

Special Education and the Physician

July 2014

Legal Requirements

- The federal Individuals with Disabilities Education Act (IDEA) and Wisconsin special education law (Chapter 115) entitles children with disabilities age 3-21 enrolled in public schools to special education and related services designed to meet their disability related needs.
- “Disability” in the context of special education means the existence of a physical, mental, or emotional impairment combined with a need for special educational services.
- A physician plays an important role in the identification of students with disabilities, and may provide valuable insight into a student’s disability-related needs; however, a child’s need for special education is not derived from a medical diagnosis, and special education and related services are not “prescribed”.

Referral and Evaluation

- A physician who reasonably believes a child has a disability must refer the child to a school district for evaluation (See Wis. Stat. 115.777). The referral must be in writing and include the name of the child and the reason why the physician believes the child has a disability. The physician must inform the child’s parent of the intent to refer prior to submitting the referral document. The referral should be submitted to the school district where the child is enrolled.
- Upon receipt of a referral the school district will assemble an individualized education program (IEP) team to determine whether the child is eligible for special education and related services. Only the IEP team can make such determinations.
- The child’s physician is not a required member of the IEP team, but may participate on the IEP team with the consent of the child’s parents. The IEP team may consider information provided by a physician regarding a child’s disability regardless of the physician’s attendance at an IEP team meeting.

Provision of Special Education and Related Services

- On determination of a need for special educational services, the IEP team will develop an IEP for the child. The IEP specifies the special education and related services necessary for the child to receive a free appropriate public education (FAPE).

- The IEP will be reviewed and revised at least annually by the IEP team. As with the evaluation process, physicians may participate as IEP team members, and the IEP team may consider information provided by physicians when determining what special education and related services a particular child may require.
- IEP teams may provide for physical therapy, occupational therapy, counseling services, school health services, or school nurse services, if the team determines such services are necessary for the child to benefit for special education.
- On occasion, an IEP team may provide for the services of a licensed physician, but only when such services are required to determine a child's medically related disability.

Sharing Information

- The confidentiality of information contained in school records is protected by federal and state law.
- Schools will require written consent from a child's parents prior to releasing any information from a child's record to the child's physician or permitting a physician to attend an IEP team meeting.

Children in Private Schools and Home Schools

- Children enrolled by their parents in private schools or home schools are entitled to evaluation for special education eligibility by an IEP team.
- Referrals should be made to the school district where the child's private school or home school is located.
- Children enrolled by their parents in private schools are not entitled to FAPE. Such children may be eligible to participate in limited special education and related services, known as "equitable services," provided by the public school.

For More Information Contact:

- The Director of Special Education at the child's school district. A directory is available here: <https://sped.dpi.wi.gov/LeadershipDir/>.
- The Special Education Team at the Wisconsin Department of Public Instruction: (608) 266-1781.