

Using
HIPPY
to Serve
Families with
Special Needs

HIPPY USA

in collaboration with

Advocates for Children
of New York

This Guide was created by HIPPY USA to provide guidance to local HIPPY programs with regards to serving individuals with special needs.

Most local HIPPY programs are federally funded and therefore must comply with Federal Disability Laws, including the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973. In addition, many states have laws that expand the rights of children with disabilities beyond the scope of these federal laws, and therefore local programs must also make themselves aware of relevant state and local laws, to ensure that persons with disabilities are receiving the greatest possible benefit when participating in a HIPPY program.

The HIPPY curriculum was developed to “improve the future of socioeconomically unsuccessful groups by improving their young children’s level of educational achievement.” (Lombard, Success Begins at Home, 1981) The focus of HIPPY is on the “parent as the primary educator” of his/her child. Despite the intent to make HIPPY a program for all children, HIPPY was not specifically developed for special needs populations. However, because of the nature of the HIPPY model (e.g. home-based, parent and child working one-on-one, and a flexible time frame) the HIPPY curricula may be effective for some children with special needs.

HIPPY USA recognizes that we cannot have a blanket policy for all children with special needs, and therefore it is crucial that every local HIPPPY program consider each child’s individual needs when determining appropriate accommodations to make. However, please refer to the following guidelines when considering modifications to the HIPPY curriculum.

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1. Who are children with special needs?

Children with Special Needs is a catch-all term that encompasses students who have physical and developmental disabilities that impair either their ability to learn and/or their ability to function in a public setting without accommodations for their disabilities. Therefore, HIPPY providers should be aware that even children who have disabilities which do not impair their ability to learn, but might impair their ability to be in a public setting (such as severe asthma, or being wheelchair-bound), are entitled to accommodations to have access to public services (such as a ramp into a school building, or being in a dust-free kindergarten classroom).

2. How will I know if an individual is disabled and entitled to receive services for his/her disability?

It will not always be apparent that an individual has a disability. In fact, many disabilities are not obvious without investigation. For example, a person who has a learning disability, such as dyslexia (a learning disability that often prevents students from being able to read), will not look different, however that individual will process information differently from an individual without dyslexia.

Local HIPPY programs should examine their intake and screening procedures to ensure that they are asking parents questions about both their child's abilities and weaknesses, and any health conditions that affect his/

her ability to participate in the HIPPY program. While such things might be difficult for parents to determine about such young children, some questions that you might want to ask are:

- Has your child ever received early intervention services? If yes, then what for?
- Has your child ever received services through the Committee on Preschool Special Education? And if so, then what for?
- Does your child have difficulty with any physical activities that we should be aware of?
- Do you [the parent who will be working with the child] have any disability of which we should be aware so that we can make sure to accommodate your needs?

Please consider that discussions about peoples' disabilities are often difficult, because there may be social stigmas traditionally associated with having a disability. Therefore, it is important to make clear to the parent that you are collecting this information so that you will be able to provide better services to the family, and that this information will be kept private.

3. Are HIPPY programs required to serve children with special needs?

Yes, if they receive Federal funding. Any program that receives funding from Federal sources is required to comply with Federal disability laws, which mandate that recipients serve and allow access to and provide accommodations for persons with special needs.

HIPPY Programs may also be required to comply with State disability laws, however the rules vary from State to State, so you should check with your State office to

determine what laws apply to your program.

4. What Federal disability laws must my HIPPY program comply with?

The laws that every federally-funded program must comply with are Section 504 of the Rehabilitation Act (Section 504), the Americans with Disabilities Act (ADA), and possibly in certain circumstances, the Individuals with Disabilities Education Act (IDEA).

Section 504 and the ADA ensure that if you receive Federal funding, you must provide access to and serve individuals with disabilities, so long as any accommodations that you need to make for that individual are reasonable in nature (do not put your program in a financial hardship or change the nature of the activity so much as to affect its effectiveness).

Additionally, certain HIPPY programs that are located within school districts might also have specific mandates from their funding entity under the Individuals with Disabilities Education Act (IDEA), such as referring children for evaluations under "Child Find," as well as contractual relationships to provide services. However, HIPPY Programs in and of themselves, are not required to comply with the IDEA. *See Section 7 of this Guide for additional information on the IDEA.*

5. What Is Section 504?

Section 504 of the Rehabilitation Act of 1973 is a Federal law that protects *qualified* individuals from discrimination based on their disability, and requires

that Federally-funded organizations provide equal access to services for disabled persons. Section 504 was “designed to eliminate discrimination on the basis of handicap in any program or activity receiving Federal financial assistance” (34 CFR Part 104.1).

