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Developing an IEP to Address School Avoidance

Introduction

School avoidance or school refusal is when a child refuses to attend a school or has difficulty remaining in school the entire day. School refusal behavior affects about 5-28% of school-aged youths at one time or another and is present fairly equally across gender, racial, and income groups.¹ According to the National Association of School Psychologists, characteristics of students with school refusal often include anxiety, depression, and physical complaints.² There has been a rise in students exhibiting school avoidance following extended school closures and pressures put on modern students to be successful. IEP teams need the tools and interventions to address the issue before too much learning loss takes place.

School Avoidance

School avoidance or school refusal is when a child refuses to attend a school or has difficulty remaining in school the entire day. While a student being absent from school is typically what we consider school avoidance, it can take on many other forms. School avoidance can also include a student attending school but eloping during the day or skipping classes; being chronically late to school; attending school only after having an outburst or hiding in their bedroom in an attempt to miss school; and a student who attends school but only does so under distress.³ The behavior is more common among students transitioning to a new school building – such as Kindergarten, middle school, or high school.⁴

There are a number of causes of school refusal among students. School refusal is considered a symptom – not a diagnosis – but may be associated with diagnoses including social anxiety disorder, generalized anxiety disorder, specific phobias, major depression, oppositional defiant disorder, post-traumatic stress disorder, and adjustment disorder.⁵ Other causes can include an undiagnosed or unaddressed learning disability that makes school difficult for a student.

¹ See Kearney, C.A., Lemos, A., Silverman, J. (2004). The Functional Assessment of School Refusal Behavior. *The Behavior Analyst Today*, Vol. 5, Issue 3, 275-283.

² See Wimmer, M. (NASP 2010). School Refusal: Information for Educators. *Helping Children at Home and School III: Handouts for Families and Educators*.

³ See Keary, C.A. Information about school refusal behavior. <https://ckearney.faculty.unlv.edu/information-on-school-refusal-behavior/>

⁴ See Kearney, C.A., Lemos, A., Silverman, J. (2004). The Functional Assessment of School Refusal Behavior. *The Behavior Analyst Today*, Vol. 5, Issue 3, 275-283.

⁵ See Kawsar, S., Yilani, Musa, Marwaha, Raman. (2022). School Refusal. *National Library of Medicine*. <https://www.ncbi.nlm.nih.gov/books/NBK534195/>

School refusal can be seen following a number of other situations including a death in the student's family, changes at school (such as a new teacher), prolonged absences due to illness or injury, or a student feeling unsafe at school.

As with any other behaviors, a student's school avoidance serves a function.^{6 7} Many students exhibit school avoidance as a way to avoid school-based stimuli that is causing unpleasant physical symptoms or disease. A student may be avoiding the hallways during passing period, sitting in a specific classroom, or being in the lunchroom. In other situations, the student may be avoiding certain staff, peers, bullying, mass shootings or exposure to illnesses. Some students are avoiding school due to not being able to keep up in class or complete work due to a learning disability, for example. Another function of school avoidance is to escape aversive school-based situations such as tests, reading aloud in class or speaking or presenting in class. Receiving attention from a significant other, such as having a hard time separating from a family member or feeling needed by a family member, is another function of school refusal. A final function can be to pursue a tangible reinforcer outside of school, which could be a result of a child who was initially avoiding or escaping school but is now experiencing positive rewards of staying home, such as such as spending time online, watching television, spending time with peers not at school, or participating in delinquent acts.

A behavior can serve more than one function such as allowing the person to both access attention and escape from a demanding or uncomfortable situation.⁸ In the instance of school refusal, a student could refuse school to avoid giving a presentation in front of the classroom, which temporarily decreases anxiety, while also getting to access his or her parents at home.

It is important to make a distinction between school avoidance and truancy when developing an IEP. School avoidance is characterized by a reluctance or outright refusal to attend school characterized by seeking comfort from parents or adults at home; being emotionally upset when faced with the prospect of attending school and making no attempt to conceal the problem from parents or adults or school staff. The student could be home pretending he is sick and complaining about headaches or pain. Truancy, on the other hand, is absence from school often without parental knowledge and is more often associated with antisocial conduct. A student who is truant is typically driven by a general lack of interest and motivation in education. A truant student is more likely to be out of the house enjoying their day off. While there is no clear test to distinguish between school refusal and truancy parents and educators usually know it when they see it.

