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Objectives

At the end of this presentation, participants will be able to:

- Describe two of the processes for developing an individualized education plan (IEP)
- Identify two purposes for a Section 504 accommodation plan
- Identify two eligibility requirements for a Section 504 accommodation plan
- Discuss two specific school nursing roles in the PPT and Section 504 processes

1

2

Let's Talk


Alphabet Soup

- PPT
- LRE
- SPED
- OCR
- MDR
- LEA
- FAPE
- ADA
- IEP
- 504
- IDEA
- ASD

2

3

What is Special Education?



- Specially designed instruction that addresses the unique needs of a student eligible to receive special education services
- Provided at no cost to parents
- Includes the related services a student needs to access her/his educational program

3

4

What is Special Education?

- **Early Stages (ages 0-2):**
 - Early intervention services are available to children who have disabilities and/or developmental delays
 - Provides services to eligible children and families in a variety of settings - in their homes, in child care, in preschool or school programs, and in their communities.
- **School Age (ages 3-21):**
 - Students with disabilities who are determined eligible for special education and related services are entitled to a Free Appropriate Public Education (FAPE).
 - Services are provided to eligible students according to an Individualized Education Program (IEP) in preschools, elementary, and secondary schools, or other appropriate settings

4

5

The Individuals with Disabilities Act


- IDEA (special education)
 - Provides for a free and appropriate education (FAPE) for students with disabilities
 - Provides parents with steps to protect a child's right to special education: Procedural Safeguards

Special education is very procedurally focused



5

6



Have you ever referred a student for special education?

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Child Find



- School Districts must identify and evaluate any child who they find is unable to engage fully in learning as a participant in the general education curriculum

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Referral to Special Education

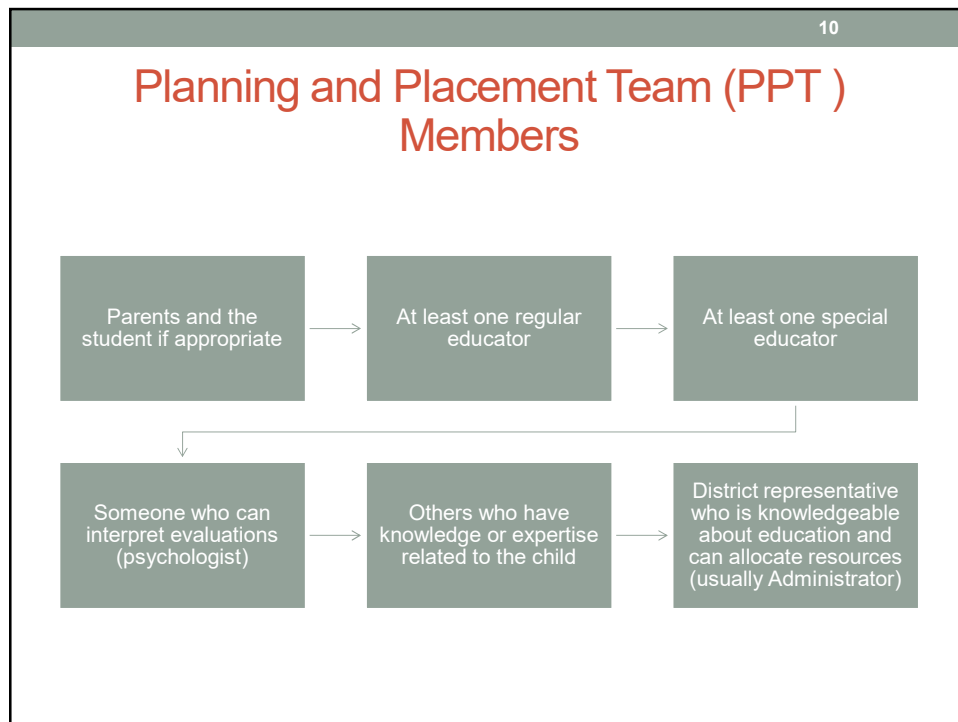
- Consists of a written request for an EVALUATION of a student who is suspected of having a disability and who may require special education or related services



