

## Your quick guide to accommodations for students with anxiety

*"Hakuna Matata."*

"It means no worries," Timon explains to a young Simba in the popular Disney movie *The Lion King*. Shortly thereafter, they break out into a cheerful song about it with their warthog friend Pumbaa.

### Key points

- Do not provide accommodations to avoid anxiety-provoking situations
- Provide support to help student overcome anxiety
- Look for possible signs of anxiety, what you can do

Getting students with anxiety to "*hakuna matata*" may not be as easy as breaking out into song and dance. Furthermore, this type of avoidance is not the goal, according to experts.

"Provide enough support so [students] can approach whatever is anxiety-provoking, rather than avoid the difficulty," said Mary Alvord, a psychologist and director of Alvord, Baker & Associates, LLC in Rockville, Md.

Here are some ways you and your staff can provide support to students with anxiety.

- **Build in time for visits to the school counselor.** Although many schools tell their students that they can leave class and seek out somebody to talk to if they need, students may not do so, Alvord said.

"Many kids won't say they're upset," she said. "They'll try to hold it in."

Schedule check-ins between the school counselor, nurse, or another trusted adult with the student once or twice a week for 10 minutes. Ask questions like, "How are things going? Is there anything standing in your way? What plans can we develop?"

- **Give the student a "flash pass."** If the student is getting too anxious and needs to step out of the room to go to the water fountain or somewhere away to break the anxiety, give him a flash pass that he can just place on his desk, Alvord said. That way, the student does not have to raise his hand and ask to leave to class. If the student is in middle or high school, ensure that all his teachers know about and understand the flash pass accommodation.

- **Seat the student in the front of the room.** Even though the tendency may be to put the more rambunctious students in the front of the classroom so they are easier to keep tabs on, highly anxious students sometimes do better if they're closer to the teacher, Alvord said.

"It's nice to have highly anxious kids closer so you can monitor it," she said.

It might be harder to notice something is amiss if the student is anxious, quiet, and sitting in the back of the classroom.

- **Encourage deep, diaphragmatic breaths.** Teachers who notice that a student may be anxious can allow her to step out into the hallway and take a deep, diaphragmatic breath. Even better is if the teacher or a paraprofessional is able to step out into the hallway with the student and take the breath with her, Alvord said.

- **Offer testing accommodations.** Seat the student in a quieter space that's a bit separated from the rest of the classroom for testing, Alvord said. However, do not take the student out and place him in a separate room. The edge of the room, where an adult can check in on the student a bit more, works well, she suggested. If the student needs extra time to finish the test, let him have it.

- **Ask forced-choice questions.** A student with anxiety might freeze and go blank when the teacher calls on her in class. Instead of asking that student an open-ended question, ask her a forced-choice question, where the answer is either A or B, until her comfort level increases, Alvord said.

- **Establish a "lunch bunch."** Students with anxiety, especially those in middle school or high school, may choose to go to media center or somewhere outside of the lunch room to eat.

"That's problematic," Alvord said. "Unless there's a really good reason, it just further reinforces isolation. It's better to assign tables or a lunch bunch or to connect them with one to two other kids rather than letting them escape the situation."

- **Assign a buddy project before a group project.** Students with anxiety are sometimes afraid of group work.

"Group projects are such an important life skill," Alvord said.

The answer to this is not to allow the student to do a separate, individual project. Rather, start by pairing the student with just one other student to work with.

- **Reinforce bravery.** If the student does something that is hard for her, make a big deal out of it. Send a note home to the student's parents that says what she's done, Alvord said. For example, if Jenny is extremely anxious about speaking to people, the note can say, "Jenny was great today! She spoke to two people!" ■

## What do you do if a student refuses to use an accommodation?

Jim is a high school sophomore with a specific learning disability. As part of his Section 504 plan, Jim has an accommodation that offers him extended time or an alternate location for tests and quizzes. Lately, his English teacher has noticed that Jim is not using his accommodations and is failing to finish his weekly in-class quizzes.

### Key points

- Make accommodation work for both student, teacher
- Recognize when to reconvene 504 team
- Use data to support decision-making

What should the teacher do? Consider the following steps.

**1. Talk to the student.** The student's teacher will usually be first to notice that the student has stopped

using a particular accommodation, said John McKinney, Section 504 coordinator for the Shawnee Mission (Kans.) School District. At that point, the teacher should approach the student about it. Before or after class, the teacher can take the student aside and ask her questions such as, "Are there extenuating circumstances?" and "Why don't you feel comfortable?"

If Jim's teacher notices that he has left an area of the test blank and not followed up about it, then the teacher can say to him, "I notice you left this area blank. Can you tell me why? You have an accommodation that allows you to complete the quiz beyond the class period, and we want you to take advantage of it."

"That relationship between staff member and student is the key to whole thing," McKinney said.

**2. Work with the student on an alternative.** In his own mind, the student may no longer need the accommodation, McKinney said. Or, more likely, he may not like the idea of being separated, singled out, or having something someone else doesn't.

