



## Health Care Needs of Students Attending Public Schools

There are three primary options for students with health care needs who need accommodations within the public school. Students may qualify for an individual health care plan, a Section 504 plan, or an Individual Education Program (IEP) under the Individuals with Disabilities Education Act (IDEA). This fact sheet will give you basic information about each plan and offer advocacy tips.

### Individual Health Care Plan

An individual health care plan (IHP) is created by the parent and the school for students with special health care needs. The plan outlines specific actions that the student will receive based on the student's health needs at school and at school sponsored functions. Keep in mind that each IHP should be tailored to suit your student's individual health needs. An IHP may be needed for students with health needs that include medication, monitoring, medical procedures and/or medical treatment at school. For more information about IHPs, including criteria to determine if a student needs an IHP, see "Frequently Asked Questions about Individual Health Care Plans" from SC Department of Education at: <https://ed.sc.gov/districts-schools/nutrition/wellness-and-food-safety/wellness-and-food-safety/school-nurse-program/individual-health-plan-ihp-documents/scde-ihp-guidance/>

This plan:

- Is developed by a registered nurse (ask the school nurse for more information) with information from the parent, the student if applicable, other school staff like the school nurse, and/or the student's private medical provider. The nurse also coordinates the plan.
- Includes an emergency action plan to address emergency situations if needed by the student.
- Can be used to allow a student to carry and administer his or her own medication.

However, this plan:

- Does not give the parent a right to request a due process hearing if the school does not follow the plan.

## Section 504 Plan

The second option is a Section 504 plan. This plan is based on Section 504 of the Rehabilitation Act of 1973. Section 504 makes it illegal for any program receiving federal money to discriminate against a person with a disability. This includes all public schools in South Carolina.

This plan:

- Is appropriate if the disability substantially limits a student's major life activity, such as seeing, breathing, hearing, walking, talking, learning, ability to perform manual tasks, or caring for personal needs.
- Has ways to ensure enforcement and compliance by the school district (namely by filing a complaint with the US Department of Education's Office of Civil Rights or asking for an administrative due process hearing).
- Can include accommodations needed to allow the student to attend regular education school.
- May be highly beneficial for a child with chronic or more severe health needs.

However, with this plan:

- Regular classroom accommodations under a Section 504 plan may not be adequate to address the needs of a student with severe disabilities. Special education services provided through an Individual Educational Program (IEP) may be more appropriate.

### Advocacy Tip:

The first step that you can take to obtain a Section 504 plan is to write a letter to the school and the school district. Include information from your child's doctor about the disability and request a meeting to create a Section 504 plan.

## IEP (Individualized Education Program)

The final option for parents of a student with health care needs is to seek educational services under IDEA and obtain an IEP.

This plan:

- Provides the most services for the student and the most safeguards to ensure the district follows the plan.
- May be necessary if your student's health care needs cause the student to need specialized instruction (special education).

However, this plan:

- May take longer to obtain because it requires that the district take more steps (such as conducting comprehensive evaluations of your child).
- Is applicable only to students with one of the following disabilities: intellectual disability, hearing impairment, speech or language impairment, visual impairment, deaf, deaf-blindness, emotional disturbance, autism spectrum disorder, traumatic brain injury, specific learning disabilities, multiple disabilities, orthopedic impairment or other health impairment; and the problem must adversely affect the student's education such that the student needs special education services.

#### Advocacy Tip:

The first step to obtaining an IEP is to send a letter to the school and school district requesting that your child be evaluated because you suspect that he/she has a disability. (See Disability Rights South Carolina's "Education Evaluation" fact sheet.)

#### Sources for the information in this fact sheet:

29 U.S.C. § 794 and 34 C.F.R. § 104.1 (et al)

20 U.S.C § 1401 (et al)

S.C. Code Ann. § 59-63-80 (1976)

This publication provides legal information, but is not intended to be legal advice. As the law may change, please contact Disability Rights SC for updates. Please let us know if you would like this information in an alternative format.

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