



BEST FOR ALL

We will set all students on a path to success.

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Coordinated School Health/District Operations/Operations
March 1, 2022



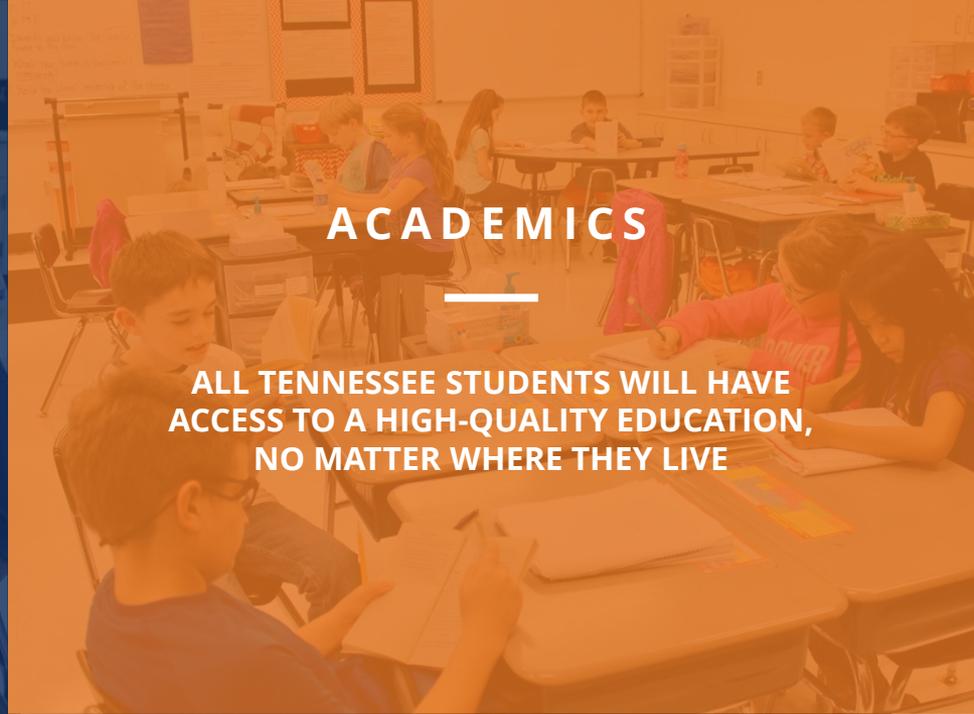
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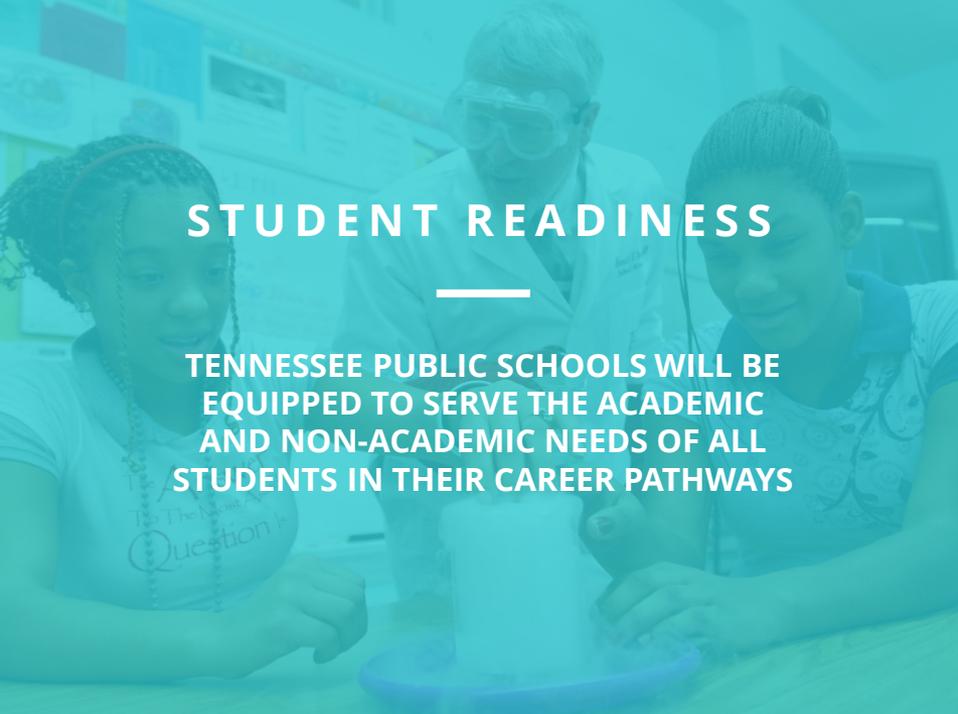
ACADEMICS