The teacher can ask the student, "What can I do to make sure we are still providing this accommodation you need and deserve?" You may need to change the way you are implementing the accommodation, McKinney said. Try to determine a way to make the accommodation work for both the student and the teacher.

For example, allow the student to hand in her test at the same time as her peers with the understanding that she will meet with the teacher in the morning or after school to arrange a time to finish it.

**3. Reevaluate.** If the student chooses to not use the accommodation that her 504 team feels is in her best interest, then the team should have a conversation and figure out something else, McKinney said. Call a meeting of the student's 504 team to discuss the issue.

"Sometimes needs and abilities change, and we have to be willing to allow for a little flexibility," McKinney said. "If it needs to be reevaluated, get back together and reevaluate."

But make sure to keep the student's educational needs at the forefront of the conversation, he said, and ensure that the student is comfortable with any new proposed accommodations. If possible, have the student present for the conversation.

**4. Invite the student to the 504 team meeting.** Ask questions at the meeting like, "What is working? What is not working? What do you need, or not need?" Use data to support any decisions you make.

"We can come up with greatest plan in world, high five each other and say it will work great, but if the student doesn't buy in, it's all for naught," McKinney said. "It's the student's plan, accommodation. Make sure he is agreeable. We're not doing this for the teacher, the parent, the school. We're doing it for the student. If we keep coming back to that, hopefully we will make good solid decisions that benefit everyone." ■

### Quick tips

- **Document student refusal of accommodations.** If a student refuses an accommodation, make a note of it. You are not required to force a student to use a particular accommodation, but it should be documented. Come time for reevaluations, this data offers valuable insights.

- **Teach college-bound students how to explain their accommodations.** In college, a student with a disability is likely to encounter a professor who is reluctant to provide accommodations. The student needs to be able to clearly explain why she needs the accommodation and know how to bring the issue to the college's disability services office if the professor still refuses to comply. ■

a hostile environment by interfering with or denying student's participation in or receipt of benefits, services, or opportunities in the district's program. Here, there wasn't enough evidence for OCR to determine that the classmate's bullying of the student was connected to the student's disability. "The Student never reported any name-calling or other action by [the classmate] that was related to his disability," OCR wrote. "He merely stated Student was bullying him." Without any other information to indicate that the bullying at issue was due to the student's disability, OCR closed its investigation and determined that there wasn't a basis to find that the district violated Section 504 or Title II. ■

### Student's assault of educator doesn't excuse district's lack of MDR

**Case name:** *Johnson City (TN) Schs.*, 73 IDELR 131 (OCRIV, Atlanta (TN) 2018).

**Ruling:** A Tennessee district came to a resolution agreement after OCR began investigating it for alleged violations of Section 504 and Title II. The district agreed to determine if a fifth-grade student was eligible for compensatory and/or remedial services and to provide Section 504 training to staff.

**What it means:** A district must hold a manifestation determination review before making a significant change in a student's placement, such as expulsion, long-term suspension, or other disciplinary exclusion of more than 10 school days. Here, the district did not conduct an MDR prior to changing the 5th-grade student's placement to homebound services for more than nine weeks as a result of the student assaulting a teaching assistant. The district could have avoided an OCR complaint had it conducted an MDR prior to disciplining the student.

**Summary:** After OCR began investigating whether a Tennessee district violated Section 504 and Title II, the district signed a resolution agreement. A 5th-grade student with autism struck a teaching assistant in the face. The incident resulted in criminal charges filed against the student, and the student was suspended and immediately put on homebound services for nine weeks. The parent filed a complaint with OCR and alleged that the district failed to conduct an evaluation of the student to determine whether or not the behavior was manifestation of the student's disability prior to making a significant change in placement. The Section 504 regulation at 34 CFR 104.35(a) requires a school district to evaluate any student who needs or is believed to need special education or related services due to a disability. OCR noted that a district must conduct an evaluation before initially placing the student in regular or special education and before any subsequent change

in placement. Further, OCR considers an expulsion, long-term suspension, or other disciplinary exclusion of more than 10 school days to be a significant change in placement. Importantly OCR pointed out, when a significant change in placement is for disciplinary reasons, the district must hold an MDR to determine if the disability caused the misconduct. OCR noted that the district had a policy where school officials were to ensure that MDRs were conducted prior to a school filing a criminal charge. OCR found that the district did not follow its own policy. Before OCR could complete its investigation, the district offered to come to a resolution. The district agreed to determine if the student was eligible for compensatory and/or remedial services and to provide training to staff on Section 504. ■

### Aggressive nature of mom's conduct explains use of communication plan

**Case name:** *Spokane (WA) Int'l Acad.*, 73 IDELR 129 (OCRX, Seattle (WA) 2018).

**Ruling:** A Washington charter school's development and implementation of a parent communication plan did not constitute retaliation against the mother of a student with an undisclosed disability, OCR concluded. OCR found that the school had a legitimate reason for regulating how the parent and school communicated — the aggressive and disruptive nature of the parent's communications with staff members.