⁶ See Kearney, C.A., Lemos, A., Silverman, J. (2004). The Functional Assessment of School Refusal Behavior. *The Behavior Analyst Today*, Vol. 5, Issue 3, 275-283.

⁷ See School Avoidance Alliance. (2022). *School Avoidance 101*. <https://schoolavoidance.org/school-avoidance-101/#assessment-scale>.

⁸ See St. Joseph, S. D., Austin, S. C., Strickland-Cohen, K., Machalicek, W., & McIntosh, K. (April, 2022). School Refusal: Assessment and Intervention. *Center on PBIS, University of Oregon*. www.pbis.org.

Documenting efforts to get the student to school and to find solutions could help create a clear record that distinguishes school avoidance from truancy in the event the case ends up before a hearing officer or judge. In *District of Columbia Public Schools*, for example, despite a student's failing grades, absenteeism, and lack of progress, the hearing officer found that the District of Columbia provided FAPE to the student with multiple disabilities.⁹ The hearing officer determined that the student's unwillingness to attend school, despite significant effort from the district, was the reason for his lack of progress, with 108 absences in one year.¹⁰

On the other hand, in *A.W. v. Middletown Area School District*, the court found that a district was required to provide 949 hours of compensatory education for, among other things, not providing enough psychological counseling in the student's programming.¹¹ The student had a 504 plan rather than an IEP for a period of time and accumulated more than 103 absences in one year.¹² The court noted that the absences were a direct result of the avoidance behaviors and phobias, which the district had not previously addressed, and clearly caused the student's education to suffer.¹³ The court upheld the award for more than an hour-for-hour amount of compensatory education as they found the failure to provide the student with a FAPE compounded his behavioral issues.¹⁴

Developing an IEP to Address School Avoidance

In order to develop a program for students with school avoidance the school team and parents are going to need to recognize that the student is exhibiting this behavior and get more information about the cause. The first step is to conduct assessments. Parents should request assessments in writing from the school district. If the school district is proposing new assessments, the school team should notify parents in writing of the reasons and provide an assessment plan. Even if a student is already eligible for special education under the IDEA or accommodations under Section 504, updated assessments may be necessary if the student's needs did not previously include school avoidance or refusal.¹⁵

Even if parents or guardians do not request assessments, in some circumstances the school district or local education agency ("LEA") might be responsible for identifying a student under "child find." Under the IDEA, "child find" is the affirmative, ongoing obligation of states and local districts to identify, locate, and evaluate all children with disabilities residing within the

⁹ See *District of Columbia Pub. Schs.*, 120 LRP 176 (SEA DC 10/03/19).

¹⁰ See *Id.*

¹¹ See *A.W. v. Middletown Area Sch. Dist.*, 68 IDELR 247 (M.D. Pa. 2016).

¹² See *Id.*

¹³ See *Id.*

¹⁴ See *Id.*

¹⁵ Each state has their own requirements and timelines for requesting assessments, but each request should be put in writing in order to ensure that it triggers any timelines associated with the request.

jurisdiction who are in need of special education and related services.¹⁶ Section 504 contains its own child find requirement that is similar, but not identical, to the child find requirement of the IDEA. It provides, in part, that a district must conduct an evaluation of any student “who, because of handicap, needs or is believed to need special education or related services.”¹⁷

There are a number of signs of school avoidance that may trigger the LEA’s child find requirement. Those could include chronic absenteeism of a student including multiple tardies and skipping periods. If a student has had contact with school-based mental health personnel that could also be a sign that the student should be referred for further assessments. In addition, a student who has been experiencing a chronic health condition or been hospitalized might also trigger a district’s child find obligations in the event that the student is not returning to school after the health issues have been resolved. Finally, in a case of school refusal the student may also exhibit a decline in academic performance based on failure to participate in class, turn in assignments or participate in tests or evaluations.¹⁸

Assessments

Assessments to address school refusal should include structured diagnostic interviews, questionnaires, behavioral observations, daily ratings, and review of school-based records. In general, “the best assessment for this diverse population must include multiple methods and sources of information as well as developmentally sensitive and appropriate measures. In addition, questions surrounding the form of school refusal behavior are certainly important, and should focus on history, duration, impairment, internalizing and externalizing symptomatology, external stressors, and other critical topics.”¹⁹

A comprehensive psychoeducational assessment that also addresses school refusal should include a review of school-based records, discussions or interviews with school staff, the student and parents, and questionnaires for parents and teachers. Information from any mental health and/or medical personnel working with the student should be obtained as well. For determining the form of school refusal behavior, a structured interview such as the Anxiety Disorders Interview Schedule for DSM-IV: Child and Parent Versions (ADIS for DSM-IV: C/P), which assesses for a wide variety of internalizing and externalizing childhood disorders and contains a section on

¹⁶ See 34 C.F.R. §300.111(a)(1)(i).

