

IDEIA and Section 504 Teams - The School Nurse as an Essential Team Member



*National
Association of
School Nurses*

Position Statement

SUMMARY

It is the position of the National Association of School Nurses (NASN) that the registered professional school nurse (hereinafter referred to as school nurse) is an essential member of multidisciplinary educational teams participating in the identification, evaluation, and monitoring of students who may be eligible for services through the Individuals with Disabilities Education Improvement Act (IDEIA) (2004) and Section 504 of the Rehabilitation Act of 1973, as amended through the Americans with Disabilities Amendment Act (ADAA) in 2008. Evaluations must be comprehensive, multifactorial, and nondiscriminatory; and they must be conducted by qualified professionals (Heward, 2015; Yonkaitis & Shannon, 2017). In the school setting, the school nurse is the professional qualified to conduct a comprehensive health evaluation. The school nurse identifies needed health accommodations, outlines plans of care, provides nursing services, and evaluates the effectiveness of the health services provided to students. School nurses should be consulted regarding any information needed in the areas of health (Minchella & Brubaker, 2017; Yonkaitis & Shannon, 2017).

BACKGROUND

The Education for All Handicapped Children Act has been reauthorized over the past forty years. The latest 2004 reauthorization, titled the Individuals with Disabilities Education Improvement Act, is often referred to as IDEIA or IDEA 2004 (Yonkaitis & Shannon, 2017). IDEIA provides specific provisions for identifying and evaluating students who may need special education services. It also outlines the components for Individualized Education Programs (IEPs) as well as procedural safeguards (Yonkaitis & Shannon, 2017).

School districts are mandated to identify, locate, and evaluate all children with disabilities, regardless of severity, to determine if they qualify for special education services, including the related service of school nursing or health services (134 C.F.R. §104.32). This is referred to as Child Find and includes all children from birth to age 21. Some of the children identified through Child Find are eligible for services other than special education.

Additionally, IDEIA mandates that individuals with appropriate expertise in the area of concern should conduct the evaluation and determine additional data needed (Yonkaitis & Shannon, 2017). As a licensed healthcare professional, the school nurse is the multidisciplinary evaluation team member qualified to evaluate health concerns. Under IDEIA the student's federal civil right to a nondiscriminatory comprehensive evaluation is not upheld if non-nursing educational professionals who are unqualified to conduct a health assessment assume this role (Shannon & Yonkaitis, 2017). If a school nurse does not conduct a health evaluation, the evaluation team lacks important information. During the health evaluation, information is obtained regarding potential health-related barriers to student learning. This information assists in determining if the student "qualifies" for special education programming or accommodations. The health evaluation also provides essential information to determine related services, programs, and accommodations and provides the basis for individualized healthcare plans (IHP) and emergency action plans (EAP) - known in some school districts as emergency care plans.

Section 504 of the Rehabilitation Act of 1973 established legal support for students with disabilities. This federal civil rights law ensures that every student is entitled to a free and appropriate public education (FAPE) (U.S. Department of Education [USDE], 2010). Under Section 504, FAPE consists of the provision of any necessary supports for the student in the general education classroom with related aids or services designed to meet the student's individual educational needs as adequately as those needs of nondisabled students are met (USDE/

Office of Civil Rights [OCR], 2015). An individual with a disability means any person who “(i) has a mental or physical impairment that substantially limits one or more major life activities; (ii) has a record of such an impairment; or (iii) is regarded as having such an impairment” [34 C.F.R. §104.3(j)(1)]. An impairment under Section 504 standards can be a health-related condition such as diabetes, epilepsy and allergy; or it can be a disability such as low vision, impaired hearing, heart disease or chronic illness that limits that child’s ability to receive an appropriate education as defined by Section 504.

In 1975, the Education for All Handicapped Children Act was passed. It provides specialized educational programming for exceptional children, further reinforcing the rights of school children (USDE/ OCR, 2010). In an effort to broaden the definition of a disability, the Americans with Disabilities Act Amendments Act (ADAA) was passed and became effective in 2009. The Section 504 regulatory provision at 34 C.F.R. 104.35(c) requires that evaluation team members must be knowledgeable regarding the needs of the student and draw from a variety of sources (USDE/ OCR, 2015).

RATIONALE

The American Academy of Pediatrics (AAP) recognizes the role of the school nurse as the healthcare expert in the school setting (AAP, 2016). The Every Student Succeeds Act (ESSA) of 2015 recognizes school nurses as “Specialized Instructional Support Personnel” who provide leadership of chronic disease management as part of a comprehensive plan of services for student success (ESSA, 2015).

