

## IDEIA and Section 504 Teams - The School Nurse as an Essential Team Member

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### *Position Statement*

#### **NASN POSITION**

It is the position of the National Association of School Nurses (NASN) that the registered professional school nurse (hereinafter referred to as a school nurse) is an essential member of a multidisciplinary education team that identifies, evaluates, and monitors students who may be eligible for services through the Individuals with Disabilities Education Improvement Act (IDEIA) (2004) or Section 504 of the Rehabilitation Act of 1973.

#### **BACKGROUND & RATIONALE**

Federal and state laws define and protect a student's right to education. Two, in particular, define how and what schools must do to support student learning when general education methods and supports are not enough. These are Section 504 of the Rehabilitation Act of 1973 and the Individuals with Disabilities Improvement Act of 2004.

Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112) as amended through the Americans with Disabilities Amendment Act (ADAA) in 2008 established legal support for individuals with disabilities, including students in federally funded programs and activities such as schools. This federal civil rights law ensures that every student is entitled to a free and appropriate public education (FAPE) (U.S. Department of Education, 2015). Under Section 504, FAPE provides a student with a physical or mental impairment that impacts one or more major life activities with related services and accommodations in the general education classroom. These services address the student's individual educational needs to achieve equity with nondisabled students. A physical or mental impairment under Section 504 standards can be from a chronic disease or condition, a disability, or an injury and necessitates an evaluation by and input from a school nurse to determine if access to learning is impacted.

In 1975, Congress enacted the Education for All Handicapped Children Act (Pub. L. 94-142), with numerous amendments that further define and effect the meaning of disability as it relates to learning. The latest amendment titled the Individuals with Disabilities Education Improvement Act (2004) often referred to as IDEIA or IDEA includes specific provisions for identifying and evaluating students who may need special education services, its components, as well as procedural safeguards for implementation.

School districts are mandated to identify and evaluate all children who experience difficulty in accessing their education, regardless of severity, to determine if they qualify for education accommodations (with a 504 plan) or special education services (with an individual education program). This mandate includes the related service of school nursing and health services as needed (134 C.F.R. 104.32). IDEIA mandates that students receive a comprehensive, multidisciplinary evaluation conducted by individuals with the appropriate expertise in the areas of concern.

The school nurse is the team member qualified to evaluate the health needs of the student, many of which may not be apparent without a thorough health assessment. If health-related barriers are not recognized, appropriately interpreted, and addressed those students risk academic failure. Caution must be taken when an education team chooses not to evaluate a student's health or chooses to have non-

nurse conduct the evaluation. Under IDEIA, the student's federal civil right to a nondiscriminatory comprehensive evaluation is not upheld if non-nursing educational professionals who are unqualified to conduct a health assessment assume this role. (Alfano et.al 2017; Halbert & Yonkaitis, 2019)

The school nurse is the recognized healthcare expert in the school setting (AAP, 2016; ESSA, 2015). School nurses have the unique knowledge and experience essential to evaluate the health of students in order to identify health-related barriers to learning and the accommodations necessary to provide students proper access to education. School nurses work collaboratively with other team members to identify, evaluate, and develop plans for students in need of educational accommodations and special education services. School nurses are integral to ensuring the civil rights of all students so that they can achieve optimal educational success and well-being at school (Halbert & Yonkaitis, 2019).

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*“To optimize student health, safety, and learning, it is the position of the National Association of School Nurses that a professional registered school nurse is present in every school all day, every day”*

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