

MAINE DEPARTMENT
OF EDUCATION

School Nursing in the Provision of Services to Students with Disabilities

**Presented by: The Office of Special Services
and inclusive Education**



Presenter Information



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Inclusive Education

Learning Objectives

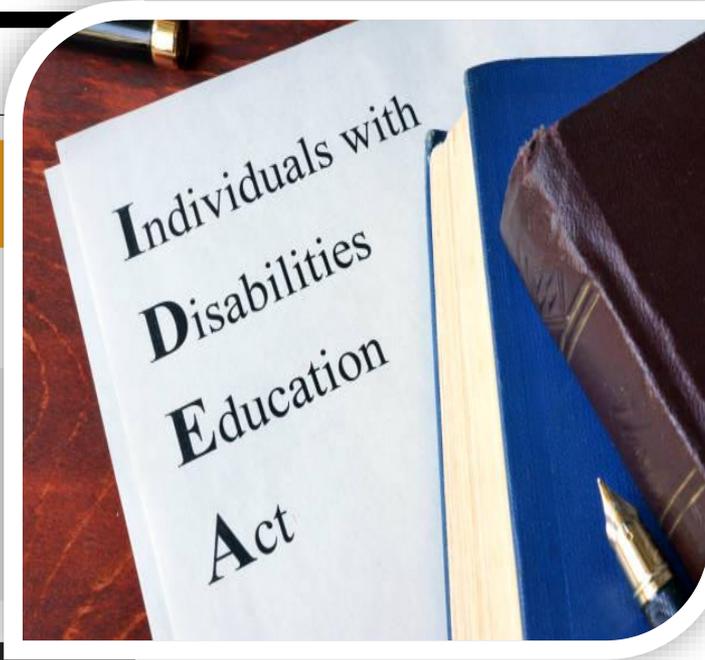
The participant will be able to:

1. Discuss the evolution of federal and state special education/ disability laws in relation to special education
2. Understand Family Educational Rights and Privacy Act (FERPA) and the nurse's role in FERPA compliance
3. Understand the role of the school nurse in the IEP process
4. Understand Maine's IEP form to document health information and direct and indirect nursing/health services
5. Apply the principles and practices discussed in this webinar to their own school nurse practice.

****None of the planners or speakers for this activity have relevant financial relationships to disclose.***

Federal/ State Laws

| IDEA | MUSER/CHAP 101 | FERPA | 504 |
|---|--|--|--|
| Individuals with Disabilities Education Act (2004) | Maine Unified Special Education Regulations (last updated 2017) | Family Education Rights to Privacy Act (1974) | Section 504 of the Rehabilitation Act of 1973 (ADA) |
| Free appropriate public education (FAPE) to eligible children with disabilities throughout the nation and ensures special education and related services to those children provided in the least restrictive environment (LRE). | Based on and in compliance with IDEA, MUSER goes beyond IDEA to identify state specific information (e.g., education in the Unorganized Territories) | Supports maintaining school records, confidentiality of records in school administrative units | The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency |



Differences between IEP and 504

IEP

Describes **specialized instruction** or **services**. The student may work with a learning specialist inside or outside the regular class.

VS.

504 Plan

Describes **accommodations** to help the student **in the classroom**: usually small changes that help them follow the general curriculum.

Implementation of IEPs and 504 plans in schools

| CASE MANAGEMENT | |
|---|---|
| IEP | 504 Plan |
| A certified special education teacher responsible for the oversight, and distribution of the IEP to the appropriate school personnel. | A classroom teacher, school administrator, or school counselor responsible for the oversight, and distribution of the 504 plan to the appropriate school personnel. |
| DISTRIBUTION: WHO GETS A COPY? | |
| Parents Student* Teachers and other staff involved with the student's programming. Other staff may include: School Administrators Counselor Nurse Bus Drivers | Parents** Student* Teachers and other staff involved with the student's programming. Other staff may include: School Counselors School Administrators Nurses Coaches Bus Drivers Cafeteria Duty Aides |

Implementation of IEPs and 504 plans in schools

WHERE ARE IEPs AND 504 PLANS IMPLEMENTED? DEPENDING UPON WHAT EACH INDIVIDUAL PLAN SAYS, THE MOST COMMON SETTINGS MAY INCLUDE THE FOLLOWING:

Classroom
Hallways
Cafeteria
Gym
Bus
Field Trips
School Assemblies

Classroom
Hallways
Cafeteria
Gym
Bus
Field Trips
School Assemblies

IEP

504 PLAN

WHO IS RESPONSIBLE FOR IMPLEMENTING AND ABIDING BY THE PROGRAMMING WRITTEN IN THE IEP OR 504 PLAN?

