Collaborating for Effective Health Planning:
Implementing 504 Support for Students with Special Health Care Needs
Purpose:

To share statutes, information, resources, and tools related to planning, communication, and implementation of individualized health plans as Section 504 plans.
Participants will be able to:

• Identify when a student is eligible for accommodations, aids, or services under section 504.

• Explain and participate in the process that schools need to follow to identify and evaluate students under section 504.

• Apply strategies to work across silos and bring diverse team members to the table to implement 504 Support for students.

• Describe key links between clinical care and schools in supporting students with chronic health conditions.
Section 504 - A Snapshot
Callie Sechrist, OSPI Equity and Civil Rights Office

504 Implementation
Carolyn Madsen & Kathy Sarin, Bellevue School District, 504 Compliance and Special Services

School Nursing - Where the Clinic Meets the Classroom
Katie Johnson, OSPI Health Services
Section 504 – A Snapshot

Calandra Sechrist | OSPI Equity and Civil Rights | October 24, 2012
FEDERAL LAW
Title II of the Americans with Disabilities Act
28 C.F.R. Part 35 (Title II – Public Entities)

Section 504 of the Rehabilitation Act of 1973
29 U.S.C. §794 | 34 C.F.R. Part 104

Individuals with Disabilities Education Act (IDEA)

STATE LAW
Equal Educational Opportunity
Chapter 28A.642 RCW | Chapter 392-190 WAC

Washington Law Against Discrimination
Chapter 49.60 RCW | Chapter 162-26 WAC

Special Education
Chapter 28A.155 RCW | Chapter 392-172A WAC
Section 504 can be confusing!
What is the difference between Section 504 and IDEA?

<table>
<thead>
<tr>
<th>Section 504</th>
<th>IDEA</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Ed</td>
<td>Special Ed</td>
</tr>
<tr>
<td>A civil rights law</td>
<td>An education funding law</td>
</tr>
<tr>
<td>No separate funding</td>
<td>Federal &amp; state funding</td>
</tr>
<tr>
<td>No “categories” to qualify</td>
<td>Disability categories</td>
</tr>
<tr>
<td>504 plan</td>
<td>IEP</td>
</tr>
</tbody>
</table>
No otherwise qualified individual with a disability...shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...

Section 504 of the Rehabilitation Act of 1973
29 U.S.C. §794
Each school district must provide a free appropriate public education to each qualified student with a disability.

34 C.F.R. §104.33
Any student who has...

1. A physical or mental impairment which substantially limits one or more major life activities;
2. A record of such an impairment; or
3. Is regarded as having such an impairment.
The goal is to level the playing field...
...not to maximize potential.
What does this have to do with health plans?
Americans with Disabilities Act Amendments Act of 2008

- Expanded “major life activities”
- Includes impairments that are episodic or in remission
- Lower standard for “substantial limitation”
- Ignores the effects of mitigating measures
Without following the 504 process, a health plan alone may not be enough.
A significant distinction between serving the Student on a Section 504 Plan which references a Health Plan, versus a health plan alone, is that the Student without the Section 504 Plan does not have any of the **procedural protections** that he is afforded under Section 504.

Dracut (MA) Public Schools, 110 LRP 48748 (OCR 2010)
Each district must...

- Give parents a copy of their rights.
- Receive parent consent before the initial evaluation and placement.
- Gather a team to evaluate the student.
- Notify parents of the initial placement and any significant change in placement.
- Review the plan every year.
- Periodically re-evaluate the student.
Section 504 Process

1. Referral
2. Evaluate for eligibility
3. Develop 504 Plan
4. Annually review plan
5. Periodically re-evaluate student
Section 504 Process

Referral

Evaluate for eligibility

Periodically re-evaluate student

Anually review plan

Develop 504 Plan
The school has a duty to identify and evaluate potentially eligible students.
If you know or suspect that a student has a disability...
A medical diagnosis is **not** required to refer a student for evaluation.
Is the student missing “seat time?”
Is the student returning from Home Hospital Instruction?
Does the student have a health plan?
1. Refer and evaluate all students on health plans.

