



ODE Section 504 Webinar Series: 504 Plans and Healthcare Plans

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About ODE



- The Oregon Department of Education works in partnership with school districts, education service districts and community partners to foster equity and excellence for every learner;
- Together, we serve over 560,907* K-12 students and support 75,807* school employees, including teachers, administrators and classified staff;
- We believe every student should have access to a high-quality, well-rounded learning experience; and
- We work to ensure every student in Oregon graduates with a plan for their future.

*Data from October 2021

Collaboration with the Oregon School Nurses' Association



- OSNA is the professional organization for school nurses in Oregon and affiliate of the National Association of School Nurses.
- OSNA advocates for the health and success of all children through equitable access to school nursing services.
- OSNA supports school nurses and all they do to maintain a healthy environment for our children through
 - mentorship
 - professional development
 - Evidence Based Practice resources
 - Partnerships [ODE, OHA, OSBN, OSBHA, OHS, Community Stakeholders and diverse nursing organizations]

Outcomes

Participants will

- Describe the rationale and application of 504 eligibility and accommodations in the school setting.
- Identify the purpose and use of IHPs in the school setting.
- Distinguish the difference between 504 plans and IHPs and know who is qualified to write and implement each of these plans.

Norms

Turn on closed captions, if needed

Use chat for general questions and to respond to prompts

Specific questions can be addressed afterwards or in a separate meeting

Webinar is not recorded, but you will have access to the slide deck

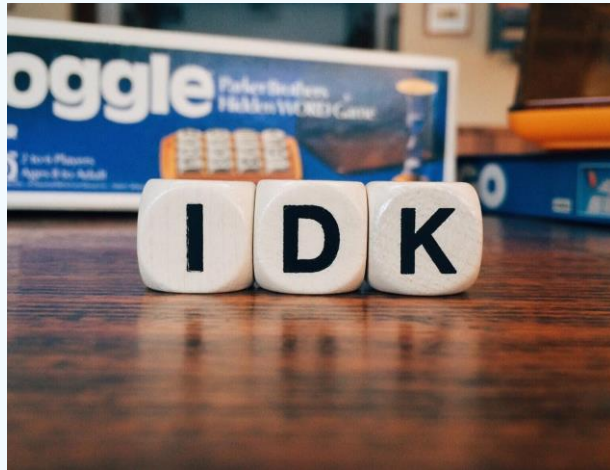
Take care of yourself and your learning

Sarah Arbuckle can provide tech assistance. Please message her if you are having any troubles.

This training is not intended as legal advice and should not be taken as such; we advise you to consult with your legal counsel before making policy or process changes.

ODE is available to support with individual technical assistance following this training.

Terms & Acronyms



Section 504 - Section 504 of the Rehabilitation Act of 1973

FAPE - Free Appropriate Public Education

SDI - Specially Designed Instruction (provided through special education)

IHP - Individualized Healthcare Plan

Scenario: Leah

Leah, a second grade student at Orygun Elementary, has recently experienced seizures. She experiences uncontrolled movement in her muscles and the seizures affect her level of consciousness. Leah's parents emailed her teacher, Ms. Kidwell, to inform her of Leah's condition and to explain what her seizures may look like. They told Ms. Kidwell that Leah may have an increased number of absences as she visits with specialists to appropriately diagnose and manage her condition. Ms. Kidwell is understanding and is communicating with Leah's parents each time she seems to have a seizure at school and she is giving Leah access to missed assignments when absent. Ms. Kidwell notices that students have started mimicking Leah's symptoms and laughing about them, although she is not sure if Leah is aware of what they are doing. Leah also seems to be missing more school days than those required for her specialist appointments.



Photo by Adam Winger on unsplash

Self-Reflection and Chat

What do you notice about this scenario?

How does this scenario relate to Section 504 and/or school nursing services?





Section 504

Disability Civil Rights and
Access to a Free Appropriate Public Education

Section 504: Federal Civil Rights Law

Section 504 of the Rehabilitation Act of 1973

Federal law designed to protect the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education (ED). Section 504 provides: ***"No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance"***

The Section 504 regulations require a school district to provide a "free appropriate public education" (FAPE) to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability

Upon accepting federal funds, schools/institutions agree to follow federal civil rights laws including Section 504. There is not an additional funding source attached to Section 504 because it is a civil rights access statute that districts are required to follow when they accept federal funds.

