

# Special Education Process: Role of the School Nurse

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# Introduction

- Special education is governed by many levels of laws/regulations:
- Federal statutes (Individuals with Disabilities Education Act)
- Federal regulations
  - Comments
- Wisconsin Statutes
- Wisconsin Administrative Code
- Case law, hearing decisions, complaints, etc.

# Important terms

- IEP – Individualized Education Program
- LEA – Local Education Agency – usually the school district but occasionally is a different organization
- DPI – Wisconsin Department of Public Instruction
- FAPE – Free, Appropriate Public Education

# Special Education

- Under Wisconsin law, *special education* means specially designed instruction, regardless of where the instruction is conducted, that is provided at no cost to the child or the child's parents, to meet the unique needs of a *child with a disability*, including instruction in physical education.

# Child with a Disability

- Under special education law, two-part test to be considered a “child with a disability”
  - First, does the child meet the educational eligibility impairment criteria for one of the disability areas that adversely affects his/her educational performance?
  - And, as a result of the disability, does the child need special education and related services?
  - **BOTH!**

# Eligibility impairment areas

- Cognitive Disabilities (CD)
- Hearing Impairments (HI)
- Speech or Language Impairments (S/L)
- Visual Impairments (VI)
- Emotional Behavioral Disability (EBD)
- Orthopedic Impairments (OI)
- Autism
- Traumatic Brain Injury (TBI)
- Other Health Impairments (OHI)
- Specific Learning Disabilities (SLD)
- Per state law, also includes Significant Developmental Delay...

# Child Find

- LEAs are required to find children with disabilities living in their school district, including children with disabilities who attend private schools.
- LEAs must evaluate these children to determine whether they need special education.
- LEAs conduct screening events, etc.

**Referral**

**Evaluation**

**IEP Team decides:**

- 1. does child have an impairment?**
- 2. does the child need special**

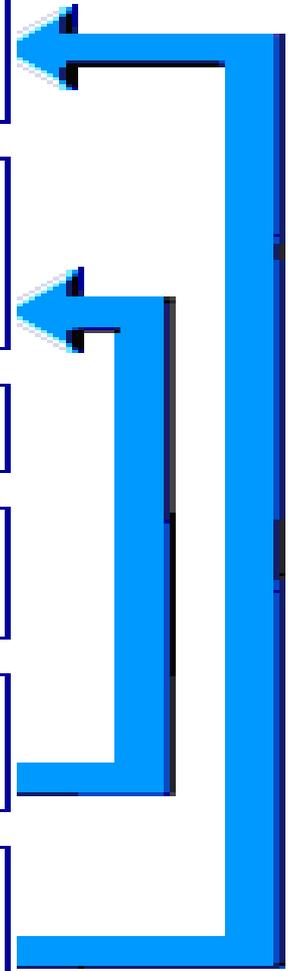
**IEP team writes IEP together. This includes deciding what services the child needs.**

**IEP team decides on placement.**

**LEA implements the IEP and placement.**

**IEP team reviews the IEP and placement at least annually.**

**IEP team does a reevaluation at least every three years, unless parents and school agree not to.**



# IEP Team Participants

Each IEP team must consist of the following:

- The parents of the child.
- At least one regular education teacher of the child if the child is, or may be, participating in a regular educational environment.
- At least one special education teacher who has recent training or experience related to the child's known or suspected area of special education needs or, where appropriate, at least one special education provider of the child.

# IEP Team Participants

- A representative of the local educational agency (often called LEA Representative) who is qualified to provide, or supervise the provision of, special education, is knowledgeable about the general curriculum and is knowledgeable about and authorized to commit the available resources of the local educational agency.
  - LEA Representative role can be fulfilled by another IEP team participant provided she/he meets the requirement to act in both capacities.

# IEP Team Participants

- An individual who can interpret the instructional implications of evaluation results (often a school psychologist).
- At the discretion of the parent or the LEA, other individuals who have knowledge or special expertise about the child, *including related services personnel as appropriate*.
  - This determination is made by the party inviting the individual.
- Whenever appropriate, the child.

# IEP Team Participants

- If a child is attending school through open enrollment or a tuition waiver, at least one person designated by the resident district who has knowledge or special expertise about the child.
- When a child is suspected or known to need occupational therapy, physical therapy, or speech and language therapy, a therapist in each respective area of service.