OR

2. Develop a targeted approach.
Does the health plan include administering medication?
Does the health plan include other accommodations or services?
Section 504 Process

1. Referral
2. Evaluate for eligibility
3. Develop 504 Plan
4. Annually review plan
5. Periodically re-evaluate student
Provide parents a copy of their rights.
Your Rights Under Section 504

You have the right to be informed by the school district of your rights under Section 504. This is a notice of you and your child’s rights under Section 504 and the rights you have if you disagree with the school district’s decisions.

WHAT IS SECTION 504?
Section 504 of the Rehabilitation Act of 1973, commonly called “Section 504,” is a federal law that protects students from discrimination based on disability. Section 504 assures that students with disabilities have educational opportunities and benefits equal to those provided to students without disabilities. To be eligible, a student must have a physical or mental impairment that substantially limits one or more major life activities.

YOUR CHILD’S EDUCATION
Your child has the right to:
- Receive a free and appropriate public education.
- Participate in and benefit from the district’s educational programs without discrimination.
- Be provided an equal opportunity to participate in the district’s nonacademic and extracurricular activities.
- Be educated with students who do not have disabilities to the maximum extent appropriate.
- Be educated in facilities and receive services that are comparable to those provided to students without disabilities.
- Receive accommodations and/or related aids and services to allow your child an equal opportunity to participate in school activities.
- Receive educational and related aids and services without cost, except for those fees imposed on the parents of children without disabilities.
- Receive special education services if needed.

YOUR CHILD’S EDUCATIONAL RECORDS
You have the right to:
- Review your child’s educational records and to receive copies at a reasonable cost. You will not be charged if the cost would keep you from reviewing the records.
- Ask the district to change your child’s education records if you believe that they are wrong, misleading, or are otherwise in violation of your child’s privacy rights. If the district refuses this request, you have the right to challenge the refusal by requesting an impartial hearing.
- A response to your reasonable requests for explanations and interpretations of your child’s education records.

THE SECTION 504 PROCESS
Your child has the right to an evaluation before the school determines if he or she is eligible under Section 504. You have the right to:
- Receive notice before the district takes any action regarding the identification, evaluation, and placement of your child.
- Have evaluation and placement decisions made by a group of persons, often called a “504 team,” including persons who know your child, the meaning of the evaluation information, and the placement options available.
- Have evaluation decisions based on a variety of sources, such as aptitude and achievement tests, teacher recommendations, physical conditions, medical records, and parental observations.
- Refuse consent for the initial evaluation and initial placement of your child.
If your child is eligible under Section 504, your child has a right to periodic re-evaluations, including re-evaluations before any significant change is made in your child’s placement.

IF YOU DISAGREE WITH THE DISTRICT’S DECISION
If you disagree with the district’s decisions regarding your child’s identification, evaluation, educational program, or placement under Section 504, you may request mediation or an impartial due process hearing. You and your child have the right to take part in the hearing and have an attorney represent you. Hearing requests and other concerns can be made to your district’s Section 504 Coordinator:

[Name]
[Address]
[City, State, Zip]
[Phone], [E-mail]

You have the right to file a complaint of discrimination with the U.S. Department of Education’s Office for Civil Rights (OCR), or to file a complaint in federal court. Generally, an OCR complaint may be filed within 180 calendar days of the act that you believe was discriminatory. The regional office is located at 915 Second Ave, Room 3310, Seattle, WA 98174-1099.
Phone: 206-607-1600/TDD: 206-607-1647
Website: www.ed.gov/ocr

www.k12.wa.us/Equity/Families/Section504
Receive parent consent *before* the initial evaluation.
Assemble a **team** to evaluate the student.
The team must include people who are knowledgeable about the student...
...understand the meaning of the evaluation data
...and are knowledgeable about placement options.
A 504 “meeting” can look like…

It is important not to delay an evaluation simply because you can’t get everyone to one meeting.

It can also look like…
One person should not make evaluation decisions.
The evaluation involves reviewing information and data from various sources.
If the team does not have enough information, they may request additional data.
What does the team evaluate?

...whether or not the student has a disability and if so, if the disability requires special education or related services.
What does the team evaluate?

...whether or not the student has a disability and if so, if the disability requires special education or related services.
Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine. Mental or psychological disorder, such as organic brain syndrome, emotional or mental illness, and specific learning disabilities.