¹⁷ 34 C.F.R. §104.35(a).

¹⁸ *But see T.B. v. Prince George’s County Board of Education*, 72 IDELR 171 (4th Cir, 2018), *cert. denied*, 119 LRP 7071, 139 S. Ct. 1307 (2019) (finding that a Maryland school district violated the IDEA when it failed to evaluate a struggling high school student with anxiety for two school years, but it avoided liability by showing that the student would not take advantage of any services offered).

¹⁹ Kearney, C.A., Lemos, A., Silverman, J. (2004). The Functional Assessment of School Refusal Behavior. *The Behavior Analyst Today*, Vol. 5, Issue 3, 275-283.

school refusal behavior with questions about intensity and frequency of absenteeism and stimuli that provoke anxiety and avoidance, is ideal.²⁰

A functional behavior assessment (“FBA”) is another tool that should be utilized when a student is experiencing school refusal. The IDEA does not define an FBA or explain what steps are required to complete one and instead leaves those requirements to state law or local policy. An FBA is an information gathering process focused on understanding the purpose or “function” a behavior serves for a student and should be conducted by a team lead by an individual with expertise in providing individualized behavior support.²¹

An FBA is an important tool in cases of school avoidance as the results can inform services and interventions. In *District of Columbia Public Schools*, a hearing officer determined that the District of Columbia's decision to wait nearly a year before conducting a functional behavioral assessment and developing a behavioral intervention plan for a student with multiple disabilities, including ADHD, to address his truancy and work refusal denied him FAPE.²² The hearing officer ordered the district to provide the student 150 hours of academic tutoring and 50 hours of independent counseling as compensatory education, and to amend his IEP to include additional specialized instruction.²³ The district needed to address the student's absences even though he was not acting out in class as his absences were impeding his ability to receive the services in his IEP.²⁴

The purpose of an FBA is to isolate a target behavior and develop a hypothesis regarding the function of the target behavior. A target behavior is one that interferes with a student's ability to progress in the curriculum and to achieve the student's IEP goals. In addition to general FBA measures that would include interviews, review of records, rating scales, and direct observations there are several validated tools for assessing student motivation that are specifically focused on understanding school refusal behavior. The School Refusal Assessment Scale -Revised is a psychological assessment tool created to assess what is causing the child's school refusal to then inform appropriate interventions.²⁵ Other measures include the School Anxiety Scale – Teacher Report, the School Anxiety Inventory, and the School Refusal Evaluation Scale.²⁶ These assessments provide insight to determine if school refusal could be due to negative situations at

²⁰ See Kearney, C.A., Lemos, A., Silverman, J. (2004). The Functional Assessment of School Refusal Behavior. *The Behavior Analyst Today*, Vol. 5, Issue 3, 275-283.

²¹ See St. Joseph, S. D., Austin, S. C., Strickland-Cohen, K., Machalicek, W., & McIntosh, K. (April, 2022). School Refusal: Assessment and Intervention. *Center on PBIS, University of Oregon*. www.pbis.org

²² See *District of Columbia Pub. Schs.*, 119 LRP 42427 (SEA DC 09/06/19)

²³ See *Id.*

²⁴ See *Id.*

²⁵ See Kearney, C.A., Lemos, A., Silverman, J. (2004). The Functional Assessment of School Refusal Behavior. *The Behavior Analyst Today*, Vol. 5, Issue 3, 275-283

²⁶ See St. Joseph, S. D., Austin, S. C., Strickland-Cohen, K., Machalicek, W., & McIntosh, K. (April, 2022). School Refusal: Assessment and Intervention. *Center on PBIS, University of Oregon*. www.pbis.org.

school, a reluctance to leave home, or a perception that another setting is more rewarding than school.²⁷

Eligibility

If a student is not yet eligible for an IEP or Section 504 Plan, then the team must determine eligibility based on the results of assessments conducted by the district and reviewed by an IEP or 504 team.