EVERYONE

School Based Personnel



Ask for the big four:

1. Accommodations
2. Modifications
3. Health plans
4. Crisis plans

What is FERPA?



Stands for Family Educational Rights and Privacy Act (sometimes called the Buckley Amendment).

Passed by Congress in 1974, the Act grants four specific rights to students:

1. The right to see the information that the institution is keeping on the student.
2. The right to seek amendment to those records and in certain cases append a statement to the record.
3. The right to consent to disclosure of his/her records.
4. The right to file a complaint with the Family Policy Compliance Office in Washington, DC.

FERPA

Educational Records

§ 99.3 [Definitions.] **Education records. (a) The term means those records that are:**

- (1) Directly related to a student; and
- (2) Maintained by an educational agency or institution or by a party acting for the agency or institution. (b)

The term does not include:

- (1) Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

Referral to Special Education: Child Find

- The child is assessed in all areas of suspected disability; including, if appropriate, health, vision, hearing, social, and emotional status, general intelligence, academic performance, communicative status, and motor abilities.
- Evaluations are administered by trained and knowledgeable personnel, and
- Draw upon different information from a variety of sources.



Individuals with Disabilities (Exceptionalities)

There are 13 disabilities recognized in Maine that include:

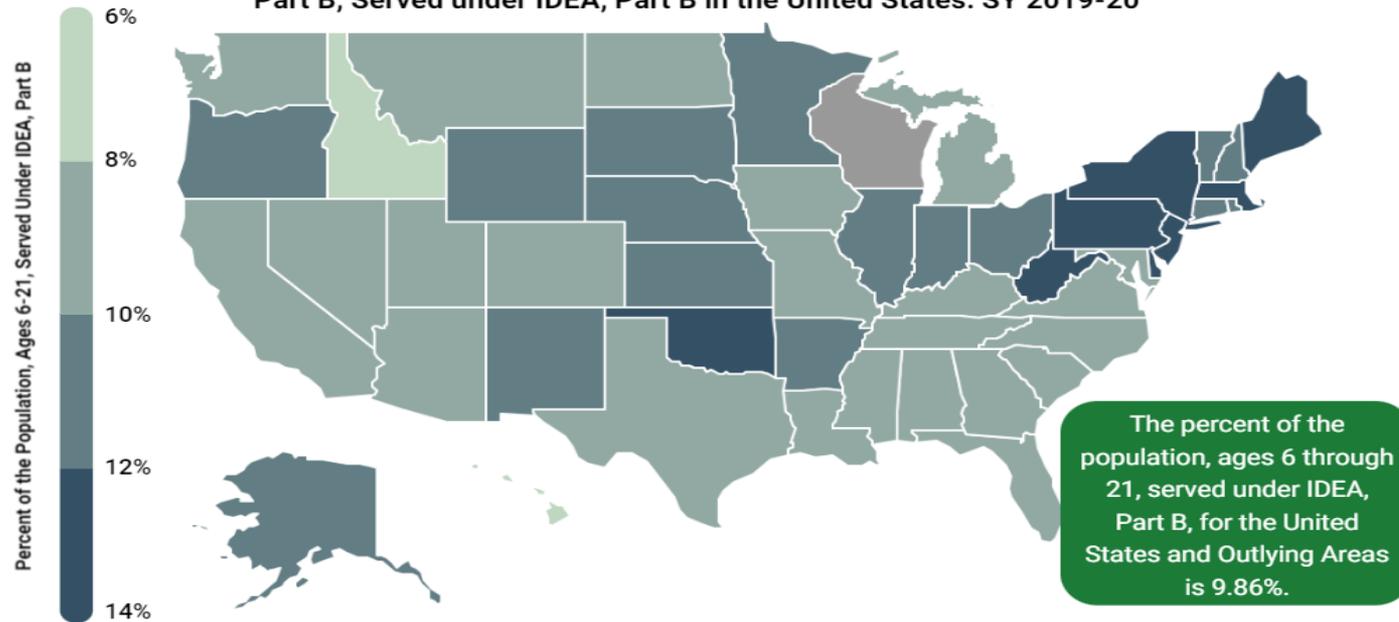
- Specific Learning Disability
- Autism
- Other Health Impairment
- Deaf and Hard of Hearing
- Deafness
- Emotional Disability
- Deaf-Blindness
- Developmental Delay (3-5)*
- Developmental Delay Kindergarten*
- Traumatic Brain Injury
- Visual Impairment
- Orthopedic Impairment
- Intellectual Disability
- Multiple Disabilities