Therefore, under Federal disability law, HIPPPY programs must make reasonable accommodations for both children and parents with special needs. This means that services provided to persons with disabilities must be essentially the same services as those provided to a non-disabled peer, however the disabled person may need accommodations in order to *access* the services.

(a) Who is a *qualified individual* (protected from discrimination) under Section 504?

For the purpose of HIPPPY, a federally-funded service, individuals *qualified* to receive accommodations under 504 are handicapped persons who meet the essential eligibility requirements for the receipt of such services (meaning the basic criteria to receive the services, which for HIPPPY is having a 3-5 year old child) (34 CFR Part 104.3(l)). Under the Section 504 Federal Regulations, a Handicapped Person is anyone who has a physical or mental impairment which substantially limits life activities, has a record of this impairment, and is regarded as having such an impairment (34 CFR Part 104.3(j)). Major life activities include caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, and learning. Some examples of impairments which may substantially limit major life activities, even with the help of medication or aids/devices, are: AIDS, alcoholism, blindness or visual impairment, cancer, deafness or hearing impairment, diabetes, drug addiction, heart disease, and mental illness (US Department of Health and Human Services Website: <http://www.hhs.gov/ocr/504.html>).

Therefore, your HIPPY program should make sure that its intake procedures consider the possibility that an individual might have a disability which requires an accommodation, and your program should do its best to provide such accommodations as a natural course of practice.

(b) What makes an accommodation *reasonable* or *unreasonable*?

Reasonable accommodations are those which would not cause your HIPPY program undue financial or physical hardship. For example, it would be *reasonable* for you to enlarge pages of a book for a child with a vision impairment, or use a larger toy for a child with poor fine motor skills. Or, reasonable accommodations might relate to the physical surrounding. For example, a child or parent with severe asthma might be unable to attend group meetings on the fourth floor without an elevator, or a person in a wheelchair might need a wheelchair ramp to enter a building, and these accommodations are *reasonable*.

However, in comparison, *unreasonable* accommodations for small, community-based organizations are usually those that would threaten a programs existence or would require the program to be fundamentally altered.

(c) Do HIPPY Programs also have to make accommodations for parents with disabilities?

Yes. Since HIPPY Home Visitors work directly with parents, it is important to recognize that parents with disabilities are also entitled to accommodations to provide them with equal access to services provided by your

HIPPY program. The same rules apply for making accommodations for parents and children under Section 504 and the ADA. Therefore, your Home Visitors might have to modify activities for the parents they work with. For example, a parent in a wheelchair may not be able to participate in an activity that focuses around rolling a ball on the floor, so perhaps a ball could be rolled on a table, or tossed lightly in the air, instead of on the floor. Further, parents with learning disabilities also qualify for accommodations. And, a parent with a vision impairment is also entitled to an enlarged copy of pages to read, or assistance with reading, so that s/he can participate alongside her/his non-disabled peers.

6. What is the Americans with Disabilities Act (ADA)?

The ADA is a Civil Rights Act that prohibits discrimination on the basis of disability in public accommodations. Title III of the ADA specifically deals with non-profit social service providers. For a person to be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. Section 302 prohibits discrimination such as eligibility guidelines/criteria that tends to screen out a class of disabled persons, a failure to make reasonable modifications to services offered, a failure to take steps to ensure that no individual with a disability is excluded; and, a failure to remove structural barriers in existing

facilities, unless making these changes would prove to fundamentally alter the services being offered.

Overall, under the ADA, no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation (<http://www.ujdoj.gov/crt/ada/cguide.htm#anchor6233510>).

(a) What are Public Accommodations under the ADA?

Title III covers businesses and nonprofit service providers that are public accommodations, privately operated entities offering certain types of courses and examinations, privately operated transportation, and commercial facilities. Public accommodations include private schools, day care centers, and recreation facilities (<http://www.ujdoj.gov/crt/ada/cguide.htm#anchor6233510>). Therefore, since HIPPPY programs are considered public accommodations under the ADA, HIPPPY programs cannot deny disabled individuals the right to enjoy services provided by the program based on the individuals' disability.

7. What is the IDEA and does my HIPPPY program have to comply with it?

The IDEA (Individuals with Disabilities Education Act) is a Federal Disabilities Law that entitles all children with disabilities (classified under the Act), aged 3-21, to a Free Appropriate Public Education (FAPE), in the Least Restrictive Environment (LRE). Part D of the IDEA also

covers Early Intervention (for children aged 0-3). Agencies that are required to comply with the IDEA are State and Local Education Agencies, which are required to identify children residing in their areas of service that have a disability or are at-risk of developing a disability and offer them services. School districts are required to have "Child Find" procedures designated to identify at-risk children and refer them for evaluation by special education committees. These procedures generally include a "team" of individuals whose responsibility is to identify and refer children for evaluation for services.