ALL TENNESSEE STUDENTS WILL HAVE ACCESS TO A HIGH-QUALITY EDUCATION, NO MATTER WHERE THEY LIVE



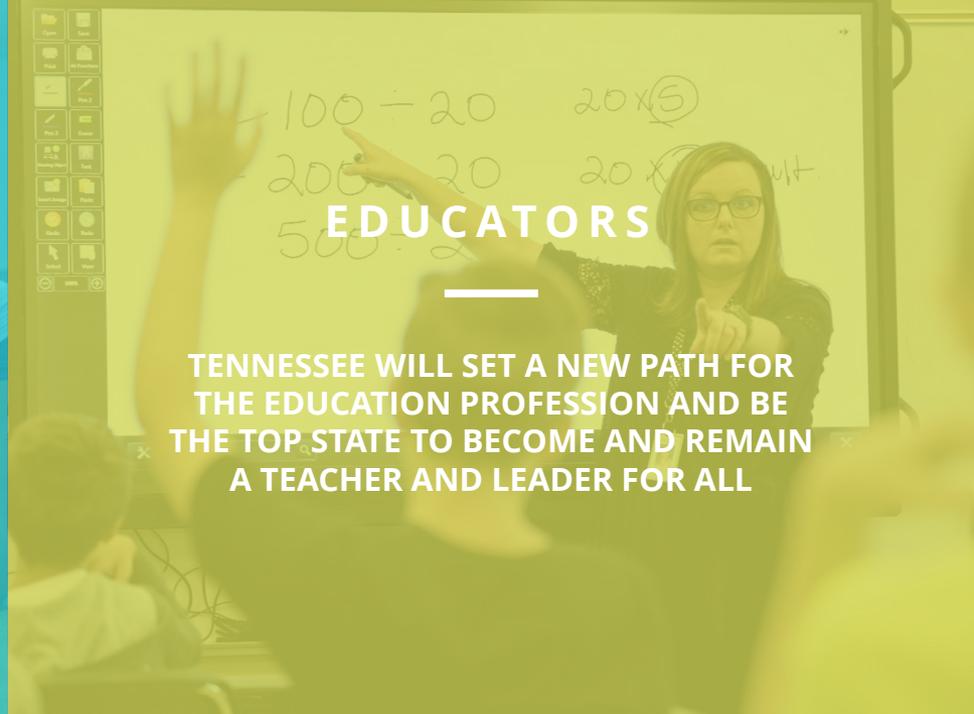
STUDENT READINESS

TENNESSEE PUBLIC SCHOOLS WILL BE EQUIPPED TO SERVE THE ACADEMIC AND NON-ACADEMIC NEEDS OF ALL STUDENTS IN THEIR CAREER PATHWAYS



EDUCATORS

TENNESSEE WILL SET A NEW PATH FOR THE EDUCATION PROFESSION AND BE THE TOP STATE TO BECOME AND REMAIN A TEACHER AND LEADER FOR ALL



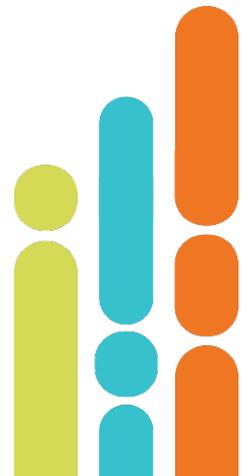
Understanding 504s and IEPs

What You Need to Know



The Issue

- Approximately 128,000 (13%) Tennessee students have a diagnosed chronic illness or disability¹
- Chronic health conditions include physical and psychosocial disorders
- Federal law requires students with a chronic health condition to be educated in the “least restrictive environment”



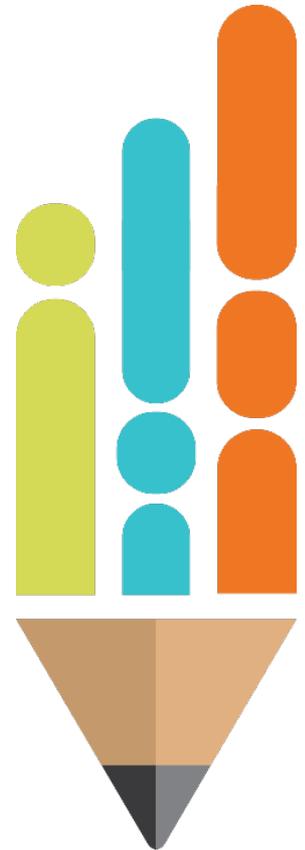
Facilitating Learning for Students with Chronic Health Conditions

- Identify learning barriers
- Communication, planning, and evaluation is key!
- Develop a plan:
 - Individualized Health Plan (IHP), may include Emergency Action Plan (EAP)
 - 504 Accommodation Plan (504)
 - Individual Education Program (IEP)



What is an Individualized Health Plan (IHP)?

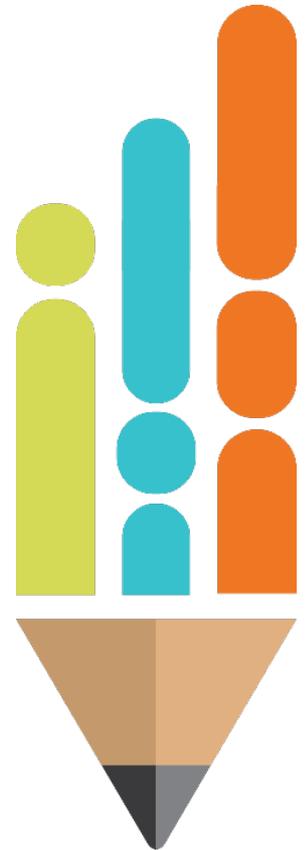
- Written medical management plan (nursing care plan) that ensures the health and educational needs of student
- Aligned and compliments medical provider's management plans and follows standards of professional nursing care
- Must be comprehensive, communicated, and coordinated



What is an Emergency Action Plan (EAP)?