Oregon Department of Education



When 504 Protections are in Place

Curricular, co-curricular, and extracurricular programs and activities.

For example:

- Class time
- AP and advanced courses
- Breakfast/Lunch
- Free time
- After school activities
- Athletic events
- Field trips
- School events

A school/district cannot deny access of benefit from any part of the student's "education"



504 Protections & Obligations

504 Coordinator and discrimination complaint procedures [34 CFR 104.7](#)

- Required notice of this information [34 CFR 104.8](#)

Required process for district response to disability-based harassment [\(OCR, 2014\)](#)

Locating all students with a disability not receiving a FAPE [34 CFR 104.32](#)

(Not just those whose parents requested a 504 evaluation)

Evaluation and placement procedures [34 CFR 104.35](#)

(By a 504 team, no unilateral decision-making)

Access to a FAPE through a 504 plan, if needed [34 CFR 104.33](#)

Parent/student rights and procedural safeguards [34 CFR 104.36](#)

(And notice provided to parents annually +)

Prohibition of school exclusion due to disability-related behaviors (MDR) [\(OCR, 2022 p. 14\)](#)

Students Protected under Section 504

A student determined to:

- Have a physical or mental impairment
- That substantially limits
- One or more major life activities

OR... Have a record of such an impairment

OR... Be regarded as having such an impairment

The impairment can be temporary (case-by-case); episodic, in remission, and mitigating measures cannot be considered when determining the level of impairment (except regular eye glasses)

Substantial Impairment?

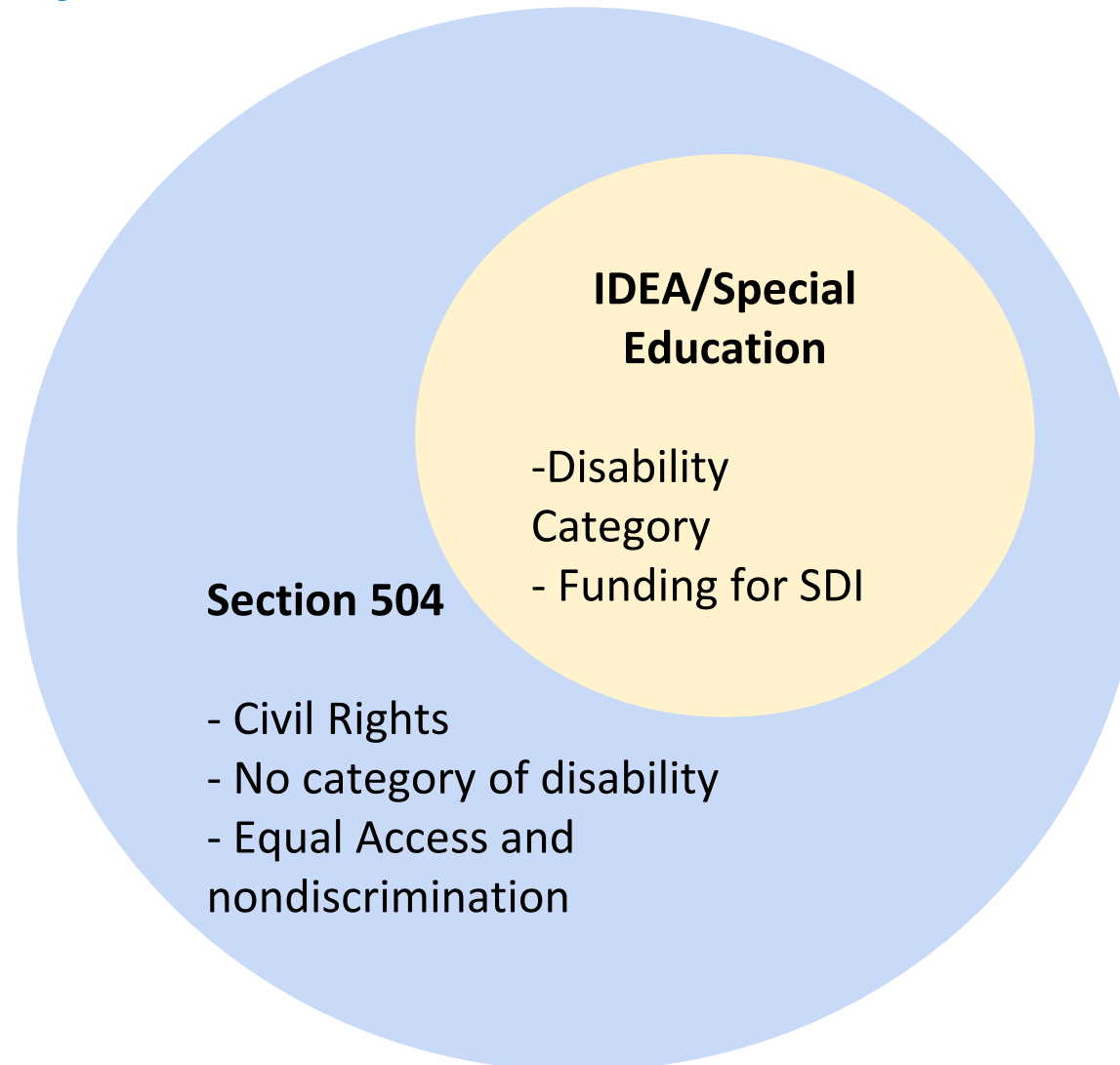
Condition under which an individual can perform a major life activity or bodily function as compared to the average person in the general population who can perform the same activity/function

