Students With Disabilities
The School Nurse in Exceptional Children Services

Introduction

All students, including students with disabilities, who are enrolled in public elementary, secondary, or public charter schools, have a right to access a free, appropriate public education. Federal and state laws and regulations ensure that students with disabilities receive the education they require, including special education and related services, if needed. Disabilities include mental, physical or emotional disabilities.

Many students with disabilities do not require special education with nursing as a related service. They are educated in regular education programs without their educational performance being adversely affected. Some of these students may also have specialized health care needs. These needs should be met as part of the public school unit's (PSU's) general school health program, in cooperation with the student's family and primary health care provider and may include accommodations provided through a Section 504 plan.

When a school nurse suspects that a student's educational needs are not being met because of the adverse effects of some health need or problem, a written referral should be given to the principal or Exceptional Children (EC) chairperson outlining this concern. Following the referral, the procedures for developing and managing services and programs for the student with disabilities, as outlined in the most current *Policies Governing Services for Children with Disabilities* must be followed (NCDPI, 2021).

School nurses work closely with students, families and school staff when a student has health related problems that impact education. The parameters of the nurse's role are also discussed in Chapters 2 and 3 of this section. Refer also to the NASN position statement, *IDEIA and Section 504 Teams - The School Nurse as an Essential Team Member* (NASN, 2023).

Legislative Requirements

The Individuals with Disabilities Education Improvement Act (IDEIA) (H.R. 1350, 2003-2004) mandates that all children with disabilities, ages 3 through 21, be provided a free, appropriate public education. This legislation makes federal funds available to assist state and local education agencies in meeting the educational needs of students with certain disabilities. The act requires: (1) a comprehensive evaluation prior to consideration for placement in a special education program; (2) development of an individualized education program (IEP) before placement; (3) education in the least restrictive environment; (4) due process procedures; and (5) opportunities for parent participation.

Section 504 of the Rehabilitation Act of 1973 (U.S. Department of Education, 2023, July) is a civil rights statute prohibiting discrimination against individuals solely because of their disabilities. While it contains no authorization for funds, Section 504 prohibits acts of discrimination by any agency, organization or program receiving federal financial assistance against people with

handicaps, regardless of age. Section 504 and IDEIA augment each other and assure that children with disabilities receive an appropriate education and are not discriminated against by public agencies.

Public Law 99-457 (U.S. Department of Education, 2023, January), the Preschool Program for Children with Disabilities, Part B, extends special education and related services to preschool children with disabilities, three to five years of age. Part C, the Program for Infants and Toddlers with Disabilities, is for disabled and at-risk children from birth to age three and for their families. Part C lists special education, audiology, speech and language therapy, psychology, occupational and physical therapy, social work, nursing, nutrition, and medicine as care components of early intervention programs. This legislation recognizes the important role of parents and provides for services that assist them in developing knowledge and skills to perform their role. For more information, visit https://www.dpi.nc.gov/districts-schools/classroom-resources/office-early-learning-oel

Individualized Education Program (IEP)

An IEP is "a written statement for each child with a disability that is developed, reviewed and revised" based on the needs of the child over the course of his or her education. A team of school and health professionals, parents and, in some instances, the child, creates and revises a program together at each IEP meeting. The IEP serves as the agreement between the school district, the child, and the family to ensure that the child is receiving a Free Appropriate Public Education (FAPE) (U.S. Department of Education, 2025). It is extremely important that both academic and health services required by the student for educational purposes are clearly included. The following components are addressed within the education program:

- Present levels of education and functional performance
- Annual goals, including short-term instructional objectives for students who take alternative assessments
- Specialized instruction and related services to be provided
- Participation in general education programs
- Statement of transition services needed to prepare the student for life after leaving school (for students 16 and older)
- Start and length of term for services (typically IEPs last for 1 year and eligibility is reassessed every 3 years)
- Measuring progress toward achieving goals and objectives of the IEP

It is important for the IEP to contain goals that promote independence in self-care (e.g., the student assists in catheterization). The school nurse, families, and other health care professionals can provide important information about the scope and sequence of skills necessary for a particular child to achieve goals toward independence in self-care. Communication and collaboration among the parties invested in the child's progress are essential to creating a well-tailored IEP. Parents who disagree with portions of the IEP can write in their objections and still

sign the document so that the child can at least begin to receive services.

An Overview of Section 504 of the Rehabilitation Act of 1973

Introduction

Section 504 of the Rehabilitation Act of 1973 is a federal civil rights law protecting the rights of individuals with disabilities. Section 504 requires that "no otherwise qualified individual with disability in the United States shall, solely by reason of his or her 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."

There are seven subparts of Section 504. The subparts on Preschool, Elementary, and Secondary Education have a significant impact on the school district's responsibilities to provide a free and appropriate education for all students with disabilities.

School personnel are familiar with the Individuals with Disabilities Education Improvement Act (IDEIA), which addresses educational needs of children who require special education and related services and who meet eligibility criteria in at least one of the categories of disabilities. All students who are disabled under IDEIA are considered to be disabled under Section 504. However, some students determined to be disabled under Section 504 may not be eligible for special education services under IDEIA. These children are entitled to an appropriate response from regular education. School personnel must be aware that children identified under Section 504 may require accommodations in regular education and related services even though special education services are not required.

Under Section 504, the definition of disabled individuals is much broader than under IDEIA provisions. Section 504 protects all qualified students with disabilities in public elementary, secondary, and public charter schools. Under Section 504, a student with a disability is a person who: (1) has a physical or mental impairment that substantially limits a major life activity; (2) has a record of such an impairment; or (3) is regarded as having such an impairment (ADA, 2008). There is no inclusive list of specific diseases and conditions that qualify.

Implementation

If school personnel have reason to believe that a student has a disabling condition as defined under Section 504, the student must be referred for evaluation. A parent may also initiate a referral for evaluation. The parent must be notified of evaluation procedures and provide consent.

Guidelines for evaluating and determining a disability under Section 504 dictate use of a multi-disciplinary team that includes people knowledgeable about the student's suspected disability. Information from a variety of sources should be used. The evaluation must accurately and thoroughly assess the nature and extent of the disability and focus on specific areas of educational deficit while considering any alterations to major life activities at school. The role of the school

nurse in the evaluation phase of a Section 504 Accommodation Plan is to identify needed health

accommodations, outline plans of care, provide nursing services, and evaluate the effectiveness of the health services provided to students (NASN2023). This process is similar to that of IHP development. If the student qualifies for a 504 Accommodation Plan, the school nurse should develop and use the IHP as the basis of the plan. The nurse will collaborate with the team and recommend health related accommodations or services for the student to access their education and reduce health-related barriers to learning. For information related to POC/IHP development, please see Section C, Chapter 4, *Plans of Care*.

Similarities and differences exist between a 504 plan and an IEP. For determining which document may be needed, a side-by-side comparison can be found at:

https://www.healthychildren.org/English/health-issues/conditions/developmental-disabilities/Pages/Individualized-Education-Program.aspx.

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