- Based on student's IHP
- Written for school personnel to follow when responding to a health emergency
- Describes signs/symptoms of pending health emergency
- Gives step by step clear instructions for treatment of health emergency
- Updated at beginning of school year and as needed

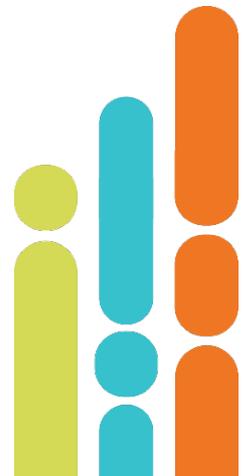
Best practice: Include names of school personnel who have been trained and delegated to intervene in the IHP



What does FAPE Stand For?

- A. Fully Accessible Public Education
- B. Free Appropriate Public Education
- C. Fundamental And Personalized Education
- D. Fiscally Accountable Primary Education

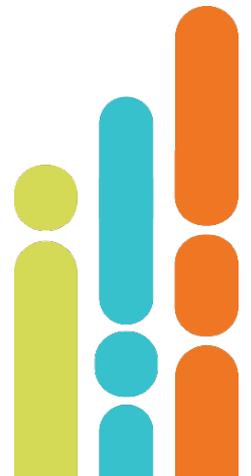
Correct Answer is B: Free Appropriate Public Education



What does IEP stand for?

- A. Itinerant Education Platform
- B. Inclusive Exceptional Program
- C. Individualized Education Program
- D. Independent Education Plan

Correct Answer: C: Individualized Education Program



List of IEP/504 Acronyms and Terms

Term/Acronym	Meaning
504	An accommodation plan for a regular education student in a regular education setting-refers to Section 504 of the Rehabilitation Act 1973
ADA	Americans with Disabilities Act
ADA	Americans with Disabilities Act
ADL	Activities of Daily Living
APE	Adaptive Physical Education
AT	Assistive Technology
BIP	Behavior Intervention Plan
DD	Developmental Delay
ESY	Extended School Year
FAPE	Free and Appropriate Public Education
FBA	Functional Behavior Assessment
FERPA	Family Educational Rights and Privacy Act
HI	Hearing Impairment or Hearing Impaired
HIPAA	Health Insurance Portability and Accountability Act
IDEA	Individuals with Disabilities Education Act
IEP	Individualized Educational Program
IFSP	Individualized Family Service Plan-birth to 3 years
LEA	Local Educational Agency
LRE	Least Restrictive Environment
MDT	Multi-Disciplinary Team
OCR	Office of Civil Rights
OHI	Other Health Impaired
OT	Occupational Therapy
PLOP	Present Level of Performance
PT	Physical Therapy
PWN	Prior Written Notice
Related Service	A service(s) a disabled student needs in order to benefit from Special Education
School Health Services	Services provided <u>either</u> by a qualified school nurse <u>OR</u> by unlicensed assistive personnel via <u>delegation</u> by the school nurse
School Nurse Services	Services provided <u>directly</u> by a qualified school nurse
SLP	Speech/Language Pathology/Pathologist
SPED	Special Education
TBI	Traumatic Brain Injury
VI	Visual Impairment or Visually Impaired

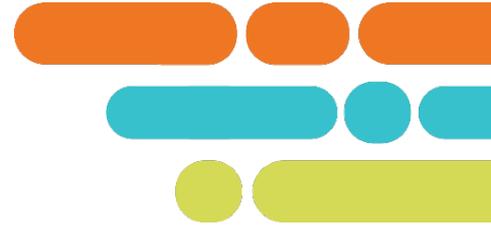


What is Section 504?

- Part of the Rehabilitation Act of 1973 that prohibits discrimination based upon disability.
- Not the same as IDEA.
- IDEA provides special education to students with disabilities and Section 504 prohibits discrimination and “levels the playing field” for students.



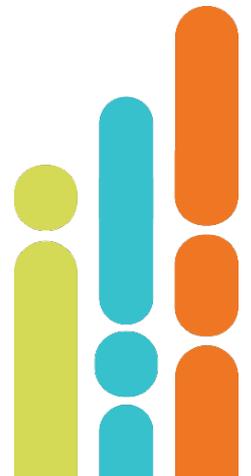
Who Is an “Individual with a Disability?”



- Under Section 504, a student with a disability must be determined to:
 - Have a physical or mental impairment that *substantially limits* one or more *major life activity*, or
 - Have a record of such impairment , or
 - Be regarded as having such impairment.
- Determination of whether a student has a physical or mental impairment that substantially limits a major life activity must be made on a case-by-case basis.

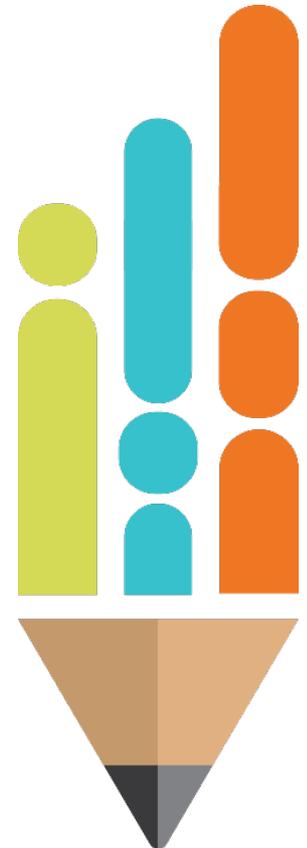
What Are Major Life Activities Under 504?