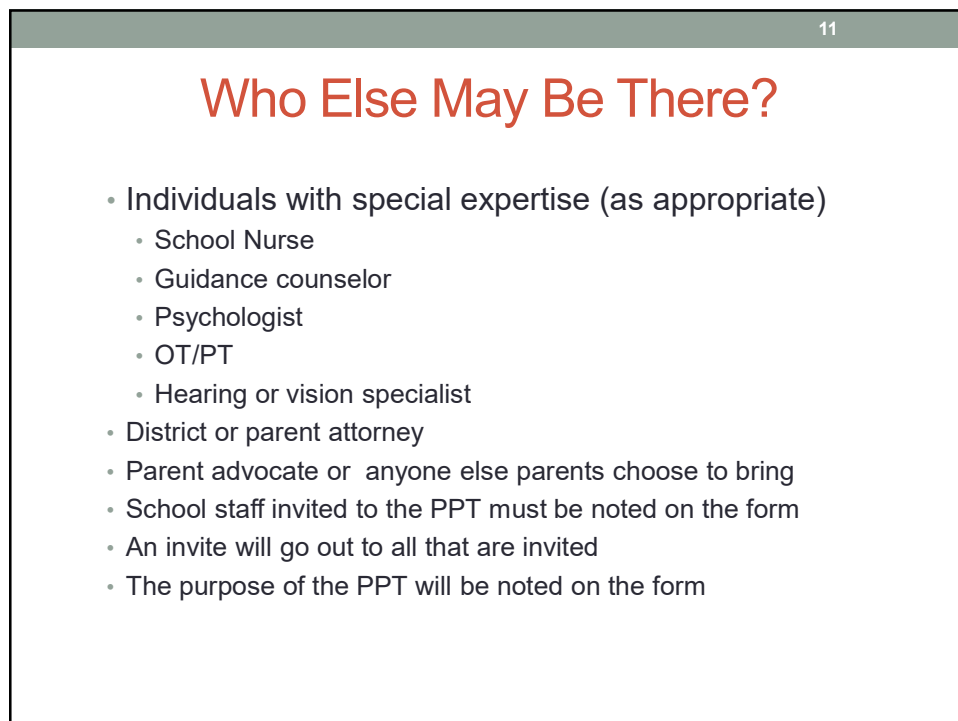
Referral's cont'd

Referrals can be made by the parent or guardian, school personnel, professional or agency personnel, or the student if over 18 years of age.

A referral consists of a written request for an evaluation of a student who is suspected of having a disability and who may require special education or related services.



10



11

12

A PPT Member May Be Excused From a Meeting When.....

The parent and school agree that the member's area is not being discussed and the parent and agency consent in writing.

The member submits in writing to the parents and the team the input prior to the meeting.

Parents must sign that they "allow" the team member to be missing.

12

13

The School Nurse as a PPT Member

- The school nurse, as a health expert, has an important role to play as a member of the special education team in evaluating whether a student has health concerns that are impacting learning and how health barriers to learning may be reduced



13

Process

The district will convene a Planning and Placement Team Meeting (PPT) often called a referral meeting

The purpose of this initial meeting is to :

- Review the referral
- Review current evaluations and information
- Determine if additional information is needed to determine eligibility to special education (SPED)? Which areas need further evaluations?

14

Evaluation Categories

Academic
achievement

Functional
performance

Cognitive
functioning

Communication
status

Health

Hearing and
vision

Motor abilities

Social
emotional
status

15

16

Evaluations, cont'd

During PPT, it will be determined if there are more evaluations are needed:

- Standardized testing (psychologist)
- OT/PT (OT/PT)
- **Health Assessment** (school nurse)
- Social Developmental History (social worker)

Important Note: Written Consent is Needed to Conduct all Evaluations!!!