Section 504 covers qualified students with disabilities who attend schools receiving Federal financial assistance. To be protected under Section 504, a student must be determined to (1) have a physical or mental impairment that substantially limits one or more major life activities; or (2) have a record of such an impairment; or (3) be regarded as having such an impairment.²⁸ Section 504 requires that school districts provide a free appropriate public education (“FAPE”) to qualified students in their jurisdictions who have a physical or mental impairment that substantially limits one or more major life activities. A student demonstrating school refusal who either has a diagnosis of anxiety or is regarded as having anxiety due to the symptoms being displayed could qualify under Section 504 for accommodations and services if the anxiety is limiting a major life activity, such as learning.

If a student experiencing school refusal is not yet eligible under the IDEA, there are several eligibilities that should be taken into consideration. Most often, when a student's anxiety impacts their education, it will fall under the Emotional Disturbance (“ED”) category of eligibility. The IDEA considers “emotional disturbance” to mean a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance: (1) an inability to learn that cannot be explained by intellectual, sensory, or health factors; (2) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; (3) inappropriate types of behavior or feelings under normal circumstances; (4) a general pervasive mood of unhappiness or depression; or (5) a tendency to develop physical symptoms or fears associated with personal or school problems.²⁹

While the student needs to only exhibit one of the five criteria they must also exhibit the criteria to a “marked degree” over “a long period of time,” which can often be hurdles in establishing this eligibility.³⁰ IEP team members may have different interpretations of what “over a long period of time” means. If the team determines the student’s anxiety or depression and subsequent school refusal has not been exhibited for a long enough time the team may deny eligibility. Neither the IDEA nor its regulations actually define how long the period of time must be, though states may provide some guidance on the issue. OSEP, however, has generally found that “a long period of time” can range from two to nine months, assuming other interventions have

²⁷ *See Id.*

²⁸ 34 C.F.R. §104.3.

²⁹ 34 C.F.R. §300.8(c)(4)(i).

³⁰ *Id.*

been implemented and proven ineffective over that period of time.³¹ Similarly, there is no definition of the requirement that the behavior manifest itself “to a marked degree” but OSEP has noted that the term generally refers to the frequency, duration, or intensity of a student’s emotionally disturbed behavior in comparison to that of their peers.³² An IEP team reviewing eligibility under this category should be sure to focus on both the length or severity of the emotionally disturbed behavior. For example, if a student has consistently exhibited the school refusal for a month but only for one class that may not be sufficient. But if the student has consistently missed one class for six months, that is a stronger argument. If the student has missed the entire school day for only two months and when attempts have been made to come to school the student becomes violent or breaks down, that may be sufficient even though it is less time. The team should take into consideration both factors– the amount of time and the degree of the behavior – when determining eligibility.

Another eligibility that could be taken into consideration is Other Health Impairment (“OHI”). The IDEA states that an other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that: (1) is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and (2) adversely affects a child's educational performance.³³ To be eligible under OHI, the student usually has a diagnosis that is affecting their educational performance, which in most cases of school refusal would be anxiety or some other mental health condition.

It should be clear cut that a student’s educational performance is being adversely affected by school refusal or avoidance when a student is failing to attend school on a regular basis, but some school teams struggle with this concept if the student is still capable of keeping up academically. While there is likely a student who may be able to keep up academically while not attending school, even that student will not be able to participate in class or collaborate with peers. In *Independent School District No. 283 v. E.M.D.H.*, a high schooler's anxiety and depression prevented her from accessing the general education curriculum, and the court found, therefore, that a Minnesota district erred in finding the student ineligible for IDEA services based on her above-average academic performance.³⁴ While an eligibility team may (and should) consider a student's academic ability when determining the need for specialized instruction, it cannot rely solely on that factor. The team also needs to consider factors such as frequent absences and the student's ability to access the general education curriculum. Not only was this district aware that the

³¹ See *Letter to Anonymous*, 213 IDELR 247 (OSEP 1989).

³² See *Id.*

³³ See 34 C.F.R. §300.8(c)(9).

³⁴ See *Independent Sch. Dist. No. 283 v. E.M.D.H.*, 76 IDELR 203 (8th Cir. 2020).

student's absences stemmed from her mental health issues, but it knew she had earned very few course credits.³⁵

On the other hand, the U.S. District Court, District of New Jersey held in *M.S. and D.S. v. Randolph Board of Education*, that a teenager diagnosed with generalized anxiety disorder who was excessively absent from school was not eligible under the IDEA.³⁶ The court affirmed an administrative law judge's ruling that the student's anxiety did not adversely affect his educational performance or result in a need for specialized instruction.³⁷ The eligibility team considered whether anxiety or other factors unrelated to a disability were to blame for excessive lack of attendance.³⁸ Evidence that he had no attendance problems or obvious anxiety until he was 17 showed that he could have but simply did not want to attend school, in the court's opinion, and supported the team's finding that his anxiety was not the cause of his academic problems.³⁹