- Major life activities include, but are not limited to walking, seeing, hearing, speaking, breathing, learning, reading, concentrating, thinking, communicating, self-care, sitting, performing manual tasks, eating, standing, lifting, bending.
- Major bodily functions are also major life activities under the law and includes functions of the bowel, bladder, and brain; normal cell growth; immune, endocrine, respiratory, reproductive, circulatory, digestive and neurological systems.



What Does “Substantially Limits” Mean?

- A student with a disability that is unable to perform a major life activity that the average non-disabled student of the same age can perform without the benefit of medication or other mitigating measures.
- Determination should be made by each local school district and depends on the nature and severity of the person’s disabling condition.





Who Can Refer a Student for Evaluation?

- Anyone, however, the school district must also have reason to believe that the child needs services under Section 504 due to a disability.
- The key to referral is whether the school district staff suspects the child has a physical or mental impairment that substantially limits a major life activity.

Who Decides Whether a Student is Qualified and Eligible for Services?

- Placement decisions are to be made by a group of persons who are knowledgeable of the child, evaluation data, and accommodations.
- Every school should have a Section 504 Team that determines student eligibility for services and monitors compliance at the school building and a designated Section 504 Coordinator that serves as the liaison between school, parents and other stakeholders.



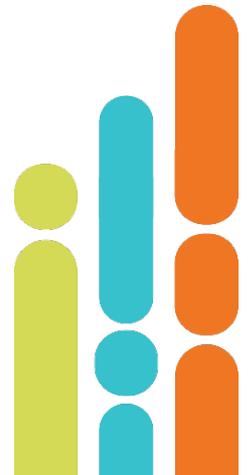
Student Discipline and Section 504



- Must an LEA conduct a manifestation determination before suspending or expelling a student with a disability?
- Yes. The review committee must conduct a manifestation determination when a student with a disability commits a disciplinary infraction that may result in expulsion or suspension from school for more than 10 consecutive school days or when a series of suspensions create a pattern of exclusions that constitute a significant change in placement. The determination must be based on current information.

Everyone Has a Role with Section 504

- Teacher: refers at-risk students, assists with the development of 504 plans, provides accommodations to individual students, documents implementation of accommodations, and maintains ongoing communication with parents and school's Section 504 Coordinator.
- Section 504 Coordinator: identifies at-risk students, serves as the liaison between stakeholders, provides case management for Section 504 referrals, and monitors the implementation of Section 504 plans.
- Principal: ensures compliance with Section 504 regulations.



School Nurses and Section 504

- Many students with chronic health conditions who are served under an IHP may also be eligible for Section 504 plans
- Key phrase in this federal law is “reasonable accommodations”
- School nurses may be more likely to be involved with 504 plans than IEPs
- 504 committee considers the chronic health condition, the impact on student learning, what reasonable accommodations are needed and puts the plan in writing
- School nurse works with school personnel in implementing, coordinating and communicating the plan



School Nurse's Role in 504 Process

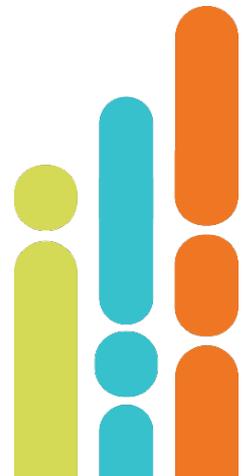
- Explain observed impact of health conditions on student's school participation.
 - How the disability interferes with one or more life functions
 - How the disability affects the student's functioning (e.g., low energy level, exercise needs, medication effects, etc.)
 - Recommend health-related accommodations or supports so that the eligible student has equal access to education
 - Review student's health record (# visits to health office, absences for medical reasons, teacher/parent concerns)
 - May need to conduct in-depth health history
 - May need to obtain medical reports.

If determined by team NOT to qualify for 504, then may need to address needs in another format.



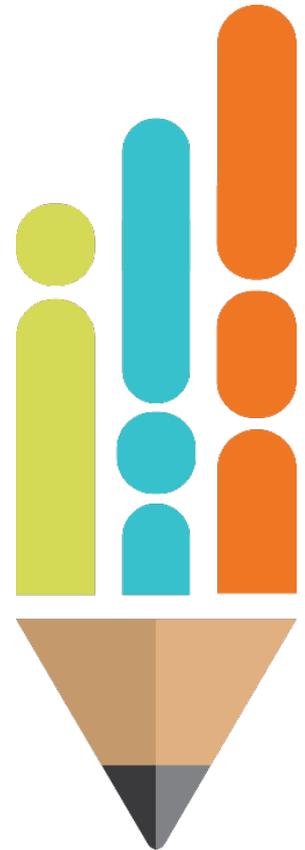
Section 504 and IHPs

- 504 plans are written to eliminate barriers to accessing public school programs and school sponsored activities
- IHPs address the management of the chronic health condition in support of eliminating barriers to the educational process
- The IHP cannot replace a 504 Plan