**A physical or mental impairment that substantially limits one or more major life activity.**
A physical or mental impairment that substantially limits one or more major life activity.
A physical or mental impairment that substantially limits one or more major life activity.
This is not limited to (but you will consider educational impact if/when you develop a plan)
Do not consider mitigating measures when determining whether a student has a disability.
...a school district should not need or require extensive documentation or analysis to determine that a child with diabetes, epilepsy, bipolar disorder, or autism has a disability under Section 504 and Title II.

OCR Dear Colleague Letter (April 19, 2012)

Dear Colleague Letter: [http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201109.html](http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201109.html)

Q&A: [http://www2.ed.gov/about/offices/list/ocr/docs/dcl-504faq-201109.html](http://www2.ed.gov/about/offices/list/ocr/docs/dcl-504faq-201109.html)
Grades alone are an **insufficient** basis to determine whether a student has a disability.
What does the team evaluate?

...whether or not the student has a disability and if so, if the disability requires special education or related services.
What does the team evaluate?

...whether or not the student has a disability and if so, **if the disability requires special education or related services.**
What is the **educational impact** of the student’s disability?
Educational impact may include activities outside of the classroom.
Consider mitigating measures when evaluating the student’s need for accommodations or services.
Section 504 Process

- Referral
- Evaluate for eligibility
- Periodically re-evaluate student
- Develop 504 Plan
- Annually review plan
A district cannot limit its duty based on cost.
Limit accommodations to those **necessary** to provide a Free Appropriate Public Education.
Think outside the box
DON’T...

assume certain accommodations, such as extra time, are appropriate for every student in every content area.
DON’T…

make accommodations decisions based on whatever is easiest to do (e.g., preferential seating).
DON’T...

include “as appropriate” or “as necessary” in an accommodation.
DON’T...

check every accommodation possible on a checklist simply to be “safe.”
DON’T...

assume that everyone has the same definition for all terms, such as “preferential seating” or “extra time to complete assignments.”
DON’T…

assume that the same accommodations remain appropriate year after year.
DO...

get your Section 504 compliance officer involved!
DO...

ask the student!
When services or accommodations are only health-related, *the health plan is the 504 plan.*
For students who also have classroom accommodations, the health plan can be part of the 504 plan.
Can we just write “504” on the health plan?
Provide parents notice of the placement and any significant change of placement.
What if the student has a disability, but doesn’t need accommodations or services?
How will a teacher know if a student has a Section 504 plan?
Does everyone know the student’s 504 Plan who needs to know?

- Assessment Coordinators?
- Coaches and PE Teachers?
- Substitute teachers?
- Bus drivers?
- Volunteers?
Section 504 Process

- Referral
- Evaluate for eligibility
- Develop 504 Plan
- Annually review plan
- Periodically re-evaluate student
Referral

Evaluate for eligibility

Periodically re-evaluate student

Section 504 Process

Annually review plan

Develop 504 Plan
The key is to follow your process.

1. Refer a student if you know or suspect they have a disability.

2. Evaluate for disability and need for services (remember: parent rights, consent).

3. Develop a plan, notify parent of plan.

4. All staff must implement the plan.

5. Annually review the plan & periodically re-evaluate the student.
Helpful Resources

FAQs about Section 504 (OCR):
www2.ed.gov/about/offices/list/ocr/504faq.html

Q&A on the ADA Amendments Act (OCR):
www2.ed.gov/about/offices/list/ocr/docs/dcl-504faq-201109.html

A Parent and Educator Guide to Free Appropriate Public Education under Section 504 (Jim Rich, Puget Sound ESD):
www.k12.wa.us/Equity/pubdocs/504ManualFinal.pdf
Contact Us!

OSPI Equity and Civil Rights Office
(360) 725-6162
equity@k12.wa.us

www.k12.wa.us/Equity
Collaborating for Effective Health Planning

Implementing 504 Support for Students with Special Health Care Needs

Objectives:
At the end of the session, nurses will be able to:

- Have strategies to eliminate the silo and bring team members to your table
- Explain how to implement Health Care 504 Plans
- Avoid costly mistakes
Collaboration = Teamwork
IHCPs (IHP) are the 504 Plan when the services/accommodations are only health-related.

They are subject to same regulations of Section 504.