**What it means:** Whenever a school restricts a parent's communications with staff members, there's a possibility the parent will claim unlawful retaliation. As long as the school has evidence that its reasons for instituting the restrictions were legitimate and genuine, it should have little problem fending off the complaint. Here, the parent reportedly yelled at staff members, made them feel unsafe, and sent numerous demanding emails. The statements of a variety of staffers about the contentiousness of the parent's conduct and the burdensome nature of her emails helped show the plan was not meant as retaliation but to facilitate better communications.

**Summary:** Statements by the administrators at a charter school in Washington that staff members felt unsafe whenever the mother of a child with an unidentified disability entered the building helped establish that the school's parent communication plan wasn't retaliatory. OCR found that the school had a legitimate and genuine reason for limiting the parent's communications with individual staff members. In response to the parent's allegedly aggressive, disrespectful, and angry conduct and numerous emails, the CEO informed her that she would be required to contact the principal or CEO whenever she wanted an in-person meeting with

staffers. The plan also made the principal the single point of contact for the parent's emails. The parent alleged in an OCR complaint that the plan was reprisal for her advocacy and thus violated Section 504 and Title II of the ADA. A school's adverse action against a parent constitutes unlawful retaliation if the school takes the action in response to the parent's protected activity and there is no genuine, legitimate, nondiscriminatory reason for the action. 34 CFR 104.61. In this case, OCR determined that the school established the plan was put in place not because of the parent's claims that her son's 504 plan wasn't being implemented but rather due to the tenor and frequency of her communications. Specifically, OCR observed, the parent was loud and verbally aggressive in the school building, engaged in yelling and name-calling, and made staff members feel unsafe. Moreover, according to the CEO, the parent sent numerous emails and expected an immediate response from educators, who felt overwhelmed by the parent's demands. OCR found that the school's response was meant to manage the communications rather than to engage in reprisal. Accordingly, it closed the parent's complaint. ■

## BCBA's data collection, observations of behavior bolster adequacy of FBA

**Case name:** *Redding Bd. of Educ.*, 73 IDELR 132 (SEA CT 2018).

**Ruling:** A Connecticut district's functional behavioral assessment of a first-grader with autism was appropriate, an IHO concluded. The IHO denied the child's parent's request for an independent educational evaluation at public expense.

**What it means:** Districts can face parental requests to pay for an IEE if they conduct an FBA that isn't appropriate. One of the keys for conducting a proper FBA is to collect enough information to establish what's causing the behavior so the IEP team can effectively address it in the IEP. Here, the child with autism increasingly engaged in aggressive and defiant behaviors in class. The evaluator's classroom observations and collection of data about what preceded and followed the behaviors helped her establish why the student engaged in them and make suitable recommendations for revising the IEP to better address the conduct.

**Summary:** The lengths to which a Board Certified Behavior Analyst went to collect information about the escalating behaviors of a child with autism helped a Connecticut district avoid paying for an IEE. Noting that the BCBA's data collection helped her identify what was triggering the child's increasingly frequent and intense behaviors and make recommendations for revising the IEP, the IHO concluded that the BCBA conducted an

appropriate FBA. Following the assessment, one of the child's parents requested an IEE at public expense. The district filed a due process complaint to establish that its evaluation was appropriate. The IHO noted that in determining the appropriateness of an evaluation, hearing officers and courts focus on whether the evaluation: 1) used a variety of essential tools; 2) was administered by trained, knowledgeable, and qualified personnel; 3) was administered in accordance with instructions provided by the producer of the assessments; and 4) incorporated information from various sources. 34 CFR 300.304(c). Here, the IHO observed, the BCBA was highly trained and experienced. She had taught students with autism and was familiar with the behavioral challenges the student was having. Moreover, she administered essential tests to the child under standard conditions, the IHO noted. The IHO also pointed out that the BCBA based her report in part on several of her own classroom observations of the child. Moreover, she recorded data concerning the antecedents and consequences of the behaviors and used that data, as well as the student's educational and psychological records, to identify the functions of the behaviors — to escape non-preferred tasks, access tangible items, and obtain attention. Based on that information, she made recommendations for revising the child's IEP to address his lack of progress, the IHO remarked. Finding that the FBA was appropriate, the IHO concluded that the parent was not entitled to an IEE at the district's expense. ■

## Social supports show IEP addressed 6-year-old's emotional needs

**Case name:** *Prince George's County Pub Schs.*, 73 IDELR 135 (SEA MD 2018).

**Ruling:** The Maryland ED found that a 6-year-old's IEP adequately addressed his social and emotional needs. However, it concluded that the district failed to consider a private evaluator's recommendations concerning services to address the student's attention, concentration, and executive functioning issues stemming from ADHD. The state ED ordered the district to reconvene the IEP team to accept or reject the recommendations and to revise the IEP as appropriate.

**What it means:** When a student with a disability struggles socially and emotionally, the IEP team must be specific regarding how educators will address that issue by offering goals, supports, services, and/or instruction that target those needs. Here, the 6-year-old with ADHD had social, emotional, and behavioral issues, including difficulty initiating interaction and taking turns. The district was able to show it addressed those needs because the IEP