Process for Considering Requests for Medically Necessary Treatment in the School Setting

1. Parents initiate the process by submitting a request to the building principal. If other staff receive a request from parents, the request should be forwarded to the building principal.
2. Parents must submit the health-care provider's prescription for treatment to occur during the school day, a signed HIPAA-release for the District to speak with the prescribing health-care provider and health-care specialists implementing the treatment, and proof of insurance funding the services. For Medicaid, evidence that the treatment has been approved to be administered during the school day and at school is required.
3. The building principal will notify the 504 and/or IEP team members of the request. After all documentation has been received from the parents, the case manager will schedule a meeting with the appropriate IEP team or 504 team members, including the parents. The health-care provider or specialist may be invited by parents to the 504 or IEP meeting.
4. The 504 and/or IEP team members, including a special education administrator, a similar school-related provider (i.e., SLP, BCBA, RBT, etc.), and building administrator will meet with the parents and the health-care provider or specialist. The following questions will be reviewed during the meeting:

Is the requested treatment currently provided by the school?

1. *If yes, ask:*

    A. *Has there been documented progress made within the school setting with the supports currently in place?*

        i. *<u>If no</u>,* review what interventions have been used. Determine what additional special education and related services, including an increase or change to the already provided medically necessary treatment, is required for the student to make progress appropriate in light of their circumstances.
        ii. *<u>If yes,</u>* the medically-necessary service is not required for FAPE and a change to the student's services is not required.

    B. For either answer, consider how those services will continue to be provided to the student—in-house, third-party contractor, or parents' private provider?

2. *If no, ask:*

    A. *Does the student demonstrate an educational need (lack of progress, safety or health concern, behavioral concerns, etc.) that requires the proposed medically necessary treatment within the school setting in order for the student to receive a free appropriate public education?*

1. *<u>If no</u>,* the medically necessary service is not required for FAPE and the school team will consider two choices:

    a. Medically necessary services will not be offered in the school; or
    b. Agree to permit the medically necessary services to be provided in the school setting and a school-based treatment plan, established in collaboration between the District and the private provider, will be developed. The provision of treatment will be reviewed at least semesterly to determine whether the District will continue to permit the provider to administer treatment within the building.

        Consider: Will the medically necessary treatment disrupt the student's receipt of instruction? Disrupt the educational environment? Conflict with current instructional methodologies established by their IEP team?

ii. *If <u>yes</u>,* the school team will determine the amount and frequency of the treatment. The school-based team will then considered the following three options:

    a. Implement the medically necessary treatment that the IEP or 504 team determines is required for FAPE by providing the services in-house.
    b. Implement the medically necessary treatment that the IEP or 504 team determines is required for FAPE by contracting with a third-party provider to serve the student.
    c. Permit parents to supplant the District's services with their own private health-care specialist after Parents, Health-Care Specialist, and the District execute the "Health-Care Specialist Agreement."

B. *Does the student require the proposed medically necessary treatment within the school setting in order to attend school without risks to their health or safety due to the student's disabling condition (i.e., private duty nurse for health needs that cannot be delegated, etc.)?*

1. *If <u>yes</u>*, the IEP or 504 team will determine the frequency, duration, and location of services. The school-based team will then considered the following three options:

    a. Implement the medically necessary treatment that the IEP or 504 team determines is required for FAPE by providing the services in-house.
    b. Implement the medically necessary treatment that the IEP or 504 team determines is required for FAPE by contracting with a third-party provider to serve the student.
    c. Permit parents to supplant the District's services with their own private health-care specialist after Parents, Health-Care Specialist,

and the District execute the “Health-Care Specialist Agreement.”

2. *If no*, the requested treatment need not be provided at school or the school-based team may elect to follow the process found in 2(A)(1)(b).

Next Steps:

1) School team must document the decision as to whether the medically necessary treatment is required for FAPE in a PWN of Special Action.

2) If the decision is made that the therapy will be provided in the school, the provider will submit proof of insurance, complete a background check, and sign any confidentiality and service agreements required by the school district.

3) If the treatment is not required for FAPE, the request will be reassessed at least every semester to determine whether the District will continue to permit the health care specialist to administer treatment at school.

   a. Revocation of Access: The District may withdraw its consent to allow the Health-Care Specialist to provide services to Student on School District grounds, in School District vehicles, or at School District activities or events at any time and for any reason deemed sufficient by the District. If circumstances permit, should the District withdraw its consent, it will provide Parents and Health-Care Specialist written notice ten (10) days prior to the effective date of the withdrawal of consent. The School District will not unreasonably withdraw its consent.

4) Parents are required to renew the request at the beginning of each school year.

Appealing Decision:

If the parents disagree with the team’s decision, they may contact the Superintendent to initiate the District’s internal appeal policy (Board Policy JLCDC).