

ROLE OF THE SCHOOL NURSE IN IMPLEMENTING SECTION 504 AND INDIVIDUALIZED EDUCATION PROGRAM SERVICES

MARYLAND STATE SCHOOL HEALTH GUIDELINE

DECEMBER 2007

Maryland State Department of Education
Student Services and Alternative Programs
Branch
200 West Baltimore Street
Baltimore, Maryland 21201
Phone: 410-767-0311
TTY/TDD: 410-333-6442

Maryland Department of Health
and Mental Hygiene, Center for
Maternal & Child Health
201 West Preston Street
Baltimore, Maryland 21201
Phone: 1-877-463-3464
TTY/TTD: 1-800-735-2258



MARYLAND SCHOOL HEALTH SERVICES GUIDELINE

Foreword

There is a strong relationship between academic achievement and a child's physical, emotional and mental health. This link is the foundation for providing school health services as an important component of a school program. School health services provide primary prevention aimed at keeping students in school through appropriate screenings, early identification of children at risk for physical, emotional and mental health concerns, and case management of students with chronic health concerns.

The Annotated Code of Maryland, Education Article, §7-401 requires the Maryland State Department of Education (MSDE) and the Maryland Department of Health and Mental Hygiene (DHMH) to jointly develop public standards and guidelines for school health programs. The following guideline is developed in accordance with that requirement and is based on the expressed needs of the local school health services programs. These guidelines contain recommendations for minimum standards of care and current best practices for the health service topics addressed. It is intended that these guidelines will be used by the local school systems in developing local school health services policies and procedures as a means to assist local school health services programs in providing consistent and safe care to the students of Maryland. Specific laws and regulations that direct school nursing practice or other health services are identified in the guidelines.

ROLE OF THE SCHOOL NURSE IN IMPLEMENTING SECTION 504 AND INDIVIDUALIZED EDUCATION PROGRAM SERVICES

Introduction and Background

Federal legislation supports and protects the rights of students with chronic conditions and disabilities to access free appropriate public education (FAPE) in the least restrictive environment. Specifically, the Individuals with Disabilities Education Improvement Act of 2004 (IDEA), 20 U.S.C. §1400, et seq and Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794 (Section 504) include provisions for addressing health needs of students that impact their education. Schools have a legal responsibility to provide certain school nursing services when such supportive services are necessary in order for students to access and benefit from their educational program. School nursing is a related service that may be required under the IDEA (see *Cedar Rapids Community Sch. Dist. v. Garret F.*, 526 U.S. 66 (1999)). Advances in medical technology, educational research, and changing societal attitudes support the inclusion and full participation of children with special needs in all schools.

Chronic illness or disability may pose barriers to learning and full participation in school. As a member of school teams, the school nurse can identify and reduce barriers to learning. As the health expert on Section 504 plans and the Individualized Education Program (IEP) teams, the school nurse uniquely provides expertise and leadership in addressing the health needs of students with chronic conditions and disabilities in school. The development, review, and revision of Section 504 plans may involve team meetings that require the leadership of the school nurse when addressing special health care needs of students, which “substantially limit major life activities”¹ and impact learning.

The individualized health care plan, developed by the school nurse in consultation with the health care provider, student, and parent/guardian, is a foundation for addressing the health needs of students. The Code of Maryland Regulations (COMAR) 13A.05.05.08 states:

A designated school health services professional may serve on all levels of the pupil services team and the admissions, review and dismissal committees and participate, when appropriate, in the health services component of the Individualized Education Plan (IEP), the Individualized Family Service Plan (IFSP), or the Transitional Plan or any combination of these.

Purpose

The purpose of the guideline is to provide:

- Direction to school personnel in implementing Section 504 and special education services for identified students
- Resource for school staff in defining the role of the school nurse as a member of a multi-disciplinary team that addresses the needs of students with health conditions and disabilities

¹ 45 CFR Part 84.3

that impact their education.

Overview

School nurses provide services for students that promote optimal health which contributes to academic success. The school nurse is uniquely qualified to provide health assessments and health services, to promote preventive health, and to facilitate referrals to needed resources. As part of services to all students, including students with Section 504 plans or IEPs, the school nurse provides:

- Provides health related resources and referrals that meet the needs of students;
- Liaison services between healthcare provider and the team;
- Provide education of staff and student(s) related to health needs, especially how health needs may impact the educational process;
- Advocates for increasing student independence in managing the health condition(s); and
- Assesses barriers, unsafe practices or conditions.