IHCPs (IHP) can also be part of the 504 Plan for eligible students who also need academic or other accommodations.
Health Care 504’s (IHCP)

- School Counselor is the facilitator of building 504
- IHCP students are 504 eligible
- IHCPs must follow same procedure as all 504 plans
- Nurses are the case manager
- If student’s needs ‘leave the health room’, then the School Counselor creates the classroom accommodations

HEALTH 504 PLAN
Team meets to determine student needs

- Student only needs school health services on Health 504 Plan
- Student needs classroom accommodations as well as health services

- Nurse is Case Manager
- Counselor is Case Manager
Nurse’s Case Manager Responsibilities

- Conducts evaluation of the student’s health care needs.
- Monitors student’s response to health services.
- Communicates with parents and health care providers, (school nurse case manager).
- Modifies the IHP as needed.
- Calls a meeting of the 504 team to make changes to the 504 Health Plan as needed.
- Law mandates that school districts reevaluate a student who has a 504 Plan whenever there is "any significant change in placement."
Referral - Student needs school health services  
(procedural safeguards)

(obtain consent)
Evaluate the student - involve the team and parent

Develop a 504 Health Care Plan for the student

Parent signs Health Care 504 Plan  
(obtain consent for initial placement, give parent PWN)

Place 504 Plan in confidential file

Annual review of Plan and Reevaluation every three years
Evaluation Process

- A team consisting of someone knowledgeable about the
  - Child (parent or teacher)
  - Meaning of evaluation data (nurse)
  - Accommodations/placement options (teacher, counselor or principal)

- Determines: Does the student have a:
  - **Physical** or **Mental Impairment**, which
  - **Substantially Limits** one or more
  - **Major Life Activities**
Does evaluation mean a test?

Not always. Evaluations can consist of any of the following existing and/or available information:

- Teacher reports
- Informal observations
- Informal inventories
- Review of parent provided private evaluation
- Teacher observations
- Medical and health data
- Work samples
- Existing assessment data and results

Reasonable timeline applies
Health Care 504 Evaluations

- Nurse/case manager completes the evaluation
- Includes information from a variety of sources
- At a minimum, include the following:
  - Teacher input
  - Parent input
  - Physician input/information
Write Health Care 504 Plan
(give Procedural Safeguards)

Parent signs Health Care 504 Plan
(give Prior Written Notice)

Place 504 Plan in confidential file
Health Care Records and Confidentiality

- Once a school receives health care records they become “education records”
  - FERPA governs education records, not HIPAA
  - District staff who have a “legitimate educational need” to access a student’s educational records have a right to do so

- Always obtain signed and dated parental consent before speaking to a student’s medical providers
**GOOD NEWS! THE COURTS DON'T GENERALLY SECOND GUESS A DISTRICT'S DECISION – AS LONG AS WE FOLLOW PROCEDURES**

<table>
<thead>
<tr>
<th>Initial 504</th>
<th>Yearly Renewal</th>
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</thead>
<tbody>
<tr>
<td>- Procedural Safeguards</td>
<td>- Procedural Safeguards</td>
</tr>
<tr>
<td>- Consent to evaluate</td>
<td>- 504 Plan</td>
</tr>
<tr>
<td>- Evaluation</td>
<td>- Prior Written Notice</td>
</tr>
<tr>
<td>- Consent for placement (if eligible)</td>
<td></td>
</tr>
<tr>
<td>- 504 Plan (if eligible)</td>
<td></td>
</tr>
<tr>
<td>- Prior Written Notice</td>
<td></td>
</tr>
</tbody>
</table>
Discipline

- 504 affords discipline protections

- The 10-day suspension rule applies
  - Manifestation Determinations need to be held
  - Involve your school psychologist

- Drug, alcohol related discipline?
  - Current use results in loss of 504 protections

*A student returning from treatment may qualify for 504 plan*
Health Care Services

- The plan should be limited to services that are related to the student’s impairments, not just any services or accommodations that would be preferable.