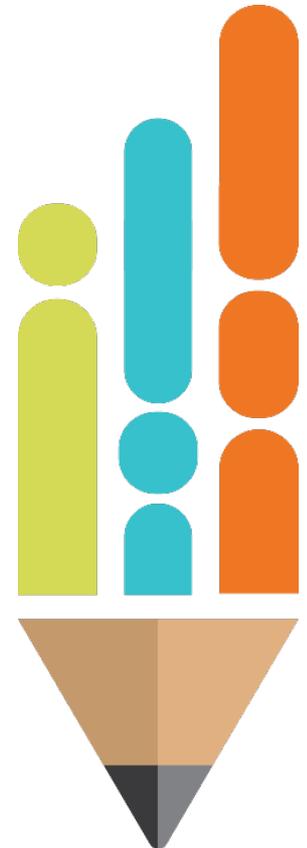
Individualized Education Program (IEP)

- IDEA (Individuals with Disabilities Education Act 1975): a federal law that ensures a free and appropriate education services for students with disabilities who fall within one of the specific disability categories as defined by the law.
- Eligible students ages 3-21 whose disability adversely affects the child's educational performance and/or ability to benefit from general education.
- Developed to ensure student whose disability impacts their learning receives specialized instruction and related services to facilitate student's learning.



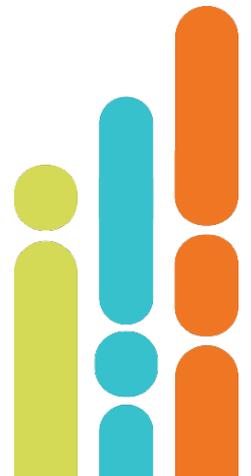
IEP

- Developed through collaboration of multidisciplinary education team
- Includes the current level of academic performance, measurable educational goals, related services and specialized instruction necessary for student.
- School health services is a “related service” that may be necessary to provide to assist student to meet educational goals. Related health services are listed in the IEP summary



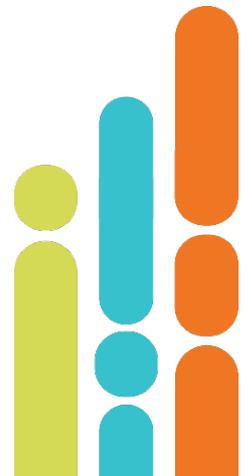
Should School Nurses be Involved in the IEP/504 Plan?

- The school nurse is the appropriate person to provide care coordination for health-related disabilities in the school setting
- Only the school nurse is qualified to make NURSING recommendations



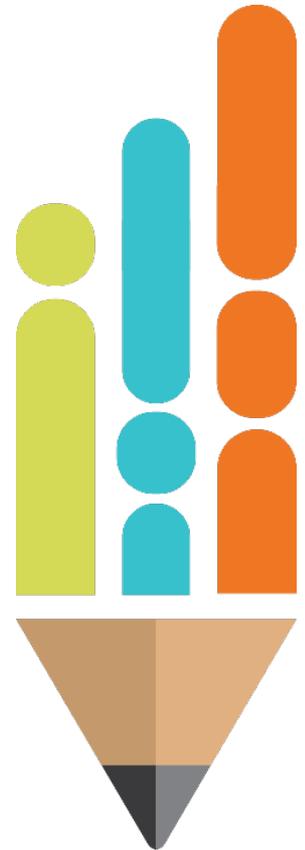
Does a Student Need Both a Section 504 and an IEP?

- If a student is eligible for an IEP based on a disability eligibility, they are covered by IDEA regulations.
- In these cases, there would not be the need to have both an IEP and a Section 504 Plan.



You be the Judge! #1

- Brian is a 4th grade student at Nashville Elementary School. His teacher notices that he has trouble concentrating during class lessons and that it takes him significantly longer than most students to complete in-class assignments. While the teacher acknowledges that it is very difficult for him to stay seated and on-task, she does not think he needs special education services because he is earning Bs and Cs. What should the teacher do?





You be the Judge! #1

- A. Brian's teacher needs to obtain parental consent to implement more restrictive strategies, (such as restraints) to ensure that he stays in his seat and on task.
- B. Brian's teacher needs to inform the proper individuals in the school system that he needs to be evaluated.
- C. Because he is earning passing grades, there is no legal basis to seek an evaluation.
- D. Brian's teacher should share her concerns with the child's parent and request consent to refer him to Tier I of the school's RTI program.

You be the Judge! #1

B. Brian's teacher needs to inform the proper individuals in the school system that he needs to be evaluated.

It's only through an evaluation process that a school can properly determine if a student has a disability and needs 504 services. Grades alone, whether good or bad, do not necessarily indicate whether a student has or does not have a disability.

Even if he does not require special education, he could still receive other 504 services if he meets 504 definition of disability and needs related aids/services or supplemental services.



You be the Judge! #2



- Shannon's seventh grade teachers report that she often falls asleep, without warning, during class and misses instruction. Her parents insist that she gets a good night sleep but note that their pediatrician told them Shannon might have narcolepsy, a chronic brain disorder that involves poor control of sleep and wake patterns. What should the teachers do?

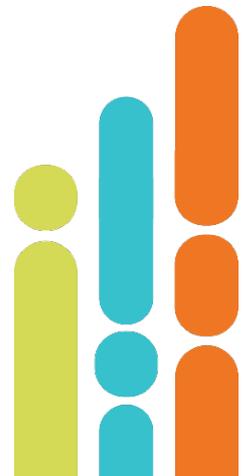
You be the Judge! #2

A. Staff should seek an evaluation to determine whether Shannon has a physical or mental impairment that is interfering with her ability to stay awake.