An elementary school student has life threatening allergies to peanuts. The school has already established “nut-free” tables in the cafeteria.

A high school student has epilepsy. His last seizures have occurred at home. Exhaustion and lack of sleep is a primary trigger for his seizures.

A middle school student has insulin dependent diabetes and can self-monitor but still has incidences of hypoglycemia both at home and at school.

Relationship between Section 504 & IDEA



FAPE



FAPE means “free appropriate public education”

- Both section 504 and IDEA require districts to provide FAPE
- Education and related services must be provided w/o cost to the student & family
- “Appropriate” means providing regular or special education and **related aids and services** that are designed to meet the **individual needs** of disabled students as adequately as non-disabled students
- The services must be *necessary*
- Often provided by a 504 Plan

Related Services



Both Section 504 and IDEA require districts to provide “aids and related services”

If the related services are funded by IDEA monies, they can only be provided to students with the services on their IEPs. Examples may be:

- Occupational Therapy
- Speech Therapy
- 1:1 or shared IA support

Some services are funded by general education funds (or can be) and may be required services on 504 plans. Examples may be:

- Transportation
- Nursing and delegated services
- OT/PT consultation
- Audiology support or consultation

Let's go back to Leah...

What would Section 504 eligibility provide for this student?



Section 504: Roles & Responsibilities



Likely Eligible Conditions

These conditions do not need “extensive analysis” to determine eligibility, according to OCR (as of the Amendments Act):

- Diabetes
- Epilepsy
- Bipolar Disorder
- Autism Spectrum Disorder
- ADHD (as of 2016, see [OCR Guidance on ADHD](#))

Newly Released Guidance from OCR (Feb. 20, 2024)

- Section 504 Protections for [Students with Asthma](#)
- Section 504 Protections for [Students with Diabetes](#)
- Section 504 Protections for [Students with Food Allergies](#)
- Section 504 Protections for [Student with GER or GERD](#)

Section 504 and Diagnosis

- There *is nothing in Section 504 that requires a medical assessment* as a precondition to the school district's determination that the student has a disability and requires special education or related aids and services due to his or her disability ([OCR 2016](#) p. 23).
- If, however, a district believes a medical assessment is necessary and the parent volunteers to pay for a private assessment, the district must make it clear that the parent has a choice and can choose to accept a school-furnished assessment. Compliance problems could arise when school districts and parents do not communicate clearly on this requirement (OCR 2016, p. 23)
- A medical diagnosis does not suffice as an evaluation for the purpose of providing FAPE? The Section 504 regulations require school districts to draw upon a variety of sources in interpreting evaluation data and making placement decisions. ([OCR 504 FAQ](#))



