



U.S. Department of Education Releases Guidance On Civil Rights of Students with ADHD

REPRINTED FROM THE U.S. DEPARTMENT OF EDUCATION
JULY 26, 2016

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The U.S. Department of Education's [Office for Civil Rights](#) (OCR) today issued [guidance](#) clarifying the obligation of schools to provide students with attention-deficit/hyperactivity disorder (ADHD) with equal educational opportunity under [Section 504 of the Rehabilitation Act of 1973](#).

“On this 26th anniversary of the Americans with Disabilities Act, I am pleased to honor Congress’ promise with guidance clarifying the rights of students with ADHD in our nation’s schools,” said Catherine E. Lhamon, assistant secretary for civil rights. “The Department will continue to work with the education community to ensure that students with ADHD, and all students, are provided with equal access to education.”

Over the last five years, OCR has received more than 16,000 complaints that allege discrimination on the basis of disability in elementary and secondary education programs, and more than 10 percent involve allegations of discrimination against students with ADHD. The most common complaint concerns



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academic and behavioral difficulties students with ADHD experience at school when they are not timely and properly evaluated for a disability, or when they do not receive necessary special education or related aids and services.

Today's guidance provides a broad overview of Section 504 and school districts' obligations to provide educational services to students with disabilities, including students with ADHD. The guidance:

Explains that schools must evaluate a student when a student needs or is believed to need special education or related services.

Discusses the obligation to provide services based on students' specific needs and not based on generalizations about disabilities, or ADHD, in particular. For example, the guidance makes clear that schools must not rely on the generalization that students who perform well academically cannot also be substantially limited in major life activities, such as reading, learning, writing and thinking; and that such a student can, in fact, be a person with a disability.

Clarifies that students who experience behavioral challenges, or present as unfocused or distractible, could have ADHD and may need an evaluation to determine their educational needs.

Reminds schools that they must provide parents and guardians with due process and allow them to appeal decisions regarding the identification, evaluation, or educational placement of students with disabilities, including students with ADHD.

In addition to the guidance, the Department also released a [Know Your Rights](#) document that provides a brief overview of schools' obligations to students with ADHD.



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The mission of OCR is to ensure equal access to education and to promote educational excellence throughout the nation through the vigorous enforcement of civil rights. Among the federal civil rights laws OCR is responsible for enforcing are Title VI of the Civil Rights Act of 1964; Title IX of the Education Act of 1972; Section 504 of the Rehabilitation Act of 1973; and Title II of the Americans with Disabilities Act. For more information about OCR and the anti-discrimination laws that it enforces, please visit [its website](#) and follow OCR on twitter [@EDcivilrights](#).

To locate the above article on the United States Department of Educations website, please visit: <http://www.ed.gov/news/press-releases/us-department-education-releases-guidance-civil-rights-students-adhd>



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