School nurses are the link between the healthcare and educational communities and are valuable resources to students, families, staff, and communities. School nurses use their professional knowledge to assess and identify students who have health, socio-emotional, or developmental issues that increase risks for learning problems and other school-related challenges. Input from school nurses is essential to determine the impact that health conditions have on learning and on the ability of individual students to participate in their educational programs (Minchella & Brubaker, 2017). If health-related barriers are not recognized, appropriately interpreted, and addressed, students risk academic failure. Although the referral processes for special education or Section 504 can be requested by anyone, the school nurse has the expertise and duty to identify students with health-related disabilities and should initiate an evaluation for medical/health reasons (Alfano, Forbes, & Fisher, 2017).

The school nurse uses information obtained during the process of developing an IHP to assist with eligibility determination and, when indicated, to assist IEP and 504 Plan teams to determine educational modifications and accommodations. The creation of an IHP uses the nursing process and demonstrates adherence to professional scope and standards (American Nurses Association [ANA] & NASN, 2017). Development of an IHP is strictly the responsibility and within the scope of practice of a school nurse.

School Nurse Responsibilities

It is the responsibility of the school nurse to understand the federal and state laws related to working with students with disabilities, long term illnesses, or other disorders (Alfano et al., 2017; Ellermeier, Will, & Strawhacker, 2017; Galemore & Sheetz, 2015; Minchella & Brubaker, 2017). State laws may require specialized licensure or credentials prior to performing IEP evaluations or for team participation in developing IEPs (Shannon & Yonkaitis, 2017).

The school nurse is the appropriate person to provide care coordination for health-related disabilities in the school setting (ANA & NASN, 2017). “While the IEP team as a whole tackles the academic, developmental, social, and emotional needs of the student, the responsibility of addressing the healthcare needs of the student falls squarely on the school nurse” (Alfano et al., 2017, p.145).

When health services are determined to be necessary for students to access their educational programs, it is the school nurse’s role to provide a direct or related service in an IEP. In those cases, the school nurse is responsible for supplying specific information describing which type of health services should be provided and how often the service(s) need to be provided (Galemore & Sheetz, 2015; Minchella & Brubaker, 2017).

The school nurse's role in the Section 504 or IDEIA process may include:

- Assisting in identifying students who may need special educational or health-related services/accommodations (Child Find) (Gibbons, Lehr, & Selekman, 2013).
- Assessing the identified student's functional and physical health status in collaboration with the student, parent(s)/guardian(s), teachers and other school staff, and healthcare providers (Gibbons et al., 2013).
- Developing IHPs and EAPs based on nursing assessments.
- Recommending health-related accommodations or services that may be required for the student to access the educational program.
- Assisting students, parent(s)/guardians, and teachers to identify and remove health-related barriers to learning (Gibbons et al., 2013).
- Providing in-service training for teachers and staff regarding the individual health needs of the student (Gibbons et al., 2013).
- Training and supervising unlicensed assistive personnel to provide specialized healthcare services in the school setting according to state delegation guidelines (Gibbons, Lehr, & Selekman, 2013, p. 269- 270).
- Participating in transition planning, including promotion of successful post-school employment and/or education, and transition of medical care.
- Evaluating the effectiveness of the health-related components of the IEP and/or 504 plan with the student, parent(s), and other team members and revising the plan(s) as needed (Gibbons et al., 2013, p. 269- 270).

The school nurse plays an integral role in planning, implementation, and evaluation of IEPs and Section 504 Plans. For a student with disabilities, it is the school nurse's role to identify needed health accommodations, outline a plan of care, provide nursing services, and evaluate the health-related components of the IEP and/or 504 Plan. An IHP is written to meet professional school nurse standards (ANA & NASN, 2017; Ellermeier et al., 2017). The student's IHP and/or EAP may guide the student's Section 504 Plan health-related accommodations. As IHPs and EAPs are fluid documents, IHPs and EAPs should not be included in an IEP but might be referenced to provide rationale for the needed service(s) (Galemore & Sheetz, 2015; Ellermeier et al., 2017).

CONCLUSION

The school nurse is the recognized healthcare expert in the school setting (AAP, 2016; ESSA, 2015). School nurses have the unique knowledge and experience essential to evaluate the health of students in order to identify health-related barriers to learning and the accommodations necessary to provide access to education. School nurses work collaboratively with other team members to identify, evaluate, and develop plans for students in need of services. School nurses should be involved in and present at all meetings where an IEP and/or Section 504 plan related to a student's health condition is being discussed and developed. School nurses are integral to ensuring the civil rights of all students so that they can achieve optimal success and well-being at school (Yonkaitis & Shannon, 2017).

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