

## SCHOOL REFUSAL REQUIRES IMMEDIATE ACTION

by Jeffrey Forte

semester of school — or at least, they are supposed to be. What happens when a student becomes truly anxious about returning to the classroom? And what happens if a student's anxiety becomes so crippling it leads to refusing to attend school all together? So-called "school refusal" is defined as the disorder of a child who refuses to go to school on a regular basis, or has problems staying in a school setting. For professionals to label a child with clinical school refusal, certain criteria must be met. This disorder is taken seriously as it often indicates severe underlying emotional distresses that manifest in

The carefree days of summer are over

and students are settling into a new

Often, parents are aware of the student's absence from school, and in fact have condoned it if the child — despite his or her willingness to do schoolwork — persuades the parents that staying home during school hours is an option because home is considered the safe environment.

an extreme pattern of avoiding school.

depression, somatic symptoms, anxiety

Some common symptoms include

and temper tantrums.

Despite the efforts of many school systems to eliminate it, bullying remains a significant issue that often goes unaddressed, sometimes because of a victim's unwillingness to seek adult assistance. Or, there may be reluctance on the part of the school to properly address the situation. The result: school no longer feels safe.

Of course, bullying is only one reason a child resists school. Separation anxiety, social anxiety, or stress over challenging or missed classwork are other reasons.

The impact of refusing to go to school can be disastrous for both the student and parents. In addition to depression and anxiety, substance abuse and dropping out of school entirely can be real concerns. For the family, there often are financial repercussions in addition to the emotional and social fallout, as a working parent may be forced to take family leave or unpaid sick leave to stay home with a child that is showing school refusal tendencies.

Excessive absenteeism in the higher grades can be devastating from an academic perspective, leading to lost credits and the need to repeat a subject or even a year. It may even prevent a student from graduating.

If your child exhibits signs of school refusal, it is imperative to take immediate steps and be proactive in collaborating with your school district administrators and a certified child advocate or special education attorney. A therapeutic school reintegration program should be devised.

## Your Anxious Child's Educational Rights

School refusal cases are complex. From a legal standpoint, they often involve a labyrinth of local school policies and rules, state and federal statutes, and education regulations. School refusal cases may also lead to truancy issues. In Connecticut, "truant" means a child, aged 5 to 18, who is enrolled in a public or private school and has four unexcused absences from school in one month or 10 unexcused absences in any school year. The enforcement and investigation of Connecticut's truancy laws are handled by local and regional boards of education, local police and the courts.

Every child has rights. Excessive absenteeism can trigger various legal protections under the Individuals with Disabilities Education Act (IDEA) and other acts.

IDEA ensures that all children with disabilities who are in need of intervention are identified and evaluated. Excessive absenteeism, though, may also lead to complications with IDEA eligibility determination, placement decisions and delivery of services, such as the location, frequency and willingness of the student.

## **Emotional Disturbance**

School refusal may fall under the IDEA disability category of emotional disturbance, which means a condition exhibiting one or more of the following chronic characteristics that adversely affect a child's educational performance:

- An inability to learn that cannot be explained by intellectual, sensory or health factors.
- An inability to build or maintain satisfactory interpersonal relationships with peers or teachers.
- A general pervasive mood of unhappiness or depression.
- A tendency to develop physical

symptoms or fears associated with personal or school problems.

Sometimes a school district fails to identify a student with emotional disturbance due to a misdiagnosis or lack of evaluation. Or, officials may blame the parents by claiming that there is an issue in the home setting itself.

## Addressing School Refusal in the IEP

There are a number of ways to address school refusal via a student's individualized education plan. Homebound tutoring is critical while school reintegration strategies are put into place. Short term goals and objectives should be specific and measurable with regard to homebound tutoring. Counseling for both the student and parents should be considered as a related service.

In addition, positive behavior supports and interventions that address school avoidance are important. Reevaluations that address the "why" and "what" regarding the student's absenteeism may be necessary, including psychological, psychiatric, risk assessment and social skills evaluations.

Ultimately, private placement at a therapeutic-based school that emphasizes academic programming may be warranted. This may trigger other supports to which a student is entitled, such as specialized transportation.

School refusal matters are challenging. It is critical for parents and caregivers to take immediate action and, moreover, to understand the school district's obligations in such cases. A parent can be a child's best advocate. Be aware of your child's rights under the law.



Attorney Jeffrey
Forte is a certified
special education
advocate, lawyer
and founding
member of Forte
Law Group LLC
located in
Westport, Shelton
and Rocky Hill. He
exclusively

represents families and children with special needs. For more information, call 203-257-7999 or jforte@fortelawgroup.com.