# Referral for Evaluation

- Individuals required to make referrals:
  - DPI licensed school staff.
  - Physicians, nurses, psychologists, social workers and administrators of social service agencies.
- Teachers and other professionals must inform parents they are going to make a referral.
- Anyone else, including parents, may make a referral to the LEA.

# Referral for evaluation

- Referrals must be in writing and include the name of the child and reasons why the person believes the child has a disability.
- School staff often assist parents in writing referrals.

# Assessment Methods and Sources

- No one assessment method alone is sufficient when determining eligibility for special education.
- IEP teams must gather information from multiple sources and employ a variety of methods.

# Assessment Methods and Sources

- Sources and methods of assessment may include:
  - Observations in a range of environments,
  - Standardized or norm-referenced tests,
  - Intellectual testing,
  - Informal and criterion-referenced tests,
  - Rating scales and checklists,

# Assessment Methods and Sources

- Structured interviews with parents, caregivers, regular education teachers, and others as appropriate,
- Developmental histories,
- For early childhood students, the IEP team must observe the student in the natural learning environment with same-age peers.

# “Adversely affecting educational performance...”

- In order to identify a student as meeting educational eligibility for an impairment, the IEP team must find the student’s learning and educational performance is adversely affected.

# “Adversely affecting educational performance...”

- **Educational performance may include:**
  - Cognitive performance, including academic and pre-academic skills.
  - Communication skills.
  - Personal/Social skills.
  - Sensory processing and motor planning skills.
  - Adaptive skills, including self-help skills and activities of daily living.

# Areas of impairment considered

- Students may be identified as meeting educational eligibility criteria in more than one impairment area.
- IEP teams should examine all sources of information and use professional judgment in considering the educational needs of the student and decide which area(s) of impairment or best match the student's needs.

# Educational Eligibility Determination vs. Medical Diagnosis

- Federal and state special education law use impairment categories, which in practice includes students with many different medical diagnoses.
- School nurses often serve an important role in explaining how the impairment categories and medical diagnoses relate to each other.

# Educational Eligibility Determination vs. Medical Diagnosis

- Examples of medical diagnoses include:
  - Autism spectrum disorders including autism, Pervasive Developmental Disorder – Not Otherwise Specified (PDD-NOS), Asperger's Syndrome;
  - Attention Deficit Hyperactivity Disorder;
  - Anxiety and Obsessive-Compulsive Disorders;
  - Tourette's Syndrome;
  - Bipolar Disorder;
  - Depression;
  - And *many* others.

# Educational Eligibility Determination vs. Medical Diagnosis

- A medical diagnosis is **not required** in order to determine whether a student meets eligibility criteria for an educational impairment(s).
- If medical information is available it should be considered as part of the Individual Evaluation Program (IEP) team's evaluation but must not be the sole component.
- School personnel **may not** require parents to obtain a medical diagnosis before proceeding with an educational evaluation.

# Determination of Eligibility

- The IEP team conducts the two-part test to be considered a “child with a disability”
  - First, does the child meet the educational eligibility impairment criteria for one of the disability areas that adversely affects his/her educational performance?
  - And, as a result of the disability, does the child need special education and related services?
  - **BOTH!**

# IEP Development and Placement

- If the IEP team determines a student meets the eligibility criteria and has a need for special education, the student then has, or continues to have, a disability.
- The next step for the IEP team is to develop an IEP and determine placement for the student.

# School Nursing in the IEP

- School nursing services might be included in the IEP as a related service.
- Related services are “transportation and developmental, corrective, and other supportive services required to assist a student with a disability to benefit from special education.”
- May include medication management, personal cares, health condition monitoring, etc.
- All services in IEPs must include a specific description of the frequency, amount and duration of services.

# School Nursing in the IEP

- IEP teams must meet at least annually to review the student's progress and update the special education services it contains.
- School nurses may be important participants in these annual meetings.
- If school nursing services being discussed, nurse should attend meeting.

# Resources

- Special Education Eligibility Areas of Impairment and Criteria:  
<http://dpi.wi.gov/sped/eligibility.html>
- DPI Sample Special Education Forms and Forms Guidance Document:  
[http://dpi.wi.gov/sped/form\\_int.html](http://dpi.wi.gov/sped/form_int.html)
- Special Education in Plain Language:  
<http://www.specialed.us/pl-07/pl07-index.html>

# Questions?

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