



Don't let highly mobile students fall through cracks on eligibility

A student with a history of disciplinary problems, aggression, and learning difficulties moves frequently because of his parents' military service.

The student's parents request an initial evaluation. The district reviews the student's grades, teacher observations, disciplinary records, and information from his other schools. It determines there is no reason to suspect a disability.

But the district ignored the fact that the student had deficits in at least one area and had failed a state standardized test. This spelled trouble in *Killeen Independent School District*, 55 IDELR 239 (SEA TX 2010). The IHO ordered the district to conduct a full evaluation, including a psychological assessment.

Don't let highly itinerant students slip through the cracks. Conduct a functional behavior assessment to distinguish learning problems from behavioral problems linked to a student's mobility. Implement interventions, such as counseling, and monitor the student's progress. And document all your efforts to collect information about the student.

"I don't think the *Killeen* case stands for the proposition that *all* highly mobile students should be evaluated for special education eligibility, but I do think school districts should keep in mind that [certain] red flags may indicate the presence of a disability, and not just the impact of moving," said Leander Dolphin, a school attorney at Shipman & Goodwin LLP in Hartford, Conn.

For example, "issues relating to disruption in a child's education, missing school, and adjustments to multiple transitions -- which are issues for highly mobile students, whether they're in foster care, have parents in the military, or are homeless -- can also be signs of a disability," she said.

Train all staff members on the importance of including highly mobile students in established child find protocol, Dolphin said.

"You have to treat highly mobile children equitably, applying the same triggers as you would for non-mobile students," she said. "I would also recommend training personnel who handle the initial registration and enrollment of these students. They are often on the front line for a family with a history of moving a lot."

Also take these steps:

- **Determine the root of the behavior:** The district in this case neglected to investigate why the student failed a state standardized test and exhibited behavior problems. It might have conducted an FBA to uncover how his family's circumstances affected his conduct, said Tim Gissal, a school psychologist at Sarasota County (Fla.) Schools. "You want to get a handle on whether it's the environmental changes or the curriculum changes that are leading to these disciplinary problems," Gissal said. Also gain permission to contact the student's previous schools to help distinguish between a skill deficit and a behavior issue.

• **Monitor the student's response to intervention:** Review prior interventions and implement additional strategies in general education as you monitor the student's progress, Dolphin said. "The *Killeen* district could have moved the child along the tiers to get him more support while it simultaneously evaluated and considered the cause of underlying problem behaviors," she said. Make sure parents understand you do not wish to delay their child's evaluation, but want to ensure that it's necessary, Gissal said. "You want to see if the student benefits at all from interventions," he said. "You have to show that you employed interventions and that they were not successful."

• **Document your efforts to gather information:** Seek the student's records from previous schools in a timely fashion, Dolphin said. Note the days and times you make such requests and keep copies of requests you send in the mail. "Follow up phone calls with requests for information in writing and document the different ways you try to track down information," she said. Also realize when it's time to go forward with a referral to avoid violating child find. "It's not enough to call a school once, then say, 'Oh, they haven't called me back yet, so we'll have to wait [to refer],'" Dolphin said. "It would be better to err on the side of caution and just do the evaluation."

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