B. Teachers should talk with Shannon and her parents, individually and separately, to determine if Shannon really gets a good night sleep. Determine if she has a TV in her room and/or internet access after her parents go to bed. If onset of sleep is questionable, her teachers should help the parents investigate options to automatically turn off Wi-Fi and TV after a specific time at night or remove the television and computer from her room.

C. School staff cannot rely on a pediatrician's opinion that Shannon "might have narcolepsy." To address the behavioral issue of falling asleep in class, the staff should initiate a "Positive Behavioral Intervention" (PBI) and create a "Behavioral Intervention Plan" (BIP).

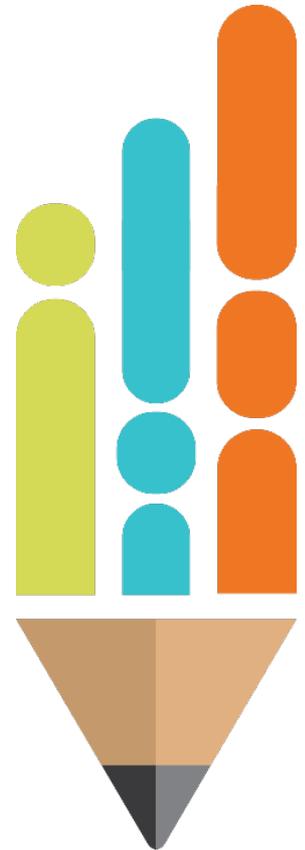
D. Staff should seek parental consent to talk with Shannon's pediatrician about prescription medication options that may be helpful.



You be the Judge! #2

A. Staff should seek an evaluation to determine whether Shannon has a physical or mental impairment that is interfering with her ability to stay awake.

If the evaluation, which must be conducted at no cost to the parents or student, shows that the student has a disability, then the Section 504 Team must determine related aids and services the student needs under Section 504.



You be the Judge! #3

- Mary is a good student who has an A in reading, an A in math, and a B in each of her other classes. She maintains these grades even though she has been absent several times since the beginning of the school year for a gastrointestinal disorder. In addition, she often must leave school early because of vomiting. Mary's mom took her to the doctor and presented her teacher with a medical report indicating that she suffers from gastroesophageal reflux disease (GERD). Mary's mom then asked the teacher if the school would evaluate Mary to see if she's eligible for Section 504. The teacher told her mom not to worry, noting that an evaluation "is not necessary at this time because Mary continues to do well in all her classes." The teacher then promised to let Mary's mother know immediately if her grades begin to decline. Should the teacher have responded in this manner?



You be the Judge! #3

- A. Neither GERD nor vomiting are classified as conditions that mandate eligibility under IDEA or Section 504, so an evaluation is not necessary.
- B. Because Mary is maintaining A's and B's and is doing "well in all her classes," an evaluation is not required at this time. Later, if Mary's grades decline or there are other indicators with problems in school related to GERD or vomiting, an evaluation may be appropriate at that time.
- C. The teacher should not have refused the parent's request to evaluate Mary for 504 eligibility.
- D. Since the vomiting occurred at school and necessitated early dismissal, that condition adversely affected Mary's educational performance. She should have been evaluated and found eligible for services under IDEA, which would also provide her with the protections under Section 504.



You be the Judge! #3

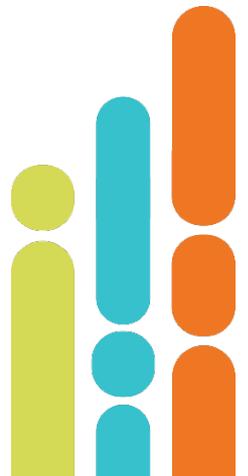


C. The teacher should not have refused the parent's request to evaluate Mary for 504 eligibility.

Not every illness will automatically result in Section 504 protection for the affected student. On the other hand, even if a student earns good grades, he or she may still have a disability. For example, even if Mary's disease did not interfere with her ability to attend school, she might still be determined to be a student with a disability under Section 504 because the disease substantially limits a major life activity (that is, her ability to digest food). In such a situation, Mary may not need related aids and services; however, she would still be protected under Section 504.

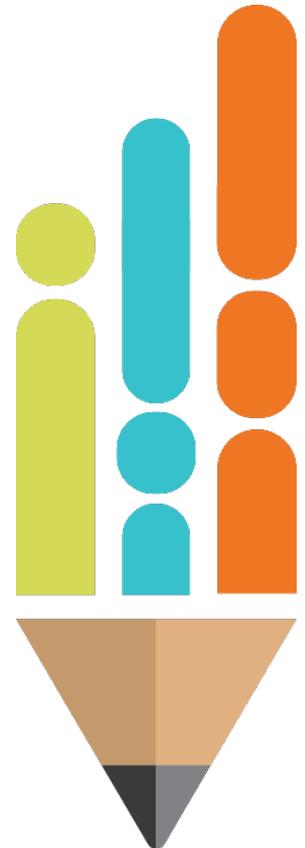
You be the Judge! #4

Don is a student with a disability and he has a Section 504 plan. At the start of the spring semester, he received an out-of-school suspension for 12 consecutive school days. Is the school required to reevaluate Don?