A specific learning disability ("SLD") should also be considered when assessing a student with school avoidance as the root of the avoidance could be based on their inability to learn due to processing or other deficits.⁴⁰

Individualized Education Plan or 504 Plan

Once a school district recognizes that a student needs support, the IEP, or 504 Plan, must be written or revised to support the student's needs related to the school refusal. In *Canon-McMillan School District*, the independent hearing officer found that because the district had reason to believe the student's anxiety was manifesting itself through school avoidance, it was required to address the issue in the IEP.⁴¹ The IHO acknowledged that not all excessive absenteeism is a behavior that impedes learning such that a district must address it "but where a student is unable to attend punctually, if at all, and parent shares with the school district that social/emotional/anxiety stressors in the school environment are the reason, that is a different matter," the IHO wrote.⁴² Under those circumstances, the issue, at the very least, should be taken up by the student's IEP team.⁴³ The IHO pointed out that by the latter half of November 2011, the student's attendance issues were acute and there was sufficient reason to suspect they stemmed from anxiety.⁴⁴ At that point, the district knew or should have known that it needed to reconvene the IEP team to consider whether the student's IEP was still meeting the student's needs.⁴⁵

³⁵ *See Id.*

³⁶ *See M.S. and D.S. v. Randolph Bd. of Educ.*, 75 IDELR 103 (D.N.J. 2019).

³⁷ *See Id.*

³⁸ *See Id.*

³⁹ *See Id.*

⁴⁰ *See* 34 C.F.R. §300.309(a); *see also* 34 C.F.R. §300.8(c)(10).

⁴¹ *See Canon-McMillan Sch. Dist.*, 114 LRP 39912 (SEA PA 08/26/14).

⁴² *Id.*

⁴³ *See Id.*

⁴⁴ *See Id.*

⁴⁵ *See Id.*

The first step in developing an IEP is making sure it includes sufficient goals to address the student's needs. In the case of school refusal, goals may be related to school attendance, behavior, self-advocacy, or coping skills. For example, a student could have an annual goal to attend school for the entire day with objectives to attend school incrementally. If the issue is related to tardiness, the student might benefit from a goal to get to school early with objectives that would address preparing their supplies/books to leave and leaving the home on time. For a student who is avoiding school due to anxiety related to presentations, for example, a goal to ask a teacher for an appropriate alternative assignment or method of presentation (e.g., pre-recording a presentation, presenting to a small group of preferred peers) would teach them the skills needed to self-advocate for accommodations. A goal for learning coping skills – such as deep breathing, asking for a break, or positive self-talk – would provide the student with tools to deal with their feelings and anxiety in the school setting.

Appropriate goals can be a determining factor for courts in deciding if a program is appropriate. In *Parent v. Temecula Valley Unified School District and Riverside County Department of Mental Health*, for example, the Student exhibited chronic absenteeism and school avoidance behaviors.⁴⁶ The student's IEP included an attendance goal that was the sole responsibility of the mother of student.⁴⁷ There was no BSP or other supports to address student's attendance.⁴⁸ As a result, OAH found that the District's program was only appropriate in the abstract, because it presumed the student would come to school - a circumstance not based in history.⁴⁹ The ALJ found that the attendance goal only highlighted the District's passivity in its education of Student.⁵⁰

In addition, a behavior support plan ("BSP") or behavior intervention plan ("BIP") should be drafted to address the function of a student's anxiety. The IDEA mandates that the IEP team at least consider the use of positive behavioral interventions and supports and other strategies in the case of a student whose behavior "impedes" her own learning or the learning of others.⁵¹ If school refusal is motivated by avoidance or escape, the BSP should include interventions that are designed to address the student's anxiety as it relates to school or returning to school, such as normalizing anxiety, learning progressive relaxation, limiting exposure to anxiety-producing stimuli or events, and learning to self-monitor feelings and then engage in coping strategies that will decrease the distress.⁵² If BSP is written to address school refusal motivated by attention it should include

⁴⁶ See *Parent v. Temecula Valley Unified School District and Riverside County Department of Mental Health* (OAH Case No. 2011060230).

⁴⁷ See *Id.*

⁴⁸ See *Id.*

⁴⁹ See *Id.*

⁵⁰ See *Id.*

⁵¹ See 34 C.F.R. §300.324(a)(2)(i).