In Maryland, a variety of school health service delivery models have been developed to meet the health needs of children in schools. These models may include school health services programs that employ only registered nurses (RNs), a mix of RNs and licensed practical nurses (LPNs), a mix of RNs and certified nursing assistants (CNAs), or a mix of RNs, LPNs, and CNAs. “Regardless of the service delivery model, the registered nurse is always the leader of the school health nursing team. The RN, as the expert in nursing and health, makes the decisions about how care is provided and who provides the care in the school.”² Additionally, the RN (school nurse) is the designated school health services professional who sits on the school teams.

School Nurse Involvement with 504 Plans and IEPs

School nurses are integral members of school teams, which may have various names in local school districts. The school nurse participates on teams that assess students for 504 eligibility. On these teams the school nurse reviews data related to the health of students and completes a health assessment on referred students. The school nurse reviews data related to the health of students who are referred to the team. Health assessments provide vital information on how health conditions may or may not impact a student’s ability to participate in the educational program. School nurses have the expertise, education, and qualifications to provide recommendations for appropriate care to address student health needs. These recommendations should be strongly considered during team assessment and determination of student needs. All team members review existing data and assessment results in order to make a determination of student eligibility for Section 504 or special education services.

The team members review assessments, the student’s needs, and accommodations that may be required. The team develops and writes a plan for eligible students. If staff training is required to implement accommodations, the team plans for it to occur. Ongoing collaboration with team members allows for students with special health care needs to participate in educational programs.

² Maryland Board of Nursing (2003). *School Health Nursing and the Child with Special Health Care Needs: Roles and Responsibilities*.

For eligible students with health conditions that impact their educational program, the school nurse contributes to the IEP by:

- Providing assessment information regarding the nature and severity of the health condition and/or the disability, both the initial assessment and reevaluation assessments;
- Determining if a student requires school health services as part of the special education program;
- Documenting required school health services on the student's IEP, including measurable annual goal and/or a statement of the need for the related service;
- Documenting direct and indirect nursing services; and
- Documenting periodic and annual IEP reviews.

GLOSSARY

Accommodations: procedures and practices that will provide a student with equal access to their learning and are based on individual needs.

Individualized Educational Program (IEP): A process and a document that identifies the special education and related services a student with a disabilities needs to enable the student to access the general curriculum and participate with nondisabled peers, to the maximum extent appropriate in the least restrictive environment (LRE), in order to receive a free appropriate public education (FAPE).

Individualized Family Service Plan: a process and a document intended to assist families and professionals to meet the developmental needs of a young child from birth to age three with special needs.

Nurse Practice Act: a statute enacted by the Maryland legislature, which delineates the legal scope of the practice of nursing in the State.

Nursing Assessment: the act of gathering and identifying data that assists the nurse, the client, and the client's family to identify the client's problems and needs. (Nurse Practice Act, Annotated Code of Maryland, Health Occupations Article, Title 7.)

Preventive Health: preventing or slowing the course of a disease or illness, which for the population of students with Section 504 plans or IEPs includes, but is not limited to, assessing for communicable disease, immunization compliance, and health education needs.

Related Services: Services, including developmental, corrective, supportive services designed to assist a student with a disability to benefit from special education.

Section 504: a civil rights law that prohibits discrimination against individuals with disabilities. Section 504 ensures that a student with a disability has equal access to an education. Accommodations and modifications may be part of the plan for the student.

School Health Services and School Nurse Services: Health services that are designed to enable a student with a disability to receive FAPE, as described in the student's IEP. School nurse services are services provided by a qualified school nurse. School health services are services that may be provided by either a qualified school nurse or other qualified person. [34 C.F.R. §300.34(c)(13)]

Special Health Care Needs: the medically related services necessary during the school day and school sponsored events that are prescribed by the student's health care provider, which enable the student to attend school.