You be the Judge! #4

- A. The child may be suspended for 12 consecutive school days, or longer, until completion of a determination about whether his violation of the code of conduct was a manifestation of his disability.
- B. Yes, a 12-day suspension is a significant change in placement that mandates a reevaluation.
- C. IDEA, which controls in this instance, does not require an evaluation so a reevaluation is not necessary.
- D. A disciplinary suspension does not require an evaluation, even if it is considered to be a significant change in placement.





You be the Judge! #4

B. Yes, a 12-day suspension is a significant change in placement that mandates a reevaluation.

Although the Section 504 regulations do not set a specific timeframe within which students with disabilities must be reevaluated to make sure that they are receiving the appropriate services, Section 504 requires schools to conduct reevaluations periodically, and before a significant change in placement. An exclusion from the educational program of more than 10 consecutive school days is a significant change in placement. In this example, the school must reevaluate Don, prior to imposing the 11th day of suspension, to determine whether his misconduct is caused by or related to his disability (manifestation determination), and if so to further evaluate to determine if his current placement is appropriate.

You be the Judge! #5

Annette recently enrolled in a school that does not have an elevator. The school was built in the early 1960s and, due to limited resources, the district has never altered the building. Annette, who is unable to walk upstairs due to her disability, is dismayed when she discovers that the art studio is on the second floor; she had planned to take an art class the following semester. What should the school do to address this situation?



You be the Judge! #5



- A. Move the art studio to the first floor. Access and equal opportunity to the studio are required for Annette, yet structural change to the building may not be mandated for a building constructed “in the early 1960’s.”
- B. Meaningful access to art education is required, so the art teacher should provide alternative or supplemental educational services to Annette in an individualized setting to meet her unique educational needs.
- C. Schools are required to “consider” alternative or supplemental educational services offered or suggested by the parent but are not required to implement the parent’s requests or suggestions.
- D. The school must provide either an elevator or ramp or discontinue the art class for the next semester to avoid a claim of discrimination against Annette.

You be the Judge! #5

A. Move the art studio to the first floor. Access and equal opportunity to the studio are required for Annette, yet structural change to the building may not be mandated for a building constructed “in the early 1960’s.”

Districts are not required to make each existing facility or every part of an existing facility accessible if the facility in question was constructed before June 4, 1977; however, districts must still provide students with disabilities access to the program or activity in question. Access to programs operated by a school in older facilities that are totally or partially inaccessible may, in some instances, be provided through means other than structural change, such as relocation of programs.

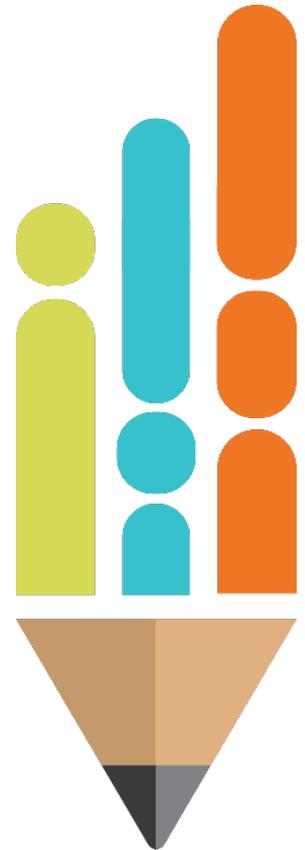


Scenario #1

Cynthia has ADHD. She performs on grade level and doesn't typically have difficulty with her assignments. However, when she is stressed out, it is hard for her to focus, and she doesn't perform as well on her work. She needs many breaks and a very structured classroom in order to perform well and focus on her assignments.

Her mom brings in a doctor's note that diagnoses her with ADHD and documents her accommodation needs.

IEP or 504?

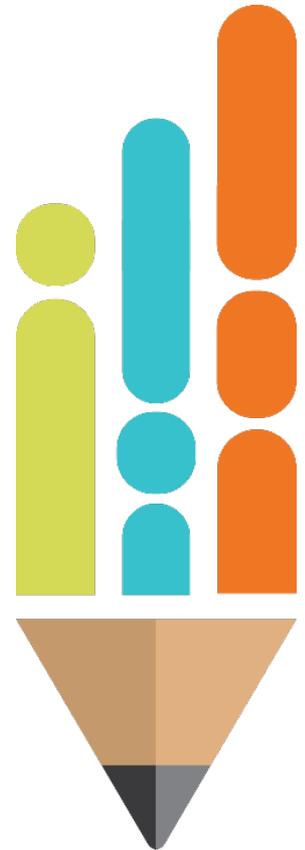


Correct Answer: 504 Plan

The school finds her eligible for a 504 plan because she has a disability that substantially impairs her ability to concentrate.

Cynthia's needs are met by a 504 plan because the 504 plan guarantees that she receive the accommodations that ensure her ADHD doesn't interfere with her ability to access her curriculum.

When she receives accommodations, she can fully access her curriculum and thrive.



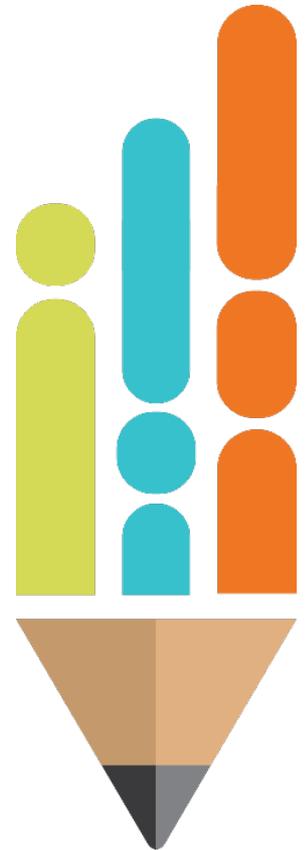
Scenario #2

Janice has ADHD and her mom brought in a doctor's note to the school with her diagnosis.