⁵² See St. Joseph, S. D., Austin, S. C., Strickland-Cohen, K., Machalicek, W., & McIntosh, K. (April, 2022). School Refusal: Assessment and Intervention. *Center on PBIS, University of Oregon*. www.pbis.org.

interventions designed address a student's needs to be acknowledged.⁵³ Interventions could include positive feedback from teachers and/or parents for appropriate behavior, teaching replacement behaviors for appropriate ways to get attention, and providing a point person to check in at the start of the day and to check out with at the end of the day. For the student who is seeking a tangible reinforcer outside of school implementing a rewards-based program at school could incentivize the student to attend school. If possible, the student should be involved in selecting the reward.

Developing or updating a BIP or BSP is one of the most important tools in combating school avoidance. In *District of Columbia Public Schools*, for example, a hearing officer determined that the District of Columbia did not violate the IDEA by failing to update a high schooler's behavior intervention plan to address his severe truancy.⁵⁴ Documentation showed that the district recently developed the BIP to address the student's severe absenteeism, granted the student's request to attend a school with a vocational program, and attempted home visits, but that the student abused marijuana and didn't want to attend, and that the district responded appropriately to the student's attendance issues.⁵⁵ In this case, the school district's efforts to address the issue were significant enough for the hearing officer to determine that an updated BIP was not necessary given that one had recently been developed in conjunction with the other efforts made by the district.

Accommodations or modifications are another important component of the IEP that should be individualized for each student experiencing school refusal. Accommodations are changes in how a student access the curriculum and demonstrates learning while modifications are changes in what a student is expected to learn. Accommodations do not substantially change the content or performance criteria but provides a student with equal access to curriculum and an equal opportunity to demonstrate their knowledge. A modification allows students the opportunity to participate meaningfully with other students in the classroom but can include changes to the instructional level, content/curriculum, and performance criteria.

An accommodated schedule should be considered and could range from a partial day program to a late start by just a few minutes for a student who is avoiding the chaos of mornings at school. A change in schedule to a different class can also address an issue a student is having with a teacher or with a subject matter. For example, a student may be struggling in an AP Biology class and avoiding school due to being overwhelmed in the class and may need to transfer to a less fast-paced class. Another schedule accommodation for a student who is not attending school at all could be a scaled back schedule where more classes are added over a period of time. Warning a student of a schedule change in advance to it happening to avoid anxiety related to the unexpected is another accommodation the team can consider.

⁵³ *See Id.*

⁵⁴ *See District of Columbia Pub. Schs.*, 119 LRP 37665 (SEA DC 08/26/19).

⁵⁵ *See Id.*

Accommodations to address the antecedent of the behavior should be coupled with an accommodation to address any missed class time. If a student needs an accommodation to miss part of a class period – such as extended passing period, breaks from the classroom, or a late start – they might also need an accommodation to address the missed class time. Accommodations to address missed class time could include copies of class notes or class presentations, review of materials with the teacher and information about class assignments and due dates provided in writing. The team should also consider a goal to increase the time in class by addressing the underlying anxiety.

For a student who is having anxiety related to tests some simple accommodations would include an alternative testing setting, study guides, or practice tests. The team may also consider curricular modifications if the anxiety is related to fear of academic work or tests. Modifying or accommodating assignments or tests as appropriate may also be helpful. In addition, an accommodation for access to a counselor other personnel throughout the school day to address issues that come up outside of counseling sessions would also be appropriate.

If accommodations and modifications are not sufficient to address the student’s needs, then related services may be necessary to support the student’s goals. Related services under the IDEA are an array of supportive services provided to children with disabilities to assist them in benefiting from special education.⁵⁶ Section 504 doesn't define the term “related aids and services,” but such services are generally understood to include the same services as “related services” under the IDEA.⁵⁷ Related aids and services must be provided to the extent that they enable a district to meet the individual educational needs of a student with a disability as adequately as it meets the needs of nondisabled students.⁵⁸

There are a number of services that could be appropriate to address the issue of school refusal. Counseling or other mental health services would be appropriate to address the underlying anxiety that the student has that is manifesting as school refusal. Therapies to address school refusal include exposure therapy, cognitive behavioral therapy, and dialectical behavioral therapy.⁵⁹ Direct instruction in social skills, and eventually a social skills group, would be important in cases where the student has a fear of asking teachers for help or interacting with peers. Academic support, or in some cases an increase in academic support, may be necessary when the student’s underlying issue is related to completing work, not understanding lessons or assignments, or even an unidentified learning disability.

