

RIGHTS OF MASSACHUSETTS YOUTH WITH AUTISM REGARDING SPECIAL EDUCATION

**Prepared by the Mental Health Legal Advisors Committee
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What is autism?

Autism is a developmental disability rooted in a neurological disorder.¹ Autism affects development in the areas of social interaction and communication skills.² Autism is one of three recognized disorders in the autism spectrum; the others are Asperger's Disorder (diagnosed when the individual lacks delays in cognitive development and language), and Pervasive Developmental Disorder-Not Otherwise Specified (PDD-NOS) (diagnosed when the full set of criteria for autism or Asperger's are not met).³

Federal regulation has defined autism:

- i. Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in paragraph (b)(4) of this section.
- ii. A child who manifests the characteristics of "autism" after age 3 could be diagnosed as having "autism" if the criteria in paragraph (c)(1)(i) of this section are satisfied.⁴

What rights to special education do children with autism have?

Children with autism have the same rights to special education and related services as other children with disabilities. Students on the autism spectrum can often benefit greatly from intensive services, despite common assumptions that they have limited educational abilities and potential. However, it is very important that children with autism are able to access the services

¹ Definition of Autism, <http://www.definitionofautism.com/>.

² *Id.*

³ Johnson CP, Myers SM, Council on Children with Disabilities, *Identification and evaluation of children with autism spectrum disorders*. *PEDIATRICS* 2007;120(5):1183–215.

⁴ 34 CFR 300.7.

they need from an early age.⁵ Research has shown that early identification, diagnosis and intervention is essential for children with autism to develop to their fullest potential.⁶

How can special education services help students with autism?

Students with autism often need a wide range of educational services to help them access the general curriculum. Individualized Education Programs (IEPs) should aim to meet the academic, social, emotional, communication, behavioral, vocational and daily living skill needs of these students.⁷ Because of the extensive, often all-encompassing needs of many children with autism, parents should ensure that the school district thoroughly assesses the student during the evaluation process and when considering revisions to the student's IEP.

Are there special requirements on IEP Teams for students with autism?

Yes. Massachusetts law requires the IEP Team to consider and specifically address the full range of a child's complex communication, social, behavioral, and academic needs resulting from autism spectrum disorders.⁸

What assessments might a student with autism benefit from?

Assessments that a student with autism might need include the following:

- Psychological assessment
- Neuropsychological assessment
- Occupational therapy/sensory integration
- Speech and language assessment
- Functional behavior assessment
- Assistive technology/augmentative communication
- Physical therapy assessment
- Medical assessment

⁵ Massachusetts Advocates for Children, Special Education Law: Children With Autism Spectrum Disorder (2004), <http://www.masslegalservices.org/content/special-education-questions-and-answers-childrens-issues-series>.

⁶ Amanda J. V. Clark City School Dist., 26 F.3d 877, 883 9th Cir. 2001 via Special Education Law: Children With Autism Spectrum Disorder, <http://www.masslegalservices.org/content/special-education-questions-and-answers-childrens-issues-series>.

⁷ Massachusetts Advocates for Children, Special Education Law: Children With Autism Spectrum Disorder (2004), <http://www.masslegalservices.org/content/special-education-questions-and-answers-childrens-issues-series>.

⁸ Chapter 57 of the Acts of 2006, An Act to Address Special Education Needs of Children with Autism Spectrum Disorder (amending c. 71B, § 3); *see also* DESE Technical Assistance Advisory SPED 2007-1: Autism Spectrum Disorders, <https://malegislature.gov/Laws/SessionLaws/Acts/2006/Chapter57>.

- Educational
- Home Assessment
- Vocational assessment
- Independent living assessment
- Audiological/Central auditory processing.⁹

Resources:

Massachusetts Advocates for Children, Autism Special Education Legal Support Center, <http://www.massadvocates.org/autism-center.php> or (617) 357-8431, ext. 224 (free advocacy services to parents of children with autism)

Northeast Arc, Life-Long Supports for People with Disabilities, Massachusetts Autism Links, <http://www.ne-arcautismsupportcenter.org/> (list of local autism centers)

Additional information can be found at: <http://www.massadvocates.org/publications.php> (see the autism publication section)

⁹ Massachusetts Advocates for Children, Special Education Law: Children With Autism Spectrum Disorder (2004), <http://www.masslegalservices.org/content/special-education-questions-and-answers-childrens-issues-series>.