Despite numerous informal accommodations the school put in place, Janice still struggles to make progress in reading and math.

With Janice's mom's permission, the school evaluates Janice and finds that she has difficulties understanding academic concepts as a result of her ADHD symptoms.

IEP or 504?



Correct Answer: IEP

ADHD is a disability that can qualify a student for an IEP under the “Other Health Impairment” disability category.

Janice’s IEP team, which includes her mom, meets and determines that she qualifies for an IEP because her ADHD is having an adverse impact on her education. She needs specialized instruction and related services in order to make meaningful progress at school.

Her needs are met by an IEP because even when she receives accommodations, she needs changes made to her curriculum so that she can grasp the material. To ensure that she’s receiving the right supports, her academic progress will now be monitored against the academic goals set in the IEP.





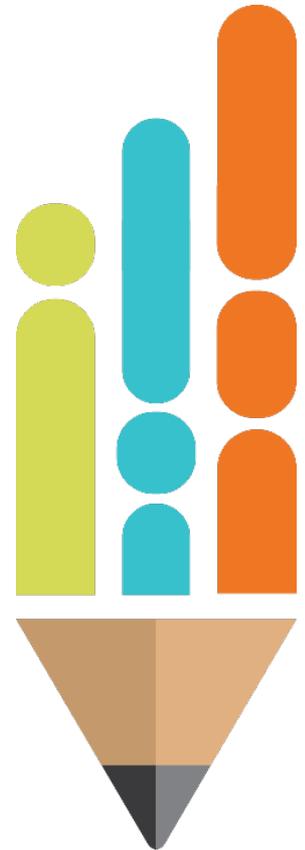
Summary

IEP	504 Plan
IDEA: Individuals with Disabilities Education Act of 1975	Section 504 of Rehabilitation Act 1973: Civil Rights Law
Special education (different curriculum)	Regular education (standard curriculum)
1 or more of 14 eligibility categories	Eligibility-person has a physical or mental impairment that substantially limits one or more major life activities
Federally funded	No federal funding
No cost to family	No cost to family
Birth through Age 21 (22 nd birthday)	Any age
Parent is important member of IEP team	Parent is important member of 504 team
Related Services and Supplemental Aids/Supports	Related Services and Supplemental Aids/Supports

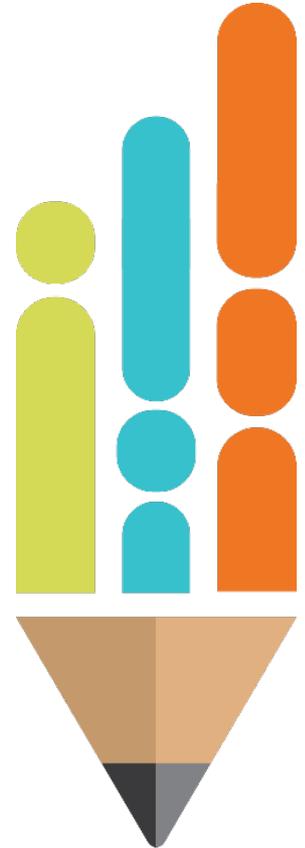
The difference is: 504 Plan or IEP?

- If a child has been diagnosed with one or more of the 14 specific categories named in the IDEA, and that disability is shown to impact the child's ability to make meaningful academic progress, then an IEP would make the most sense.
- If the child does not meet the criteria to have an IEP, but the child does have a disability that substantially impairs any major life activity (including but not limited to his or her ability to care for himself, walk, see, hear, speak, breathe, learn, work, eat, sleep, stand, lift, bend, read, concentrate, think, or communicate) then the child should qualify for a 504 plan.

The criteria for obtaining a 504 plan are more flexible than the criteria for obtaining an IEP.

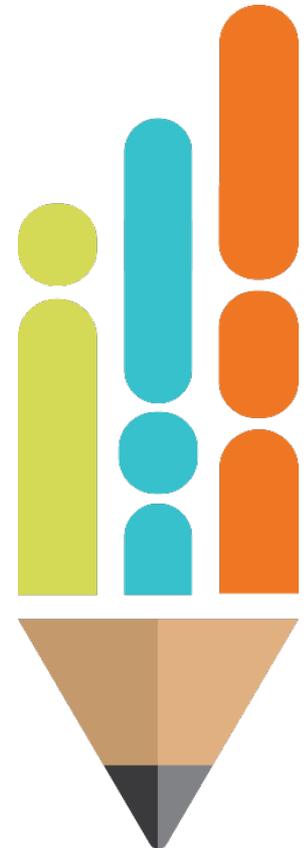


Questions and Discussion



Resources

- [IEP/504 Acronyms](#)
- [School Health Assessment](#)
- [Documenting the Level of Nursing Services on the IEP and 504 Plan](#)
- [Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools](#)
- [A Guide to the Individualized Education Program](#)
- [IDEIA and Section 504 Teams - The School Nurse as an Essential Team Member](#)
- [Protecting Students With Disabilities](#)



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