- We are not required to change the fundamental nature of a program to accommodate a student with health care needs.
  - We provide an equal opportunity to participate

- Accommodations should be specific enough so anyone who reads the plan can implement them

- Avoid use of the term “as needed” on a 504 plan

*See also OSPI section 504 manual*
Arthritis
- Provide rest period during the day
- Provide assistive devices for writing (e.g., pencil grips, non-skid surface, typewriter)
- Adapt PE curriculum
- Extra time between classes
- Install handle style door knobs
- Extra set of books at home
- Access to elevator

Cancer
- Adjust attendance policies
- Limit numbers of classes taken
- Arrange for home tutoring following treatment
- Provide lessons using mastery learning techniques
- Provide awareness training to appropriate staff and students

Sample accommodations
Chronic Infectious Diseases (i.e., AIDS)

- Apply universal precautions
- Adjust attendance policies
- Establish routine communication with health prof., area nurse, and home
- Provide staff training on confidentiality

ADHD

- Tolerate excessive movement
- Accommodate testing procedures
- Initiate frequent parent communication
- Extra time for assignments ex:
  - Till midnight the day it’s due
  - 2 weeks from due date
  - Assigned to tutorial that day if missing assignment
- School/home behavior program
- Seat near teacher, away from distractions

Accommodations cont.
504 Resources

- Section 504: [http://www.k12.wa.us/Equity/Families/Section504.aspx](http://www.k12.wa.us/Equity/Families/Section504.aspx)
- Prohibiting Discrimination in Washington Public Schools: [http://www.k12.wa.us/Equity/ProhibitingDiscrimination.aspx](http://www.k12.wa.us/Equity/ProhibitingDiscrimination.aspx)
- U.S. Department of Education, Office for Civil Rights website: [http://www2.ed.gov/about/offices/list/ocr/aboutocr.html](http://www2.ed.gov/about/offices/list/ocr/aboutocr.html)
School Nursing: Where the Clinic Meets The Classroom

Katie Johnson, MN, RN-BC, NCSN
OSPI Interim Health Services Supervisor
K-20 Collaborating for Effective Health Planning
October 24, 2012
Objectives

- Describe the historical and current issues related to Section 504 for students with disabilities
- Describe nurse practice issues related to Section 504
- Describe the process to implement health plans as Section 504 Plans.
BALANCING HEALTH & EDUCATION
Historical Background

- 1970 – only 20% of children with disabilities were educated in public schools
  - [http://www2.ed.gov/policy/speced/leg/idea/history.html](http://www2.ed.gov/policy/speced/leg/idea/history.html)

- 1973 Section 504 of the Rehabilitation Act
- 1975 Education for All Handicapped Children Act - Public Law 94-142
Disability Protection

- 2004 IDEA
- 2009 ADA Amendment

- 2008 – 6.5 million children and youth received special education and related services to meet their individual needs.

http://www2.ed.gov/policy/speced/leg/idea/history.html

- In 2008 students with disabilities served in Special Education rose by 75% to 13% of enrollment

http://nces.ed.gov/fastfacts/display.asp?id=64
Adjusting From the Clinic…

…to the Classroom
Competing Directives

- Increasing Accountability
  - Standardized test scores
  - Graduation rates
  - Minority achievement
  - Rising social needs

- Declining Resources
  - Budget Cuts (Center on Budget and Policy Priorities 2012
  - McCleary Decision
Declining Resources

School Nurse Corps Data
WA State ranks 43rd in nurse: student case loads
Rising Needs

- Asthma rates 7 - 11% (WA DOH, 2012)
- Life Threatening Allergies 18% (Young, Munoz, Sicherer, 2009)
- Special Health Needs 15% (DOH 2012)
- Mental Illness first ID’d before age 14 (NIMH, 2005)
- # with disabilities 300% since 1960s (Murphy, Carbone, 2012)
2010-11 District Health Services Assessment Report

Health Conditions 237,349
Medications Orders 46,192
Treatment Orders 6,969
Life Threatening (per RCW 28A.210.320) 32,758
Emergency Care Plans 38,836

(represent 70% of statewide enrollment)
### WA Student Severity Coding

<table>
<thead>
<tr>
<th>Acuity</th>
<th>Nursing Support</th>
<th>Description</th>
<th>2010-11</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Nursing Dependent</td>
<td>24 hour/day 1:1 nurse</td>
<td>Requires continuous nursing assessment to prevent irreversible damage or death</td>
<td>128</td>
</tr>
<tr>
<td>B Medically Fragile</td>
<td>Full time nurse in building</td>
<td>Daily possibility of life threatening emergency.</td>
<td>2167</td>
</tr>
<tr>
<td>C Medically Complex</td>
<td>RN 1 day/week; available daily</td>
<td>Complex/unstable physical/social-emotional condition -daily treatment/ close monitoring.</td>
<td>32,987</td>
</tr>
<tr>
<td>D Health Concerns</td>
<td>RN 1 time/year.</td>
<td>Uncomplicated, predictable condition. Occasional monitoring.</td>
<td>153,765</td>
</tr>
<tr>
<td>General</td>
<td>Generally Well</td>
<td>Episodic health room care; mandated screenings</td>
<td></td>
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</tbody>
</table>

