionately in schools. The Office of Civil Rights (OCR) has collected data revealing that African-American students without disabilities are more than three times as likely as their white peers without disabilities to be expelled or suspended. Further, more than 50% of the students referred to law enforcement or involved in school-related arrests are Hispanic or African-American. Research suggests that the racial disparities in student discipline are not explained by more frequent or more serious misbehavior by students of color. The OCR data also revealed evidence of significant disparities in the use of discipline against students with disabilities.

If you are concerned that you, or your child, may have been discriminated against in being disciplined, you can file a complaint through the Office of Civil Rights or the Department of Justice's Civil *(Continued on Next Page...)*



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Rights Division. A complaint of discrimination can be filed by anyone who believes that a school that receives Federal financial assistance has discriminated against someone on the basis of race, color, national origin, gender, disability, or age. Even without an individual complaint, OCR also sometimes initiates its own investigation of a school's disciplinary policies and practices.

For more information about filing a complaint with OCR, visit [www2.ed.gov/about/offices/list/ocr/complaintintro.html](http://www2.ed.gov/about/offices/list/ocr/complaintintro.html) or call 1-800-421-3481.

For more information about filing a complaint with DOJ's Civil Rights Division, visit [www.justice.gov/crt/complaint/](http://www.justice.gov/crt/complaint/) or contact 1-877-292-3804.

You can access the full guidance package online at [www.ed.gov/policy/gen/guid/school-discipline/index.html](http://www.ed.gov/policy/gen/guid/school-discipline/index.html).

## Bullying Prevention Best Practices from Local D.C. Experts

On December 12, 2013, Advocates for Justice and Education, Inc. held a policy discussion with local experts who deal with students, school climate and/or bullying – Mr. Thann Ingraham, Principal at Early Childhood Academy Public Charter School; Ms. Samantha Simpure, Behavior Specialist at Maya Angelou Academy Public Charter School; and Dr. Mercedes Ebanks, Behavior Specialist, Partner/CFO at the MECCA Group, LLC. Our discussion, on “Community Action Against Bullying | Creating Respectful School Climates,” was an extension of AJE's fundraising efforts this fall via our 3rd Annual 5K Walk and Roll Against Bullying.

In order to create a meaningful discussion within the community about bullying and school climate, the professionals covered areas of improvement like professional development for educators, youth development and parental engagement. Advice from these local DC experts were: 1) Hiring a positive behavior facilitator for professional development – Dr. Edna Olive trains staff and individuals to focus on their approach to children and uses an observational tool to enhance behavior management techniques for encouraging

self-supportive behaviors in children; 2) Using positive language – terms like “respect,” “cooperation,” and “sharing” creates an atmosphere of encouragement. The term “bully” may connote a stigma on a student; 3) Encouraging learning walks – Educators visit other classes and learn from one another by observation and noting ways to improve; 4) Remembering the needs for both the child and the school – Focus on the needs of the child when considering policy and behavior management, and consider that it may involve improving school climate; 5) Creating realistic expectations – The school and parents/guardians must create realistic standards for the child as the bully, bystander and victim. The school and parents/guardians should also consider how culture (TV, media, etc.) contributes to a child's behavior.

Our next policy discussion will take place in April 2014, and will be held in collaboration with the Center for Autism and Related Disorders (CARD). This discussion will focus on the changes to the DSM as it relates to Autism Spectrum Disorders (ASD) and the impact the changes will have on families and individuals with ASD.