



Medical Home Newsletter

Education Special Ed vs 504



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Welcome

The purpose of this publication is to support health care providers in the establishment and maintenance of Medical Homes for their pediatric patients by providing tools and information for use in their practices.

To offer comments, suggest ideas for future newsletters, or to sign up for email delivery contact the Project Coordinator, Barbara Ward, RN BS bward@utah.gov

Copies of newsletters may be found on the Utah Medical Home web portal: www.medhomeportal.org

- *The disability adversely affects the student's educational performance.*
- *The student requires special education and related services.*

*Eligible categories include: autism, communication disorder, deaf/blindness, emotional disturbance, hearing impairment, intellectual disability, multiple disabilities, orthopedic impairment/ other health impairment (e.g. asthma, ADHD, seizures, diabetes), specific learning disabilities, traumatic brain injury, visual impairment, and developmental delay.

Special Education and Section 504

Schools can serve the special needs of your patients through either an Individual Education Plan (IEP) under **Special Education** or a **Section 504** Accommodation Plan. Service under both classifications requires a school team evaluation that includes reviewing medical records. The Medical Home can play an important role in the qualification process by providing accurate and focused information to inform decision-making. This information should address the specific criteria for eligibility. Children with special health care needs deserve careful planning to assess their need for special services and/or accommodations.

How do Special Ed and 504 differ?

Special Education services are part of IDEA2004, a federal education act to improve the education process for children with disabilities. Eligibility for Special Education requires the student to meet three criteria:

- *The student has one of the identified disability categories* as defined by the Utah State Board of Education.*

Important Points about Special Education

- A physician **may** suggest the parent request a Special Education evaluation but **may not** request the evaluation or prescribe Special Education services.
- The school team will use information provided by the physician to determine if the child meets the eligibility requirements for a Special Ed placement (including allied health services such as OT/PT etc.).
- A collaborative effort including parents, teachers and physicians is needed to accomplish a safe, healthy, and educationally appropriate program.
- The school provides services only to the level that assists in the child's education. These may be different than what is "medically necessary" for that child.
- If supplementary services (e.g., additional PT/OT/ST) are necessary for the child to function optimally, they may need to be obtained outside the school setting.

Contact information for each School District's Special Education Director can be found at <http://www.schools.utah.gov/sars/directory/pdfs/speddirectors.pdf>

Section 504, part of the federal Rehabilitation Act of 1973, is a civil rights act to protect the rights of individuals with disabilities. This act requires that no person with a disability can be denied benefits from any program receiving federal financial assistance. Previously schools interpreted this act to mean physical access to public buildings. The Office of Civil Rights has further defined access to include special accommodations in order for the student to benefit from his/her education.

<http://www.schools.utah.gov/equity/section504/default.html>

A student is eligible for accommodations *if the student has a mental or physical impairment that substantially limits one or more of a student's major life activities (caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working) and impacts education.*

If the condition does not limit a major life activity that impacts education, the student does not qualify.

Examples of Accommodations under 504

Accommodations are made by the teacher and school staff to help students benefit from their education. Some examples include:

- Modify assignments and tests
- Provide an extra set of textbooks for home
- Adjust student seating
- Use study guides
- Provide a peer tutor
- Provide school counseling
- Provide preferential seating
- Modify recess/PE/transportation

All school districts have a section 504 coordinator to answer questions regarding 504 services. The name and number for the coordinator for your district can be found at: <http://www.schools.utah.gov/equity/section504/504coordinatorslist.pdf>

Special Education vs. Section 504

- The 504 Plan serves all disabilities while Special Education serves only the 14 qualifying categories listed previously.
- All children who qualify for Special Ed also qualify for a 504 Plan, but many students who qualify for 504 services do not qualify for Special Ed.
- Some students will be provided services by a combination of programs: General Education and/or Section 504 and/or Special Education.

The Medical Home can assist with the development of the child's education plan by suggesting specific and reasonable services and/or accommodations. The school team will consider all evaluation or service recommendations but is only obligated to provide services deemed necessary for the child's education. Communication between the school and the Medical Home is essential to an optimal process and outcome.

The Referral Process

The referral process may be initiated through the school's identification team, by the parent, a health care provider (Medical Home), or an Early Intervention provider who informs the school principal of the student's special health care needs. It is essential that the school be notified about a prospective student with special health care needs as soon as possible and prior to the child's entrance into school.

Requesting a Special Ed/ 504 Evaluation

- Define the problem, the diagnosis, and the life and/or school activities possibly affected by the condition.
- Include appropriate medical records
- Provide the above to the appropriate school personnel

Pre-Planning Meeting

A pre-planning meeting is often held to begin the process of determining the appropriate educational setting. Participants may include:

the family, a representative from the Medical Home, other health professionals/care coordinators, and representatives from the school, including the school nurse.

Purposes of the meeting include:

- Identify the team members, including health care providers, and inform the school of the child's special health care needs.
- Obtain parent signatures for release of information and permission for the school to evaluate. A medical home/school release form can be found in the Education Section at www.medhomeportal.org

Evaluation

A comprehensive evaluation is done to identify the most appropriate educational setting, program and health services. The evaluation includes the following:

1. Parental input
 2. Health care history
 3. Social/emotional status
 4. Academic levels
 5. Cognitive level
 6. Communication skills
 7. Visual acuity
 8. Hearing acuity
 9. Adaptive and Health Care Equipment needs
 10. Gross and fine motor skills
 11. Vocational skills
 12. Adaptive behaviors
- The primary care provider (PCP) can request that the school consider certain types of testing (e.g. language testing), but the school prefers that the PCP not request specific tests.
 - Each district has personnel, trained in a variety of tests, who will administer the test(s) most appropriate for the child and the issues of concern. The school may elect to forgo recommended tests if they determine such testing to be unnecessary for educational placement. In that situation, the PCP may refer to a private provider for testing.

Developing the Health Plan

If a health issue is identified during the evaluation, the school nurse or the case manager (usually the resource teacher) will:

1. Requests a release of information from the parent to obtain health information from Medical Home or health care providers.
2. The school nurse then evaluates the health information and its impact on the educational process.
3. The school nurse meets with the parent to take a health history and develop the health plan.
4. The parent and health care provider signs off on the health plan
5. Ideally, the nurse will attend the IEP meeting to offer health information input

For questions regarding the process of health plan development or school nurses, contact Jamie Ferdinand 801-646-4646 or jamie.ferdinand@granite.k12.ut.us.

Resources

1. **Find your School Nurse**
<http://utsna.org/HTML/home/findyour.html>
2. **For questions regarding special education** or requests for evaluation: Christine Timothy USOE (801) 538-7576
christine.timothy@schools.utah.gov
3. **Utah State Office of Education** *Manual for serving students with Special Health Care Needs*. October 2006
<http://www.schools.utah.gov/sars/manualsgline/s/pdfs/06shcn.pdf>
4. **Utah State Office of Education** *Equal Rights for All Students 504 a Parent Guide to section 504 of the Rehabilitation Act of 1973* 2007
<http://www.schools.utah.gov/equity/section504/UT504parent-guide.pdf>
5. **Utah Parent Center** *Parents as Partners in the IEP Process - Parent Handbook*
http://www.utahparentcenter.org/docs/IEP_Book.pdf
6. Utah Parent Center
<http://www.utahparentcenter.org/>