Other Health Impairment



| | |
|-------------------|-----------------|
| ADHD | Heart Condition |
| Epilepsy | Leukemia |
| Anxiety | Long COVID |
| Health Disorders | Lead Poisoning |
| Tourette Syndrome | Asthma |

Percentage of Population of Students with Disabilities, Ages 6 through 21, served under IDEA, Part B, Served under IDEA, Part B in the United States: SY 2019-20



Source: U.S. Department of Education, EDData Data Warehouse (EDW): "IDEA Part B Child Count and Educational Environments Collection," 2019-20. <https://www2.ed.gov/programs/osepidea/618-data/state-level-data-files/part-b-data/child-count-and-educational-environments/bchildcountandedenvironments2019-20.csv>. All data for Wisconsin were suppressed due to data quality concerns. U.S. Bureau of the Census. "2019 State Population Estimates by Age, Sex, Race, and Hispanic Origin". Data accessed July 2020 from <http://www.census.gov/popest>.

Percent of Students with Disabilities, Ages 5 (in kindergarten) through 21, by Gender, Served Under IDEA, Part B, in the US, Outlying Areas, and Freely Associated States: SY 2019-20



The IEP Team will determine if the child's disability adversely affects the child's educational performance.

IEP Team Required Members

- Parent/guardian
- General education teacher
- Special Education Teacher
- Administrator

- Persons with knowledge of the child (Not required)
- Student (Not required)

Role of a School Nurse



- Subject area expert
- Possess critical knowledge of health conditions and understands how medical issues can impact access to school programming
- Medications – understanding and administration
- Screening – in which you play a role in multi tiered systems of support
- IEP/504 team member

Nurses as contributors

Assessment

Diagnosis

Outcome identification

Planning

Intervention/implementation

Collaboration with other medical personnel

Evaluation

Some similarities to nursing roles in other settings

Crisis response

Screening: General health, hearing, vision





SAU Culture

Each school or school administrative unit (SAU) has its own process for supporting children through nursing services.

It is best practice for nurse's to be actively engaged in school communities (e.g. participating in multi tiered systems of support [MTSS], observing students in multiple environments, providing support and training for other key support staff)



Keep in Mind.....

- Have a clear understanding of the chain of command (principal/special education administrator)
- Understand communication protocols
- Clarify roles for general education students and special populations
- Review policies and procedures for nursing
- Review documentation – make recommendations if necessary

Participation in the IEP Process

- **Medical needs that impede a child from *accessing* FAPE should be addressed in the IEP through referring to a child's individual health plan.**
- **Medical needs that impact the child's *learning* should be addressed within the IEP.**
- **Only a credentialed school nurse can provide "Nursing Services".**
- **School health services that do not require a nurse should be documented in Section 7 as nursing services**

IEP Section 6:

504/
Health
Plan



6. SUPPLEMENTARY AIDS, SERVICES, MODIFICATIONS, AND/OR SUPPORTS (MUSER IX.3.A.(1)(d) & (g))

In addition to ongoing classroom supports and services, supplemental aids, and modifications, include a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district-wide and classroom assessments (MUSER IX.3.A.(1)(f)(i)).