16

17

What is Related Services?


- OT
- PT
- Speech and Language
- Counseling
- Assistive Technology
- Nursing Services
- Audiology
- Transportation




17

18

Regulations Regarding the PPT Process



Parents must receive written notice at least 5 days prior to the meeting



Meeting must be scheduled at a mutually agreed upon time and space

18

19

Eligibility
Determination
Meeting

A second PPT will be scheduled to review the results of the evaluations

A synopsis of each evaluation is given by the respective qualified educator or related service provides (school nurse)

Parents will receive a written copy

The information will be reviewed to determine

- Does the child have a disability?
- Does the disability affect the child's education?
- Does the child require special education or related services?
- Always a TEAM decision and never made outside the PPT meeting

19

The Nurse's Role in the PPT Process

- Provide a holistic perspective on the impact of the student's health on the ability to learn
- As part of a full and individual evaluation the school nurse composes a written report and makes recommendations to the team regarding necessary health services and the impact of health on accessing the education and education performance



Disability Categories

Autism	Deaf Blindness	Developmental Delay	Speech or language impairment
Specific Learning Disability	Emotional Disturbance	Hearing Impairment	Intellectual Disability
Multiple Disabilities	Orthopedic Impairment	Other health Impairment	Physical impairment
	Traumatic Brain injury	Visual impairments	

What if the Parent Disagrees with the Evaluation?

- Parents have the right to obtain an Independent evaluation (IEE) from a qualified professional not employed by the school district, unless the school district can prove its evals are appropriate
- School can consider the results but are not required to agree or implement the recommendations
- The school can deny the evaluation and must initiate due process



22

Development of an IEP

- An IEP (individual educational plan) is a written plan that describes the child's special education and related services the district will provide to meet the student's individual needs.
 - A legal document
 - Developed by the PPT
 - Reviewed at least annually
 - Eligibility evaluated every 3 years or sooner (triennial)

23

24

IEP Developments

IEP Components:
Present Levels of Performance (Academic, Communication, Behavior, Social / Emotional, Health, Fine/Gross Motor)

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Goals and Objectives (specific, attainable in one year, and measurable)

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Accommodations (to promote progress toward goals, to participate in general ed curriculum and extracurricular activities, and to be in the **(Least Restrictive Environment)**)


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Services (Special Education, Related Services)

24

The SPED Process in Review

The Special Education Process



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graph LR; A[Identification (Child Find)] --> B[Full Individual Evaluation]; B --> C[Eligibility Determination]; C --> D[Develop the IEP]; D --> E[Placement (LRE)]
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| 25

25



Student's eligible for SPED
require ***specialized
instruction.***

Not every student with a
disability will require this.

SECTION 504

28

What is Section 504?

A civil rights law	Protects against discrimination of individuals with disabilities	Accommodations are provided to students to “level the playing field”
Broader in scope than IDEA	Gives procedural safeguards	Funded through the regular education budget
Enforced by the Office of Civil Rights (OCR)		

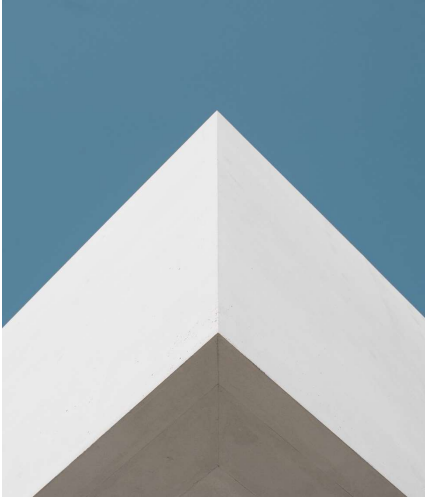
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29

Who is covered under Section 504? (three pronged)