⁵⁶ See 34 C.F.R. §300.320(a)(4); see also 34 C.F.R. §300.34.

⁵⁷ See 34 C.F.R. §100.33(b).

⁵⁸ See 34 C.F.R. §100.33(b).

⁵⁹ See School Avoidance Alliance. (2022). *Modes of Therapy*. <https://schoolavoidance.org/modes-of-therapy/>.

A service that is often overlooked by IEP teams in these situations is parent counseling or training. Related services are defined to include parent counseling and training.⁶⁰ Districts are responsible for providing parent counseling and training when the child's IEP team determines that it is necessary for the child to receive FAPE.⁶¹ “In order to determine whether services for a child's parents, such as training or counseling, should be included in a child's IEP, the team developing the IEP must determine that the service is needed in order for the child to receive an appropriate special education or other required related services in the least restrictive environment.”⁶² In a case of a student exhibiting school refusal a parent may need counseling or training to support the student in returning to school by being able to address anxiety and behaviors in the home setting.

Another service that can be provided at home and at school is behavior support. While a student may require behavior support when they return to school on a modified schedule or with new services in place, the district may resist implementing behavior supports in the home setting. The issue is, however, that the student is often not leaving home so without supporting the student in the home setting it can be difficult to even be able to implement the rest of the program that has been developed. The implementation of services, however, can be a difficult issue if the student is not attending school.

School districts are often reluctant to offer remote or homebound services providing reasoning such as providers' schedules may not be consistent which makes it hard to connect with students remotely; rapport is difficult to establish online with counselor or mental health professional; and it may encourage the student to just continue to stay home. These reasons, however, may not hold up in court. For example, in *Duneland School Corporation*, a school district was ordered to provide a student with compensatory education to remedy its months-long delay in finding an instructor for homebound services.⁶³ When faced with roadblocks by a school district in implementing some services in the home setting, it is important to remind the team that if the student is not attending at all they are not making progress on their goals or even accessing a basic education. For example, in *Tindell v. Evansville-Vanderburgh School Corporation*, the court found that home instruction was appropriate for a student who had such severe anxiety that he was unable to attend classes outside the home.⁶⁴ The IEP team, however, needs to ensure that any homebound services are being offered based on a student's unique needs versus a district policy.⁶⁵ An IEP team may be more amenable to providing for homebound education and services for a limited time

⁶⁰ See 34 C.F.R. §300.324.

⁶¹ See 71 Fed. Reg. 46,573 (2006).

⁶² *Letter to Doe*, 211 IDELR 399 (OSERS 1986).

⁶³ See *Duneland Sch. Corp.*, 122 LRP 13606 (SEA IN 02/15/22).

⁶⁴ See *Tindell v. Evansville-Vanderburgh School Corporation*, 57 IDELR 71 (S.D. Ind. 2011).

⁶⁵ See, e.g., *Traverse City (MI) Area Public Schools*, 59 IDELR 144 (OCR 2012) (finding that a district policy calling for students with disabilities to receive the minimum amount of homebound services required by state law violated Section 504); and *Middleborough (MA) Public Schools*, 110 LRP 57341 (OCR 01/22/10) (finding that a district erred in offering its “standard” three-hour homebound tutoring package to a student with ADHD without considering her unique needs).

and either setting up a transition plan or reentry plan to transfer services and instruction back to the school setting or having another IEP to review progress and make changes within a specified timeframe.

An IEP team may also want to consider a change in location if that is what is inhibiting the student from attending. The hearing officer in *In re: Student with a Disability*, found that a school district denied student a FAPE when it failed to come up with a plan to address student's known school refusal and failure to make progress on a school participation goal as she transitioned to a larger campus.⁶⁶ The student's participation in class significantly declined, yet the district did not adjust her placement or reevaluate her needs in response.⁶⁷ The IHO ordered the district to conduct a triennial evaluation and provide compensatory tutoring services to address the educational loss.⁶⁸ Similarly, a hearing officer found that the District of Columbia Public Schools denied FAPE to a student with autism, OCD, and social anxiety when it moved her from a small school to a much larger one, triggering severe school refusal.⁶⁹ The student, who had not attended school at all during the 2024 - 2025 year, became too anxious to enter the building, yet the district failed to reassess her placement or meaningfully adjust her transition plan.⁷⁰ The IHO concluded that the district should have considered how the school's size and environment impacted her anxiety and attendance, and ordered 250 hours of compensatory education.⁷¹ IEP teams should consider whether a change to a smaller campus could provide student with the same level of programming but in a physical environment that will not be overwhelming when dealing with school anxiety.