IHPs



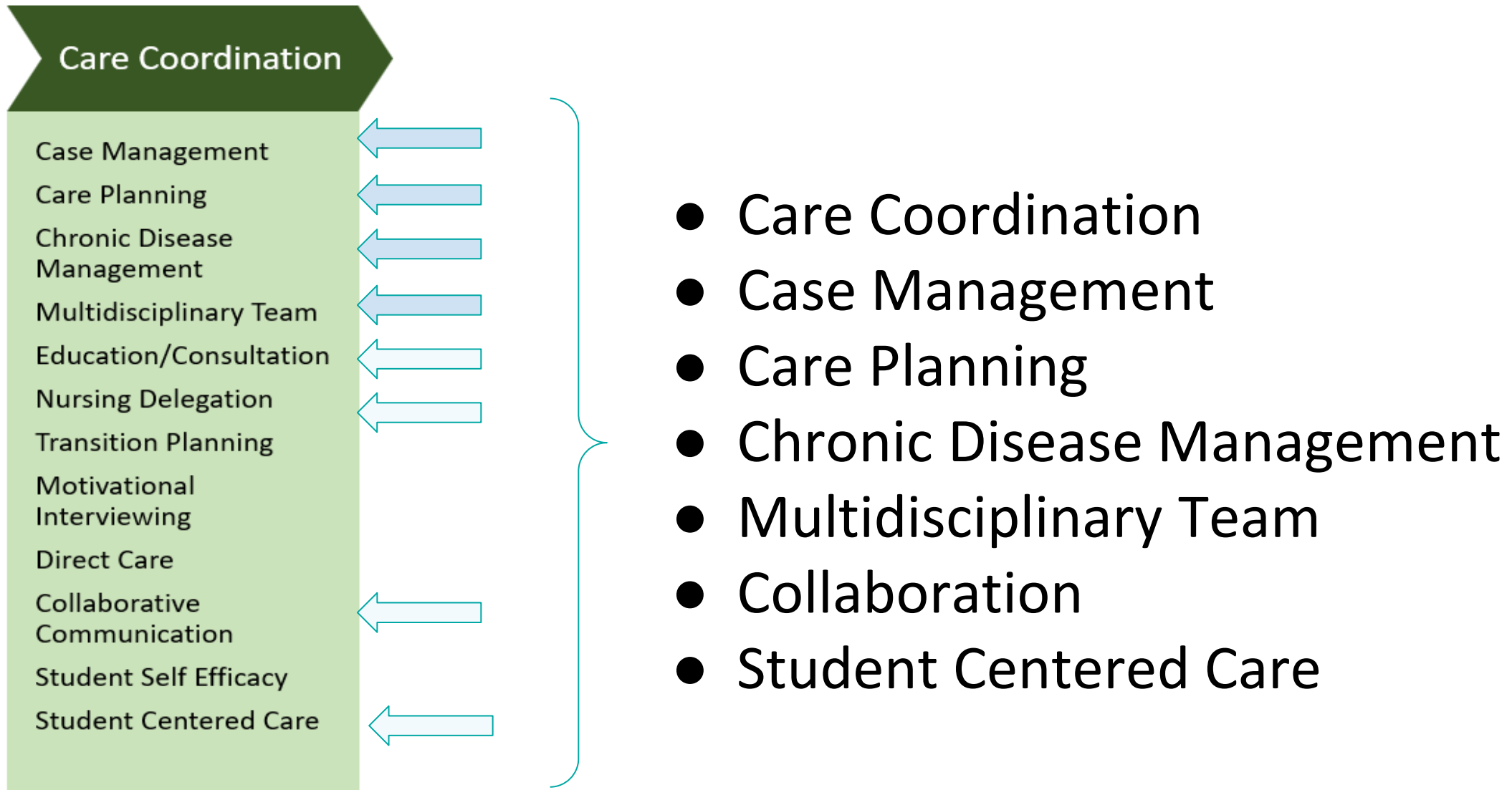
And the role of the School Nurse

Adopted Definition of School Nursing

School nursing, a specialized practice of nursing, protects and promotes student health, facilitates optimal development, and advances academic success. School nurses, grounded in ethical and evidence-based practice, are the leaders who bridge health care and education, provide care coordination, advocate for quality student-centered care, and collaborate to design systems that allow individuals and communities to develop their full potential.