[http://www.k12.wa.us/HealthServices/pubdocs/SchHealth.pdf](http://www.k12.wa.us/HealthServices/pubdocs/SchHealth.pdf)
NURSING PRACTICE ISSUES
Complex Requirements

Health Law

- RCW
  - RCW 18.79 Nursing Care
  - RCW 70 Public Health & Safety
- WAC
  - WAC 246 Department of Health
  - WAC 296 Labor & Industries (BBP)
- Department of Health
  - Nursing Care Quality Assurance Commission

Education Law

- RCW
- WAC
  - WAC 392 Public Instruction
  - WAC 181-79A Teacher Standards
- Office of the Superintendent of Public Instruction (OSPI)
  - Student Support
    - Health Services
Navigating Health & Education Statutes
Standards of Nursing Practice

“Authoritative statements … for which practitioners are accountable… to the public”  
(Proctor, 2006, p. 6)

- WAC 246-840-700
  - Standards of Nursing Conduct or Practice
- Community Standards of Care
- “Reasonable and prudent”  (Scott & Bubert, 2006)
  - Negligence
  - May include “failure to challenge administrative decisions that put students at risk”  (Scott, & Bubert, p. 274); WAC 246-840-700
- Scope and Standards of Practice: School Nursing
Delegation

RCW 18.79.260

- RN determination of the patient’s best interest
- May not delegate:
  - Acts requiring substantial skill
  - Piercing or severing of tissues
  - Acts that require nursing judgment
  - Nurses cannot be coerced to delegate

WAC 246-840-700

- Nurse responsible and accountable for the quality of care.
- Cannot be avoided by accepting the orders or directions of another person.
Other Statutes

- Life Threatening Conditions
  - WAC 392-380-045

- Medications
  - RCW 28A.210.260

- Urinary Catheterization
  - RCW 28A.210.280; RCW 18.79.290; WAC 246-840-820

- Anaphylaxis (Severe Allergies)
  - RCW 28A.210.380

- Type I Diabetes
  - RCW 28A.210.330

- Asthma
  - RCW 28A.210.370
BRINGING IT ALL TOGETHER
Individualized Health Plan (IHP)

- Written plan to accommodate a student’s health
- Created in conjunction with and approved by parent/guardian
- Provides directions to school staff
- May include directions for emergency care such as an Emergency Care Plan (ECP), or accommodations for non-emergent conditions
- Is **not** a nursing care plan (NCP) directed at nurses providing nursing care.
504 Process

- Referral
- Decision to Evaluate
- Evaluation
- Eligibility
- Plan
- Annual Review
- Periodically Re-Evaluate
Referral & Decision to Evaluate

- Refer to appropriate team
- Review file
- Consultation with teachers, parent, guardian and others who have relevant information
- If eligibility known or suspected, provide parents with “Notice of Action/Consent” and “Notice of Rights”
- If referral does NOT indicate a disability, provide parents with “Notice of Action/Consent” and “Notice of Rights”
- Obtain consent to create a 504 plan
Evaluation & Eligibility

- Complete Eligibility Determination Form
- Team must include at least 2 “persons knowledgeable about the student, evaluation data, and placement options” (Rich, 2010, p. 11)
- Information from a variety of sources must be considered including parent or guardian
- If eligible: provide parents with “Notice of Action/Consent” and “Notice of Rights”
- If NOT eligible: provide parents with “Notice of Action/Consent” and “Notice of Rights”
Plan / Review

- May be developed at the same meeting as the eligibility meeting
- Describes related aids and services needed to access FAPE
- Cost of the service cannot be a limiting factor.
- Obtain consent before initial placement
- Provide parents with “Notice of Action/Consent” and “Notice of Rights”
- Review each year
Three Critical Elements

1. The Meeting
   1. At least 2 parties
   2. Knowledgeable about the student, the meaning of the data collected, and the placement options.