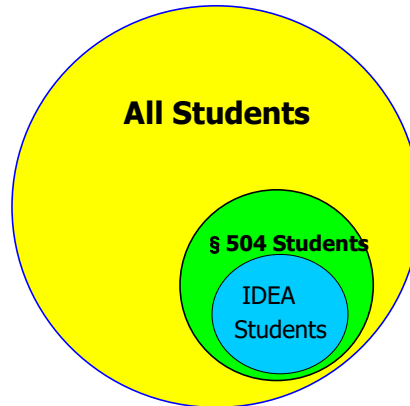
- An individual who:
 - Has a physical or mental impairment that substantially limits one or more major life activity; OR
 - Has a record of an impairment; OR
 - Is regarded as having an impairment

Note: A formal diagnosis is not required to initiate an evaluation under 504



29

Relationship of Section 504 and IDEA



30

31

Eligibility

- To be eligible for protections under Section 504, the child must have a physical or mental **impairment**. This impairment must **substantially limit** at least one major life activity.

Note: In general, temporary conditions (less than 6 months) aren't regarded as substantially limiting.



31

32

Major Life Activities

- Caring for one's self
- Performing manual tasks
- Walking
- Seeing
- Hearing
- Speaking
- Breathing
- Learning
- Working
- Eating
- Sleeping
- Standing
- Lifting
- Bending
- Reading
- Concentrating
- Thinking
- Communicating

32

33

Major Bodily Functions

- Immune system
- Normal cell growth
- Digestive
- Bowel
- Bladder
- Neurological
- Brain
- Respiratory
- Circulatory
- Endocrine
- Reproductive functions

33

Let's chat!



- You receive a MD note stating the child needs to have a 504 accommodation plan..
 - As the school nurse what do you do with this?
 - What does this mean in terms of eligibility?

- You receive a MD note stating a child has a new diagnosis of sickle cell disease and may miss school episodically?
 - As the school nurse what are next steps for this child?

34

Let's chat!



- The administrator states that this child is doing "great" in the classroom so there is no need for a 504 eligibility meeting...
 - How would you respond?

35

36

Health Conditions Likely to Warrant 504 Consideration



- Type 1 diabetes
- Severe allergies
- Asthma
- Seizure disorders
- Depression
- Bowel and bladder disorders
- Impaired mobility disorders
- Medical diagnoses that limit life expectancy

36

37

Red Flags to Consider



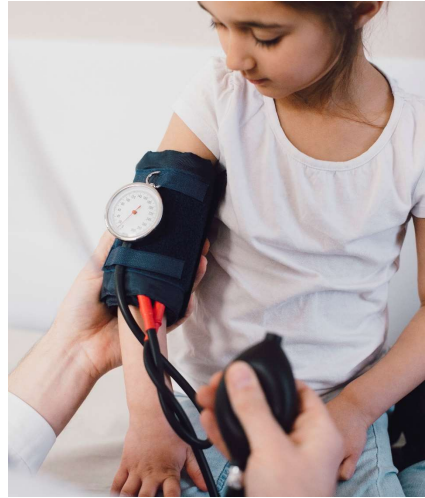
- Frequent absences related to a medical condition,
- Suicide threats or attempts,
- Missing excessive instructional time due to a health condition,
- Medical information regarding a chronic or episodic health condition,
- Inability of student to self monitor a chronic health condition.

37

38

Episodic Impairments

- An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.....
- Examples
 - Cancer in remission
 - Sickle Cell Disease



38

39

Mitigating Measures

- The determination as to whether an impairment substantially limits a major life activity shall be made without regard to mitigating measures
 - Medication
 - Prosthetics
 - Extra time on tests

Reflection: What if a student is doing fine in class with their ADHD medications? Could they still be eligible? What if there are no accommodations needed?