~Adopted by the NASN Board of Directors February 2017.

Role of the School Nursing in 504 process



Role of the School Nursing in 504

The school nurse is a member of the multidisciplinary team that identifies, evaluates, and monitors students who may be eligible for services through IDEA or Section 504. The school nurse is the...


- expert in the intersection of health and academic outcomes.
- member of the team qualified to evaluate the health needs of the student.
- qualified team member to draw connections between diagnoses and health related accommodations.
- qualified member of the team to provide context to potential health related barriers in the school setting.
- qualified team member to conduct a health assessment or appraisal.
- qualified team member to conduct care coordination with community providers.
- qualified member of the team qualified to evaluate and interpret clinical records.
- only member of the team who can receive and transcribe doctors' orders
- **only member of the team who can author a plan or care of individual health protocol.**

Individualized Healthcare Plan (IHP)

AKA: Individual Health Plans (IHP), Individuals Health Care Plans (IHCP), Health Management Plan (HMP), Emergency Action Plan (EAP), Medical Management Plan (MMP).

- IHP's are individualized plans for students with specific health conditions that require a deviation from standard first aid and/or specific procedures or nursing tasks for daily health maintenance or potential complications
- IHP's have a target audience of school staff/unlicensed personnel.
- Do not have the same federal rules that 504 and IDEA
 - Nurse planning is dictated by the state of licensure

Individualized Health Protocol

 Student Name _____
Student DOB _____
ID Number _____
Grade _____
School _____

Student Specific Information:

- Student diagnoses
- Medications
- Significant side effects
- Emergency Medication
- Self-Management
- Supply location
- Included plans or procedures
- Important information or alerts

Disease Overview:

Anaphylaxis is a common acute hypersensitivity reaction that is potentially life threatening. Anaphylaxis is a rapidly progressive systemic allergic reaction that can lead to respiratory collapse and cardiac arrest. Anaphylaxis is characterized by:

- Skin symptoms such as itching, rash, redness hives, and significant swelling
- Respiratory symptoms such as shortness of breath, wheezing, persistent cough, intractable sneezing, impaired airway, low oxygen levels or throat clearing.
- Gastrointestinal symptoms such as persistent painful cramps or vomiting
- Low blood pressure
- Loss of consciousness
- Loss of bowel or bladder function

Triggers to anaphylaxis are many, and sometimes unidentified. The most common causes of anaphylaxis include:

- Foods, most specifically shellfish, nuts/peanuts, dairy, soy, eggs, and fruits
- Insect venom, most specifically bees, wasps, and yellow jackets
- Medications
- Latex

McLendon K, Starnard BT. Anaphylaxis. [Updated 2021 Dec 21]. In: StatPearls [Internet]. Treasure Island (FL): StatPearls Publishing; 2022 Jan. Available from: <https://www.ncbi.nlm.nih.gov/books/NBK482124/>

Plan developed by: _____, RN Date: _____

Anaphylaxis Action Plan

☐ This student also has asthma
*Students with asthma are at increased risk of severe reaction

Medication: ☐ Epinephrine ☐ Antihistamine ☐ Inhaler

Self-Management: Student ☐ Self Carries ☐ Self-administers epinephrine

UPON EXPOSURE TO KNOWN ALLERGEN

Known Allergens: _____

☐ Observe for _____ following exposure to allergen or administration of antihistamine. **OR** ☐ Immediately administer injectable epinephrine: ☐ 0.15 mg ☐ 0.30 mg, per prescriber's orders **AND** call EMS, Parents and RN

UPON ONSET OF MILD ALLERGY SYMPTOMS

Upon onset of mild allergy symptoms:

- Small, localized rash or redness
- Mild itching at area of contact
- Eye irritation; watering, red eyes
- Nasal drip or congestion
- Intermittent sneezing

☐ Administer antihistamine by mouth
How much: _____ per MD order
Medication: _____ per MD order

☐ Observe for worsening of symptoms for a total of _____ minutes following onset of symptoms or administration of antihistamine

- Prepare to administer epinephrine with onset of severe allergic symptoms
- Contact RN and parents if not previously contacted