2. The Plan
   1. Describes the related aids and services that the student needs to access FAPE
   2. Labeled as a Section 504 Plan

3. The Procedural Rights
   1. Due process is respected by informing parents of their rights
   2. Consent is obtained before initial evaluation and placement
   3. Prior notice is given to parents regardless of the outcome of the decision to evaluate or accommodate.
   4. Compliance with due process is documented.
SECTION 504 / HEALTH PLAN Flow Sheet

STUDENT NAME: _______________________________ BD __________________
IHP SEVERITY: LT ECP / ECP / IHP_CONDITION:___________
SCHOOL ___________ GRADE: _______ TEACHER: ____________

PARENT NAME: ____________________________ Email: ______________

PARENT NOTIFICATION
☐ Prior Notice sent: ________________________
☐ 504 Proceed Rights sent: ________________
☐ Intake history forms sent: ________________
☐ Premise Hx Needed: OK: List: ______________
☐ Parent Contact: __________________________
☐ Method: Phone / Letter / Conf: ____________
☐ Intake history rec’d from parent: __________
☐ Plan to Parents: __________________________

STAFF SUPPORT
☐ Annual Training: __________________________
☐ Alerts distributed: _______________________
☐ Cum Notice Placed: ______________________
☐ Copy to Records Rm/Data Support: _________
☐ *YES Food Svc Suppy Notice Needed?: ______
☐ *YES Transportation Bus #: ______________
☐ *YES Add’l Teacher training Needed?: ______
☐ Done: _________________________________
☐ Specialists: ____________________________

DOCUMENTATION
☐ Health Plan/504 Plan written: ______________
☐ Picture on IHP: __________________________
☐ Sky Plan Type: LT ECP / ECP / IHP: __________
☐ Sky: Condition Code: ______________________
☐ Sky OSPI Severity: Code A / B / C / D: ________
☐ Sky: Alert info entered: _________________
☐ Skyward: IHP entered: ____________________
☐ *YES Sky: Critical Alert Indicator: _________
☐ *YES Sky: Life Threatening (OB): __________
☐ *YES Sky: Anaphylaxis (EG): ______________
☐ Other: _________________________________
*YES are optional items based on nurse’s judgment.
Cross out if not applicable to this student.
L T ECP must have critical alert indicator and OB code.

DISCONTINUE HEALTH PLAN
☐ Prior Notice sent to Parent/Guardian: ____________
☐ Sky: Prior Notice filed under as a new health plan labeled “IHP Discontinued”
☐ Prior Notice sent to Records Rm/Data Support: ____________
Key Points

- Health Plans can serve as Section 504 Plans
- Complex intersection between health and education
- Nurses have a duty to legal concerns in both health and education statutes
- Focus should be on student safety & FAPE
- Communication and documentation are critical
Section 504.....

... a safety net for children with disabilities...easing the transition from clinic to classroom
Success

• By 1997, high school graduation rates of students with disabilities increased by 14 percent from 1984.

• Rates of employment for youth served under IDEA are twice those of older adults with similar disabilities who did not have IDEA services.
Healthy Children Learn Better
(U.S. Department of Education [U.S. DOE], 2002)

Educated Children Become Healthier Adults
(Marmot, 2006; Marmot & Bell, 2006)
ALAINA'S BLOG

THURSDAY, SEPTEMBER 24, 2009

September 2009

Having graduated with a degree in Creative Writing in May of this year, I have found myself thrown out into the “real world” diligently searching for a job alongside my able bodied peers. Even though I have made many strides toward being a meaningful member of society, it hasn’t been easy feeling useful throughout my disabled life. It’s tough having any disability, visible or not, in a world that’s not accommodating to these differences. I have grown up watching my sister and my friends hold down jobs, get their licenses, and do all the other things that “normal” people do. It seemed like I would never be on track with everyone else.

- From ages 3 - 7 Alaina experienced up to 200 seizures / day.
- November, 1994 Alaina had brain surgery to control her sz.
- June 2009, she earned a degree in writing from a northeastern college
- Today she is employed as a program specialist supporting persons with disabilities in Vermont
QUESTIONS??
References

References