| A. Supplementary aids, modifications, accommodations, services, and/or supports for SAU personnel | Location | Frequency | Duration Beginning/End Date |
|---|----------|-----------|-----------------------------|
| <input type="checkbox"/> Classroom Instruction <input type="checkbox"/> Classroom Assessment <input type="checkbox"/> District-wide Assessment <input type="checkbox"/> State Assessment | | | |
| <input type="checkbox"/> Classroom Instruction <input type="checkbox"/> Classroom Assessment <input type="checkbox"/> District-wide Assessment <input type="checkbox"/> State Assessment | | | |
| <input type="checkbox"/> Other | | | |

B. Alternate Assessments

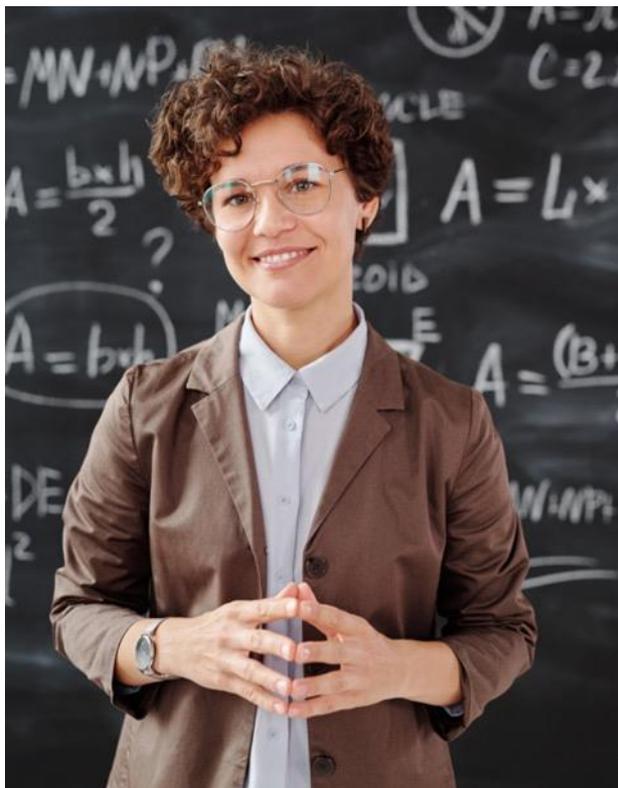
If the IEP Team determines that the child shall take an alternate assessment on a particular State or district-wide assessment of child achievement, a statement of why the child cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the child (MUSER IX.3.A.(1)(f)(ii)(I) & (II)).

- Yes, the child meets qualifications outlined in the Participation Decision Flowchart.
 - If yes, include an explanation:
- No, the child does not meet the qualification and will be participating in regular education state and district-wide assessments.
- Not applicable.

IEP Section 7: Services



| Special Education Services | Position Responsible | Location | Frequency | Duration Beginning and End Date |
|--|----------------------------------|---------------------------------------|-----------------------------------|------------------------------------|
| Specially Designed Instruction | Special Education Teacher | Special Education Setting | 27 hours per week | 1/15/2020-1/14/2021 |
| Speech/Language Services | | | | |
| Consultation | | | | |
| Tutorial Instruction | | | | |
| Extended School Year | | | | |
| Related Services | Position Responsible | Location | Frequency | Duration Beginning and End Date |
| Speech/Language Services | Speech Therapist | Special Education Setting | 2 X 30 minutes per week | 1/15/2020-1/14/2021 |
| Occupational Therapy | Occupational Therapist | Special Education Setting | 2 X 30 minutes per week | 1/15/2020- 1/14/2021 |
| Physical Therapy | Physical Therapist | Special Education Setting | 1 X 30 minutes per week | 1/15/2020-1/14/2021 |
| Nursing Services | Nurse | Regular and Special Education Setting | 5 X 5 minutes per week | 1/15/2020-1/14/2021 |
| BCBA Services or BCBA Consultation | BCBA | Regular and Special Education | 1 x 60 minutes per month | 1/15/2020-1/14/2021 |
| Transportation | SAU | Special Education Setting | 2 times per day, 5 times per week | 1/1/2020-12/31/2021 |



Transition: Starting Age 16 or 9th Grade

- Education
- Training
- Employment

Questions and Answers



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