Since local HIPYPY programs are not agencies defined under the IDEA, they are not *required* to comply with the IDEA, however because many HIPYPY programs are located within public schools, they may be *expected* by their district to make referrals. Furthermore, a referral for services at a young age will likely benefit the child. And, since one of the goals of the HIPYPY model is to connect families to community resources, HIPYPY Home Visitors should be trained on identifying developmental delays among the children they work with so that they can refer these families for Early Intervention (ages 0-3) and Preschool Special Education (ages 3-5) services when appropriate.

8. What Should We Do If We Determine That a Child's Disabilities Are Such That They Are Too Disabled to Benefit From HIPYPY (or Needs Services That HIPYPY Cannot Provide)?

With the parents' consent (unless you are an employee of a public school district), you can refer the child for free special education services. Under the IDEA, any child aged 0-21, who either has a disability, or is sus-

pected of having a disability, is entitled to an evaluation and then services, if the child is determined to be disabled. From age 0-3, the child should be referred for services to Early Intervention (EI); from age 3-5, a child suspected of a disability should be referred to the Committee on Preschool Special Education (CPSE); and from age 5 through 21, a child should be referred to a Committee on Special Education (CSE). Anyone can refer a child for evaluation, including the child's parent, teacher, or social service provider. However, you must check with your agency to determine the appropriate procedures to use to release information about a child, so as to not violate the family's privacy rights.

However, if you are an employee of a Local Educational Agency (LEA), under the IDEA, every LEA has a Child Find requirement to identify children at risk of disabilities, in order to refer them for services. Therefore, if a HIPPY program housed in a local school district, the school district (and probably not the HIPPY program) is responsible for identifying children in need of services (Child Find) and offering them services. However, some HIPPY programs may have an expectation or contractual relationship to act as part of the Child Find Team in their community.

Further, since the HIPPY model includes connecting participating families with community services, once a program has identified a child that they are unable to serve because of the nature of that child's disability, the family should be referred to the Committee on Preschool Special Education for an evaluation for services. Also, please bear in mind that children who receive special education services can also participate in HIPPY—the two are not mutually exclusive, and in fact can be mutually beneficial for a child with special needs.

In order to help connect families to special education services, programs should train HIPPY Home Visitors on child development and how to identify developmental delays, so that Home Visitors will be able to direct these families to resources in the community. For example, every year at the NY/NJ HIPPYCorps conference, members are trained on special education rights in NY and how to identify children with disabilities.

Please refer to the back of this guide for local State resources and contact information for agencies to refer HIPPY families to.

9. What is the procedure for creating an adaptation of the HIPPY curriculum for a child with special needs?

If the child that you are working with is already receiving special education services from their school district, it is recommended that you work in collaboration with their service providers to determine how to modify the child's instruction to best suit his/her needs. Furthermore, that you also work with any parents that might be disabled to create adaptations to meet their needs. However, if a child has not been identified as having a disability, then it is up to the local program, in collaboration with the child's parent and anyone that the parent may wish to consult for guidance (such as a pediatrician, therapist, etc.), to determine how to meet that child's needs. Additionally, it is recommended that you consult with HIPPY USA before modifying the HIPPY curriculum, to ensure that any alterations made do not fundamentally affect the integrity of the lesson.

Some things to consider when determining what modifications to make are:

- A child could begin HIPPY in the curriculum designated for a child of younger chronological age, but that better meets the particular child's developmental age.
- Programs should consider whether a child will be able to complete two years of HIPPY, as this is our model.
- Programs should consider the needs of the family and the benefits for the family, since HIPPY should be used because there is a reasonable expectation of helping the family and child.
- Modifications to the HIPPY curriculum should not "fundamentally alter" it to the extent that the family is no longer doing HIPPY, which can compromise the efficacy of the HIPPY program.

Overall, please keep in mind that every child and each situation must be considered individually.

ADDITIONAL RESOURCES

ADA Hotline
1(800) 514-0301 (voice)
1(800) 514-0383 (TTY)

US Department of Education
<http://www.ed.gov>

US Department of Justice
<http://www.usdoj.gov>

STATE/LOCAL RESOURCES

Insert Local Resources Here...

CONTACT INFORMATION

Insert State/Local Contact Information Here...

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