UPON ONSET OF SYMPTOMS OF ANAPHYLAXIS

- Shortness of breath or chest tightness*
- Difficult/absence breathing*
- Continuous sneezing, wheezing, or coughing
- Difficulty swallowing*
- Swelling of eyes, lips, face, tongue, or elsewhere
- Dizziness and/or fainting*
- Rapid or weak pulse*
- Blueness around lips or eyelids*
- Sweating and anxiety
- Itching, rash, or hives.
- Skin flushing or extreme pallor
- Hoarseness
- Sense of impending disaster or approaching death
- Involuntary bowel or bladder action
- Nausea, abdominal pain, vomiting, and diarrhea
- Burning sensation, especially face or chest
- Loss of consciousness

1. Determine student's symptoms are consistent with anaphylaxis
2. Stay with student. DO NOT move person with symptoms of this severity (unless the environment is hazardous).
3. Have student sit or lie down.
4. Immediately delegate calls to: EMS/9-1-1, Nurse/Epinephrine trained staff, Parent
5. Obtain Emergency EpiPen® (See **Procedure for Epi-Pen administration**)
6. Administer Epinephrine:
☐ 0.15 mg ☐ 0.30 mg injection, per order
☐ This student self-administers (if able).
7. Note time of epinephrine administration
8. ☐ Remove the stinger if present (for stinging allergies). Rinse the affected area.
9. Monitor symptoms for improvement and maintain airway.
10. Administer CPR for absent breath or heartbeat
11. Prepare to administer a second dose of epinephrine if symptoms are not improving within 5 minutes, and EMS is more than 10 minutes away.
12. ☐ Administer (medication) _____ (how much) _____ by mouth SUBSEQUENT to epinephrine administration only, per MD's order
13. Permit use of- or assist with administration of Metered Dose Inhaler for asthma.
14. Advise EMS of symptoms and time of medication administration. Defer care to EMS. Student must receive medical care as soon as possible.
15. Complete required documentation.

Note that not all symptoms may be present. Severity of symptoms can change quickly.

*This Anaphylaxis Action Plan requires prescriber's orders • parent authorization • Training by a School Nurse • Completion of SAR Training with designated unlicensed assistive personnel

Plan developed by: _____, RN Date: _____

Let's go back to Leah...

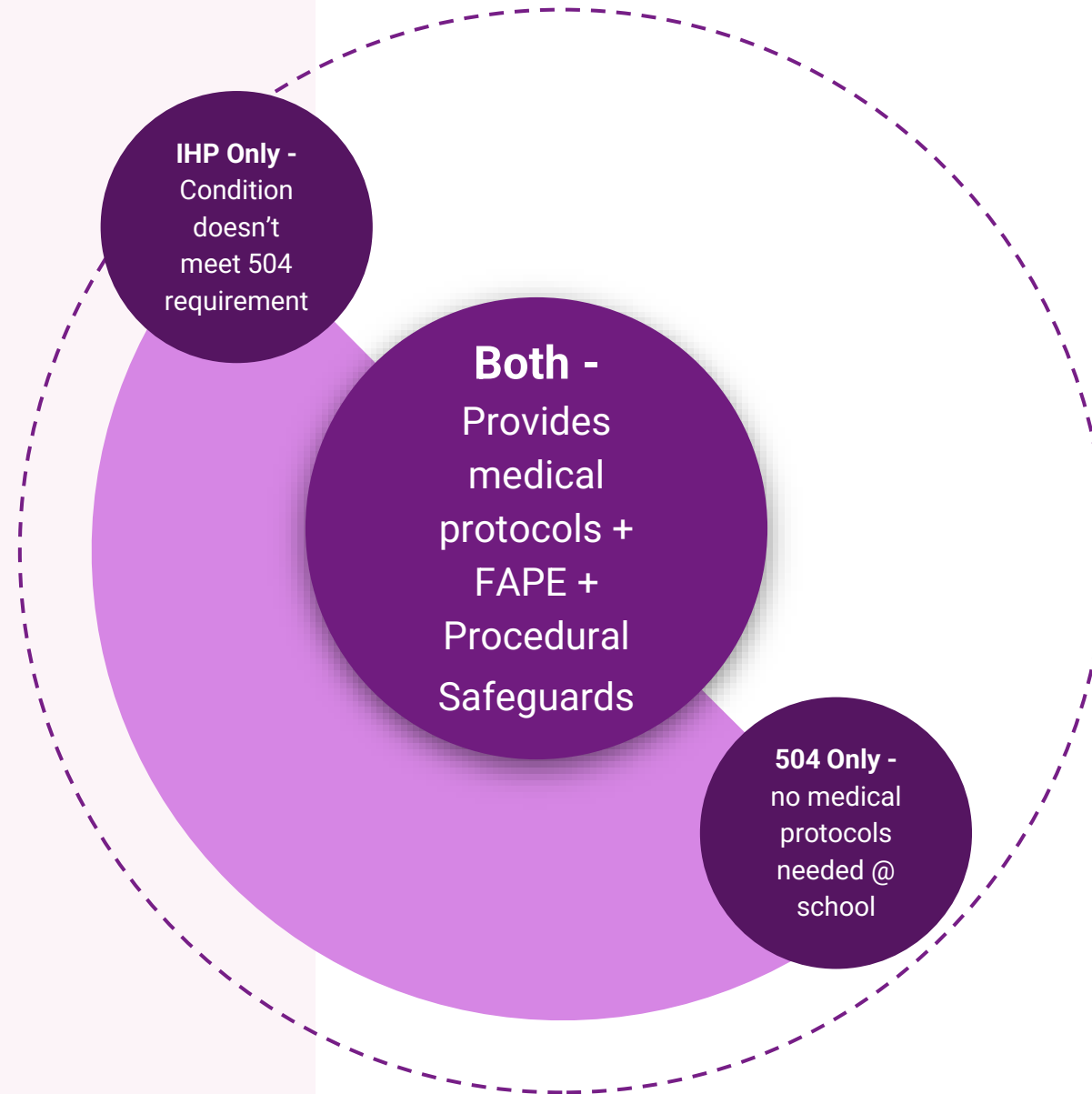
What would an IHP provide for this student?



