



Elvin W. Houston
1020 N.E. Loop 410, Suite 401
San Antonio, Texas 78209
210.979.6633
ehouston@wabsa.com

Do We Do That?

*Medical Services in
Schools*

Medical Services in Public Schools

*(Including on
the bus and at
Field Trips)*

- Medication Administration
- Assistance with g-tube feeding
- Individualized Nursing
- Emergency Plans (Asthma, Seizure, Allergy)

Related Services	<p><u>34 C.F.R. § 300.34</u></p> <p>"...means... such developmental, corrective, and other supportive services <u>as are required to assist a child with a disability to benefit from special education and includes...</u>"</p>
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Related Services	<p><u>34 C.F.R. § 300.34</u></p> <ul style="list-style-type: none">➤ Medical services for diagnostic or evaluation purposes➤ School health services➤ School nurse service
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Medical Services for Evaluation Purposes?	<p><u>FIEE Must be:</u></p> <ul style="list-style-type: none">➤ Comprehensive enough to determine disability and needs➤ This includes a visit to the doctor➤ At District expense
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School Health & Nursing?	<p><u>34 CFR 300.34(c)(13)</u></p> <p><u>"School health services and school nurse services</u> means health services that are designed to enable a child with a disability to receive FAPE as described in the child's IEP..."</p>
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School Health & Nursing? (con't)

"School nurse services are services provided by a qualified school nurse. School health services are services that may be provided by either a qualified school nurse or other qualified person."

Process

Consideration of whether a student requires school health or nursing services should be made using the same procedures used to consider any other related service.

In short:

- Evaluation (with the requisite consent); and
- ARD committee decision

Evaluation

- Seek evaluation from medical doctor that identifies tasks, precautions, procedures student requires to attend school
- Explore whether any of the task require specialized skills or training (skilled nursing)
- Evaluation is not the decision—decisions rest with the IEP Team
- May require the District to arrange a medical examination to understand the student's health needs in the school setting.

For Medical Issues, the ARD Committee (Still) Decides:

- Eligibility for Special Education and Services
- Whether particular credentials or training are required to provide the support
- Frequency, Duration and Location

If the Student Qualifies

- The District must provide the services including any nursing services required by the IEP.
- The services are the legal responsibility of the District under IDEA.
- Extends to ensuring that qualified substitutes are available when needed.

Potential Legal Issues

- Failure to conduct appropriate evaluation.
- Failure to identify eligibility for related services.
- Failure to provide FAPE.

Private Duty Nurses

If there are private duty nurses providing services in your district, and your district has not evaluated and convened an ARD committee to consider whether the student qualified for related service school nursing services this is a potential legal problem.

Parents Want
to Bring a
PDN...

- Ask for a copy of any doctors' orders and seek consent to contact the doctor (the school nurse will likely be part of this conversation).
- Notice and ARD.



Elvin W Houston

ehouston@wabsa.com

Phone: 210.979.6633 | Fax: 210.979.7024

www.walshgallegos.com



The information in this handout was created by Walsh, Gallegos, Kyle, Robinson & Roalson, P.C. It is intended to be used for general information only and is not to be considered specific legal advice. If specific legal advice is sought, consult an attorney.