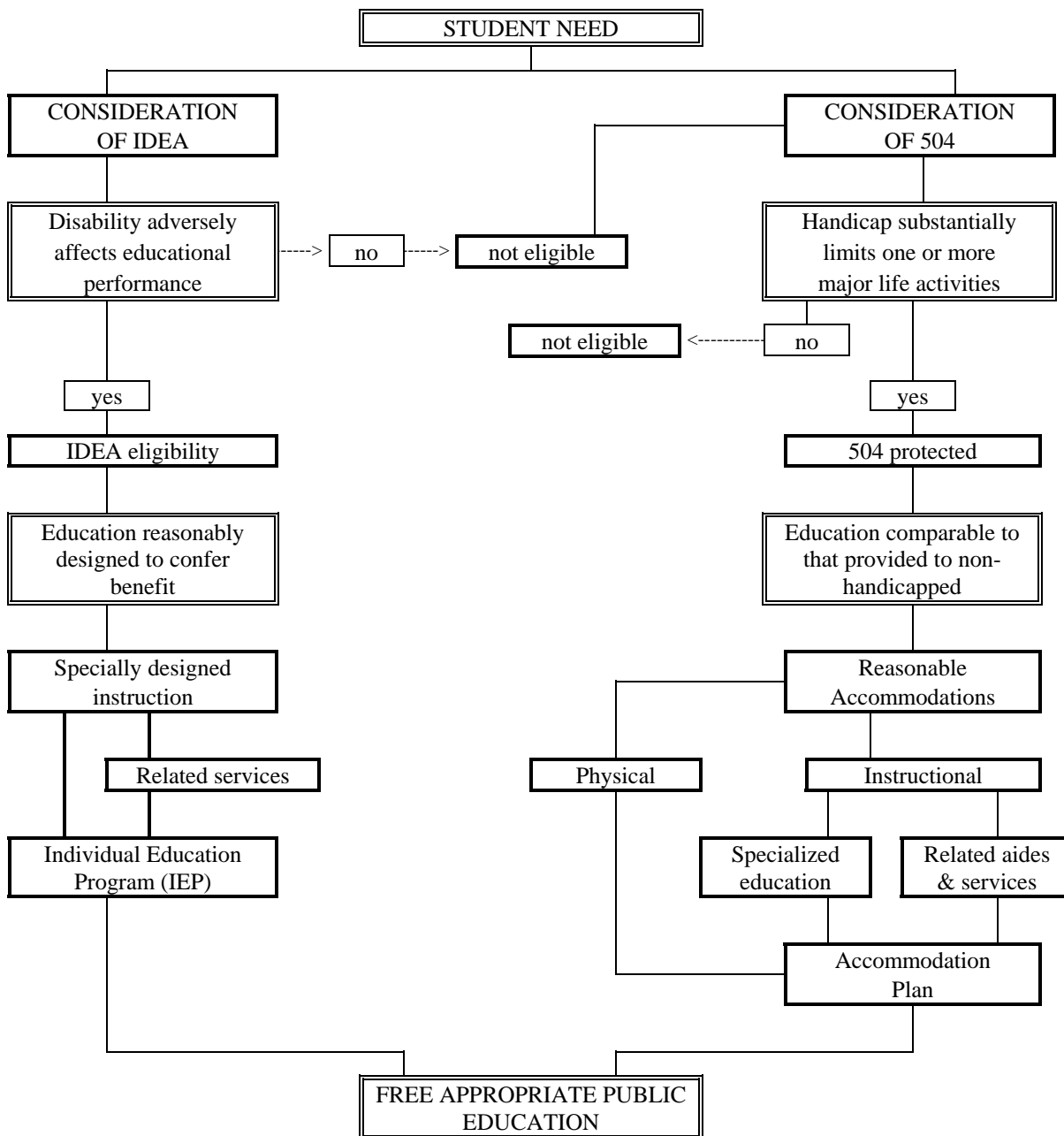
RESOURCES

The Specialized Health Needs Interagency Collaboration Project (SHNIC) provides parents, school staff and community service professionals with necessary skills for the safe and effective management of children and adolescents with specialized health needs.

http://www.kennedykrieger.org/kki_cp.jsp?pid=1414

Wrightslaw provides resources and references on Section 504, due process and the special education process. www.wrightslaw.com

IDEA/504 FLOW CHART



Adapted from: Council of Administrators of Special Education, Inc. (CASE) - *Student Access, A Resource Guide for Educators, Section 504 of the Rehabilitation Act of 1973*