Intersection of Section 504 and IHPs



IHP or 504



IHPs vs 504s

IHP

Outlines plans of **action** or delegated **procedures** to address continuity of care or emergency response related to the student's medical condition in the school setting.

May include accommodations, does not replace a 504

Addresses: Trained/Designated staff and/or delegated caregivers.

504

Addresses **accommodations** the student needs to access their educational environment relative to the major life activity or major bodily function their medical condition impacts.

May not include nursing procedures

Addresses: All staff

School Medicaid Update:

Billing for Section 504 Services

- The Oregon Health Authority (OHA) and the Oregon Department of Education (ODE) are pleased to announce the Centers for Medicare and Medicaid (CMS) approval of the Oregon State Plan Amendment (SPA) that will expand School Medicaid to allow school districts to seek **School Medicaid reimbursement for eligible school health services identified in Section 504 plans.**
- The OHA and ODE will work to update state rule, policy, and systems over the next year and estimate that school districts will be able to bill for eligible health services pursuant to a Section 504 plan by the 2024-2025 school year.

Examples of Billable Services

Services must be provided by, or under the supervision of, medically-qualified staff within their scope of practice, and may include:

- **Nursing services provided by a Registered Nurse, Licensed Practical Nurse, or via delegation**
- Nurse Practitioner Services
- Audiology Services/Speech Language Pathology Services
- Behavioral/Mental Health Services
- Nutritional Health Services
- Occupational Therapy Services
- Personal Care Services
- Physical Therapy Services
- Physician Services
- Respiratory Therapy Services

Guidance to Districts

- **Involve** school nurse in 504 referral process
- **Involve** school nurse as a member of the 504 Team, when applicable
- **Engage** school nurse in Child Find activities
- **Cross reference** nurses' caseload with 504 caseload
- **Evaluate** all students with likely eligible conditions for Section 504
- **Ensure** annual training for 504 Coordinators and Case Managers
- **Involve** school nurses in 504 trainings

Reach Out & Stay Informed

Marinda Peters: marinda.peters@ode.oregon.gov

- Section 504 virtual or in-person trainings available upon request
- Monthly webinars
- Monthly open office hours
- Technical assistance

[504 Coordinator & Case Manager GovDelivery Listserv](#)

[Section 504 ODE Webpage](#)



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