My Child’s Disability Interferes with Making Friends and Getting Along with Other Children

My child gets average to above-average grades. He has difficulty making friends and is isolated. When he attempted to make friends, he often becomes involved in altercations. The school has suspended him and threatens to expel him. What can I do?

The law says: A child attending a public school is entitled to a free and appropriate public education (FAPE). If his disability interferes with his ability to benefit from the education offered to him, he may be entitled to special education services. These special education services are a program of instructional support and related services that are specifically tailored to meet your child’s educational needs. This program of services is necessary to ensure that your child receives FAPE.

If your child’s mental health disability, which can include attention deficit/hyperactivity issues and emotional and behavioral problems, results in his inability to make and keep friends, isolation from his peers or frequent altercation with peers, his disability interferes with his ability to take advantage of the instruction that is provided by the school. He may be entitled to special education services. Educational progress is more than just academic progress. Social skills development is part of the educational process.

What to do: If your child has an Individualized Education Program (IEP) and is threatened with expulsion, the school must hold a manifestation determination review within 10 days of the school’s decision to expel him, in order to determine if the behavior for which expulsion is threatened is a manifestation of his disability or was a direct result of the school’s failure to implement the IEP. You must be notified of the review. If it is determined that the behavior was due to a disability, your child cannot be expelled, nor can his placement be changed without your consent. The school must do a behavioral assessment or modify any existing behavioral plan to address the behavior which led to the referral for expulsion. Your child’s disability may be serious enough to warrant special mental health and therapeutic interventions to enable him to make friends and socialize appropriately. You may therefore want to request an assessment for educationally-related mental health services (ERMHS). If the behavior is not a manifestation of the disability, your child can be referred for expulsion. If you disagree, you can file for due process to dispute the recommendation of the manifestation determination team.

If your child does not have an IEP, request in writing by simple letter that the school evaluate your child for special education services. Include a specific request for an evaluation for ERMHS. Take two copies of the letter to the school office and ask that they be date-stamped received. Take your copy home and keep it in a safe place. The law requires that the evaluation be expedited, but there is no timeframe for completion. While the evaluation is being conducted, your child could remain in an alternative placement with no educational services. If the evaluation determines that your child is eligible for special education, then all special education protections apply.

Still have questions? Call Mental Health Advocacy Services at 213-389-2077, or Disability Right California at 800-776-5746 (voice) or 800-719-5798 (TTY)


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3255 Wilshire Blvd. #902, Los Angeles, CA, 90010
www.mhas-la.org
213-389-2077