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## DISTRICTS MUST MONITOR MORE THAN ACADEMICS

Districts often, with good cause, focus primarily on the academic aspects of its students' education. Given the current emphasis on test scores and academic achievement, this emphasis is understandable. However, a recent hearing officer decision in a special education case should be seen as a warning that districts should not get so focused on academics that they lose sight of other important aspects of each student's access to education.

In the case in question, the student was a strong academic performer with no history of special education services. However, an unpleasant breakup with a former suitor led to some instances of alleged bullying by the "ex" and others on various social media sites. The issue for the district was that as a result of the social media posts, the student began to display unusual behaviors in school. These symptoms included a downcast attitude, a lack of motivation, and several trips to the counselor's office. These behaviors culminated in a brief period of hospitalization near the end of the school year. The student, with the support of the district, finished the last several weeks of school on a modified schedule that allowed the student to come to school only after the end of the school day to receive direct instruction from several teachers.

The issue came to a head when the student's family moved the student to a neighboring district for the next school year to get away from the alleged bullying and to assist the student's "recovery." The family then asked a hearing officer to force the home district to reimburse the family for tuition paid to the neighboring district on the grounds that the home district failed in its Child Find obligations by not evaluating the student to determine if additional services were warranted during the period of unusual behavior the previous year. The district argued that the student's situation was temporary and that, more importantly, the student continued to perform well academically during that time, even through the brief hospitalization and modified schedule at the end of the year. Thus, the district argued, there was never anything that would have triggered its Child Find obligations under the law.

The hearing officer, however, ruled that the district violated its Child Find obligations, as it knew (or at least should have known) that the student's mental and emotional health was impacted and that it was clearly affecting the student's education. The hearing officer ruled that the student's good grades were certainly laudable, but that the district owed a duty to the student beyond academics when a student shows potential signs of a disability. The hearing officer specifically stated that "this information objectively suffices to charge the district with 'reasonable' suspicion that student was experiencing a disability, and that the district was obligated to evaluate [the] student." An order was then entered which forced the district to pay for an entire year of tuition at the neighboring school district.

The lesson here is that districts cannot allow a student's academic achievements to overshadow potential emotional and mental health related issues that impact the student at school. The decision in this recent case makes it clear that even when students have no history of special needs, and even when those same students are performing well academically, school districts must be on the alert for mental health issues that could adversely affect the student in the school setting. These "red flags" include unusually depressed behavior, school avoidance, and even brief hospitalizations. When these "red flags" are seen, school districts should proceed with caution to determine if Child Find obligations have

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been triggered, even when academics remain strong. Child Find obligations under the IDEA require school districts to evaluate when they reasonably suspect that a student may have a disability.

Clients who have questions regarding issues discussed in this article, or any education law matter, should feel free to call us at 215-345-9111.

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