A school district's effort to offer a comprehensive program aimed at addressing the school refusal is more likely to be found to be a FAPE. For example, in *I.S. v. Fulton County School District*, the school district was found to have offered a FAPE when it offered a comprehensive program that included a systematic reentry plan, the support of a behavior analyst, a certified teacher at home and paid for counseling all in an effort to get the student to attend a private school.⁷² On the other hand, if a district fails to take reasonable steps to address school refusal the program is less likely to provide a FAPE. In *B.Z. v. Hewlett Woodmere Union Free School District*, the school district failed to offer a program to a student that included strategies to address his school avoidance.⁷³ The student had a history of school refusal at his public high school but attended a private program that provided one-on-one instruction that allowed him to attend class without feeling judged.⁷⁴ Two experts noted that the one-on-one instruction provided was essential to the student's progress and the program offered at the local high school, a credit recovery

⁶⁶ *In re: Student with a Disability*, 125 LRP 14199 (SEA NH 4/23/25).

⁶⁷ *See Id.*

⁶⁸ *See Id.*

⁶⁹ *See District of Columbia Public Schools*, 125 LRP 13705 (SEA DC 02/28/25).

⁷⁰ *See Id.*

⁷¹ *See Id.*

⁷² *I.S. v. Fulton County School District*, 124 LRP 37988 (11th Cir. 10/31/24, unpublished).

⁷³ *See B.Z. v. Hewlett Woodmere Union Free School District*, 125 LRP 2485 (E.D.N.Y.) 1/27/25).

⁷⁴ *See Id.*

program for five hours per week, would include any other student who wished to participate.⁷⁵ The judge noted that it was “beyond . . . comprehension” how a student could be expected to make educational progress when he would not enter the building to attend his classes.⁷⁶ In this matter, the IEP team failed to take into consideration what made the private program successful thereby failing to identify any additional supports the student may require to attend school and offer an appropriate program.

In the event that none of the efforts on the part of the IEP team result in the student returning to school the team may need consider a change in placement. While a change from general education to a special day program, for example, or an increase in specialized academic instruction may address the issue if the student has been struggling with academic issues that may not be the circumstances in all cases. In the most extreme cases, in fact, the student may need placement in the home or a residential treatment center, RTC, in order to access any education at all. In *Lexington County School District One v. Frazier, ex rel. D.T.*, a student with anxiety and autism refused to attend school and when he did he would become overwhelmed and refused to participate.⁷⁷ The school district, however, did not offer counseling or question the appropriateness of his IEP.⁷⁸ As a result, parents placed him in a therapeutic residential program and sought reimbursement from the district.⁷⁹ The court ordered the district to reimburse parents, pointing out that the student was not placed in the RTC for emotional difficulties that were separate and apart from his educational needs but that the primary reason for the placement was to find a setting where the student would respond to education.⁸⁰ In *J.H. and D.H. v. Seattle Public Schools*, however, the District Court found that the BIP developed by the IEP team was appropriate even though the student only attended school four out of the 16 remaining days of school because he was getting dressed for school on the days he was not attending instead of refusing to get out of bed.⁸¹ The judge found that the fact that student did not attend school each day was not evidence that the BIP was not appropriate but rather that the interventions may have worked if the parents had given the district more time to implement the services.⁸² The judge, therefore, denied reimbursement for an RTC setting.

Conclusion

School avoidance and refusal is a rising concern that must be addressed by school teams with immediacy. Parents and caregivers should be working with school staff to conduct assessments, determine eligibility, and develop revise an IEP to address the current concerns. If

⁷⁵ *See Id.*

⁷⁶ *See Id.*

⁷⁷ *See Lexington County School District One v. Frazier ex rel. D.T.*, 57 IDELR 190 (D.S.C. 2011).

⁷⁸ *See Id.*

⁷⁹ *See Id.*

⁸⁰ *See Id.*

⁸¹ *See J.H. and D.H. v. Seattle Public Schools*, 124 LRP 7203 (W.D. Washington 3/01/24).

⁸² *See Id.*

the teams are unwilling to do make the necessary changes, then parents may need to resort to more intense strategies in their advocacy such as independent educational evaluations or filing for due process to get appropriate programming in place.