

## **Substance Abuse and Students with Disabilities**

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Substance abuse and addiction are epidemic problems in the United States and throughout the world (Center for Disease Control [CDC], 2016). In this brief article we use the term substance abuse to encompass alcohol abuse, abuse of illicit drugs (e.g., cocaine, heroin), or abuse of prescription drugs (e.g., opioids, central nervous system depressants). Abuse of these substances threatens the lives of thousands of people each year. For example, according to the CDC, 91 Americans lose their lives to an overdose of opioids each day, with drug overdose being the leading cause of accidental death in the U.S. (Rudd, Seth, Scholl, & 2016). The statistics describing substance abuse among youth in the United States are equally grim. Researchers have suggested that more than 10% of adolescents suffer from substance abuse or dependence, with Caucasians being significantly more likely to develop abuse/dependence issues than other races (Kilpatrick et al., 2000). A particularly disturbing trend is the growing use of opiates. In 2015, 122,000 12 to 17-year old adolescents had an addiction to prescription pain relievers and approximately 21,000 had used heroin in the past year (Center for Behavioral Health Statistics and Quality, 2016). Additionally, the rate of adolescents between the ages of 15 and 24 who died from a heroin overdose increased 15% from 2014 to 2015 (from 1452 to 1649; CDC, 2016).

According to Addiction.com (2017), persons with disabilities have between substance abuse rates two to four times greater than do persons without disabilities. Moreover, persons with disabilities are at a greater risk of substance abuse due to possible risk factors (National Rehabilitation Information Center, 2017). Clearly, if students with disabilities have such problems, their academic and social emotional functioning will likely be negatively affected (Waldspurger & Dikel, 2015).

In such situations, assessments for services under the IDEA or Section 504 may be required. Unfortunately, the assessment of student needs may be affected by the substance abuse, which may make accurate evaluations difficult (Addiction.com, 2017). Nonetheless, if a student is suspected of having a disability under the IDEA or Section 504, it is the duty of the assessment team to ensure that a full and individualized assessment is conducted. In such cases, a professional on the team conducting the assessment, such as a school psychologist or school social worker should have expertise in assessing students for possible drug abuse. Readers should note that some states have privacy laws that cover substance abuse assessments.

Substance abuse is not a disability category under the Individuals with Disabilities Education Act (IDEA). Thus, if a student engages in substance abuse, that in and of itself will not result in the student being identified as having a disability under the law, nor would substance abuse trigger the child find obligations of the IDEA. If, however, there is a suspicion that a student may also have a disability that adversely affects his or her education or behavior, referral and assessment

are required. For school personnel to attempt to untie the Gordian Knot of whether a student's educational or behavioral problems are due to a student's disability or underlying substance abuse is an impossible task and any attempt to do so may subject the school district to legal difficulties.

Additionally, although substance abuse disorder is not a disability category, students with disabilities served under the IDEA may have substance abuse problems. For example, students served under the classification of an emotional disturbance (ED), may have concomitant mental illness, which could include substance abuse. Additionally, many individuals who abuse drugs or alcohol may have underlying conditions such as anxiety and depression that may lead a student to self-medicate. These underlying conditions may be the basis for the need to evaluate the child for an emotional disturbance under the IDEA and must be part of a thorough assessment if a student is identified as possibly having a disability, no matter what the category.

Students with disabilities may also be eligible for services under Section 504 of the Rehabilitation Act if they have a mental or physical impairment that substantially limits a major life activity (e.g., learning, attention) and are being educated in a school that receives federal financial assistance. This could include students who abuse drugs as long as the student is not currently engaging in the use of illegal drugs. Moreover, students who are in drug rehabilitation programs are eligible for services under Section 504 as long as they are no longer abusing drugs.

If the student who is suspected of substance abuse is in special education or being served under Section 504, a teacher, parent, counselor, or school official may request an additional evaluation be conducted. If, however, a student who is a substance abuser is not suspected of having a disability under either law, neither the IDEA nor Section 504 require that he or she be evaluated for services, although as previously noted making such a determination could put a school district in a legally precarious situation.

If a student is found eligible under the IDEA, because he or she is determined to be in one of the 13 disability categories and needs special education services, the IEP team is then responsible for ensuring that the student receives a free appropriate public education (FAPE) under the IDEA. Similarly, if a student with disabilities qualifies under Section 504, a team of professionals likewise has an obligation to ensure that that student receives a FAPE under that law. School districts may have professionals with the expertise to address substance abuse issues, and in such cases, these professionals should be part of a student's IEP or Section 504 team. For these students it is the responsibility of the team to provide special education services under the IDEA or 504 services that enable the student to receive a FAPE. Unfortunately, neither special education services nor services under Section 504 will ameliorate substance abuse problems. Successful treatment of substance abuse may involve specialized treatments, and if the substance abuse program involves medical treatment, schools are not required under IDEA or Section 504, to pay for or reimburse parents for such services. Treatment programs that do not involve

medical treatment; however, could be included in a student's IEP or 540 plan, if the team believes it is needed to provide a FAPE to a student.

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