39

40

Medical Evaluations/Input

- Recommendations by a health care provider or other outside source **DOES NOT** automatically make the child eligible under section 504
- Medical opinions and/or diagnosis are **CONSIDERED** by the 504 team



40

41

Eligibility Recap


- Not automatic
- Disability required ...not a diagnosis
- Substantial limitation required
- 504 not a consolation prize



41

42

504 Process



- Child Find (often the RN)!!!
- Referral
- The 504 Team assembled
- Evaluation
- Placement
- The concept of FAPE

42

43

504 Team

Unlike IDEA 504 does not dictate the titles or people who must be members

A group of persons knowledgeable about the child, the meaning of the evaluation data, and the placement options

Parents are not **required** although best practice dictates that they are involved.

43

44

Placement

In the 504 context “placement” means the regular education classroom with individually planned accommodations.

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The district must ensure that the placement decision (accommodations) be made by a group of persons, including persons knowledgeable about:

the child,	the meaning of the evaluation data, and	the placement options.
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44

45

504 Evaluation Meeting

- Performed by the 504 team
- Send notice to parent
- Determine appropriate team members (who have knowledge about the child), the meaning of the evaluation data and the placement options
- Document evaluation data
 - Gather data from a variety of sources
 - Carefully consider the data
 - Do we need additional data/formal tests?

45

What information should the SN bring to the meeting?



- Diagnosis or Impairment?
- Any Medical Documentation (summarized)
- Functional Impact of Impairment (such as impact on mobility, attendance, test taking)
 - e.g. The nurse may need to explain to the team the impact of blood sugar low for a student with diabetes during test taking
- Attendance
- Visits to nurse
- Only information relative to the educational process should be discussed...
Confidentiality is still an obligation

46

Does monitoring of child's diabetes negate need for 504 plan?

A school nurse created a plan outlining services for a middle school student with Type 1 diabetes after her parents requested a 504 plan.

Parent arrived at school to pick up child when blood sugar was low.

There was no one with the child.

Parents complained that her 504 plan was not being followed, and was informed there was no 504 plan, that the nurse had developed a "diabetic care plan" for the student.



47

48

After the school day??

- Students with 504 as well as an IEP must have the same **ACCESS** to field trips and extracurricular activities than their non disabled peers.
- Should be part of their health care plan as well as the 504 accommodations



48

49

Food Allergies

- A student with a peanut and tree nut allergy had been on a 504 plan for first and second grade.
- In a new school the parents requested a 504 meeting, a meeting was scheduled for the parent and the principal, at which the principal informed the parent that a 504 plan was not appropriate because his disability did not interfere with the curriculum and that the health care plan was sufficient.
- How would you inform this scenario?




49

50

OCR's Decision

A significant distinction between serving a Student on a Section 504 plan which references a Health Plan, versus a health plan alone, is that a student without the 504 plan does not have the procedural protections that he is afforded under section 504.

- Entitled to an evaluation
- Decisions made by a group of knowledgeable persons
- Notice obligations
- Right to contest decisions



50

51

Comparison of 504 vs. IDEA

Section 504 Plan	Individualized Education Plan
Rehabilitation Act (1973), Americans with Disabilities Act (1990, 2009)	Individuals with Disabilities Education Act (1975, 2006)
Eligible students have a physical or mental impairment that substantially limits a major life activity	Eligible students are identified with 1 of 14 disabilities under IDEA
FAPE: usually considering "access" through accommodations	FAPE: specialized instruction and related services
Team of knowledgeable professionals	Planning and Placement Team (PPT)

51

References and Resources

- CSDE School Nursing Website
- <https://portal.ct.gov/SDE/School-Nursing/School-Nursing>
- CSDE – Special Education Publication
- <https://portal.ct.gov/SDE/Special-Education/Special-Education-Publications>
- 2010 Guidelines for Identifying Children with Learning Disabilities
- https://portal.ct.gov/-/media/SDE/Special-Education/2010_Learning_Disability_Guidelines_Acc.pdf
- Section 504 – U.S. Department of Education
- <https://www2.ed.gov/about/offices/list/ocr/disabilityoverview.html>