

Section 504 Webinar: Support for Students with Medical Needs Questions from chat 3-25-24

Is there a time frame for a 504 plan for a student who has a Concussion?

This [article from Special Ed Connection](#) has some great information on Section 504 and students with concussions. Healing is different for each child. While some may recover quickly others may have signs and symptoms that last for the rest of their lives. Student accommodations should be made when healing takes longer than expected. The healthcare provider (who has had concussion training within the last three years), the parent, and the student 504 team should work together to determine what is best for the child.

Who is responsible for diapering and toileting needs in the school setting?

Diapering and toileting are considered activities of daily living (ADL), which include ambulating, grooming, toileting, dressing and eating. Since these are not nursing functions, they do not require delegation, training, or supervision by a school nurse. Any staff member can do these, with the exception of feeding via a feeding tube. Since this is a medical intervention, training, delegation, and supervision by a school nurse would be necessary in that case.

What if our school doesn't have a school nurse?

Some schools do not have a school nurse. A licensed, qualified health professional (healthcare provider & registered nurse, etc.) may need to be contracted by the school to accomplish specific health & medical tasks that would normally require a school nurse. This may include writing individualized healthcare plans, emergency action plans, training, delegating student medical tasks, and evaluation. A nurse may also need to be hired to oversee state mandates affecting student health and plan for medical accommodations while the student attends school.

The contracted nurse does not have to be a full-time employee; he or she can be contracted for only the hours required to perform these basic functions. However, having a full-time nurse is always better for the students, the school, and the school community.

Where can we find the law stating Kindergarteners must be toilet trained?

House Bill 331 passed and requires kindergarteners to be toilet trained (with some exceptions). The Utah law will be enacted and effective May 1, 2024, for the next school year.

Will we be able to view the recording of this webinar?

Yes. The recorded webinar is available on YouTube. Follow this [link](#) to view the recording.

Could you have an IEP and a Section 504 plan if the medical history for the 504 is completely separate from the IEP qualifications, or should it be added to the IEP?

Separate 504 plans and IEPs are NEVER necessary. Any related aid, service, or accommodation included on a 504 plan can be included in an IEP. Individualized healthcare plans and emergency care plans should always be separate documents.

Could you add the school nurse to the reentry plan?

The person responsible for completing the [re-entry plan](#) is not defined on the form. Anyone can complete it. There is a note at the bottom of the form suggesting that the form be copied and distributed to anyone responsible for executing the plan, including the school nurse, if applicable.

To clarify, a student with an aide needs access to an aide for any school-sponsored activity, not just those they are actively involved in. Like a school dance or football game, but they aren't on the team?

Students with disabilities must receive an opportunity to participate equal to that of their nondisabled peers. 34 CFR 104.37 (a)(1). This means that they need to be provided the accommodations and related aids and services necessary to participate in ALL LEA/school-sponsored functions. You must ensure policies governing LEA/school functions are uniformly administered. This applies to school activities such as dances, sporting events, college nights, field trips, etc., everything that is LEA/school-sponsored as long as it does not fundamentally alter the program or activity. For instance, requesting that they not play music during a school dance is unreasonable because a student has sensory issues.

On the other hand, you can provide noise-canceling or dampening headphones and perhaps avoid turning the volume up to 11. It could be a school's responsibility to provide related aids and services for a student to attend an afterschool event as a spectator. Such events could count as a "nonacademic service" under 34 CFR 104.37(a)(1). OCR commented, "if a student were to raise the issue, then the 504 team should discuss it" and that "it's an individualized decision."

Has this always been the law? Does it include IDEA too?

Yes, this has always been the law. Like IDEA, Section 504 requires LEAs to provide services according to an individual student's needs to provide access to a free appropriate public education. Contact Leah Voorhies at leah.voorhies@schools.utah.gov in the USBE Special Education Department for clarification about IDEA.

If the student and parents do not want us to provide a TA at those specific times because parents will be attending, do we still have a TA show up anyway?

If the parent plans to attend the event with the student and they can provide the related aids and services or accommodations, it would not be necessary to provide a TA. Be careful; if the parent contacts you and says they cannot attend after all, it may be necessary to provide an aide. This does not include transportation unless you provide transportation for students with disabilities.

Is it just school-sponsored activities, or does it include all district-sponsored activities?

It includes all programs and activities receiving federal funding. So, that would include district-sponsored activities.

Can you discuss accommodations with IEPs vs 504s?

A student served by special education would need to have the accommodations included in the student's IEP. If the student is not served by special education their accommodations would be included in a Section 504 plan. This is one or the other. Students should not have both an IEP and a Section 504 plan. You might be interested in viewing the training on the [USB E website](#) about the differences between IDEA and Section 504. The following information might also be helpful:

Related Aids and Services

As used in Section 504, related aids and services are part of an appropriate education and must be provided to the extent that they enable the school district to meet the individual educational needs of students with disabilities as adequately as it meets the needs of nondisabled students. 34 CFR 104.33 (b). Whether a student with a disability is entitled to a related service is a decision that must be made by a group of knowledgeable people as per 34 CFR 104.35 (c). Fairfax County (VA) Pub. Schs., 115 LRP 3293 (OCR 09/19/14). Unlike the IDEA, Section 504 regulations do not list specific types of related services. Nonetheless, the OCR Letters of Findings demonstrate that the legal principles regarding identifying specific related services are substantially similar under both laws.

Accommodations

- As with related aids and services, whether a student with a disability is entitled to an accommodation is a decision that must be made by a group of knowledgeable people. The accommodations must be designed to meet the individual educational needs of students with disabilities as adequately as they meet the needs of nondisabled students. Some examples were provided in the presentation, but they should not be considered exhaustive. They must be individualized to meet students' needs.
- OCR does not interpret Section 504 as requiring a district to modify school programs to ensure a neighborhood placement is available to a student who needs medical services when necessary services and FAPE are available at another site within the district.
- A school district may prohibit a student with a disability from going on a field trip if it believes participation presents an unacceptable risk to the student's health or safety. However, the district should be prepared to demonstrate the necessity of the exclusion. See North Hunterdon/Voorhees Reg'l (NJ) High Sch. Dist. (OCR 1996).
- Let substitutes and volunteers know!! Anyone responsible for working with students in a public education-sponsored program or activity.
- Actions generally inappropriate to accommodate a student in school are also inappropriate on field trips. Thus, carrying a student in order to ensure her participation is neither appropriate nor required. See Chesterfield County (VA) Pub. Schs.(OCR 2003) (It was inappropriate for school personnel to carry students with

mobility impairments to the second floor of a local movie theater so that they could see the performance. The district agreed to cease carrying children up and down stairs and to request that the theater make performances wheelchair-accessible.).