



*Empowering families, professionals,
and others interested in the well-being
and education of children and youth*

In this fact sheet:

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SPAN FACT SHEET

Children with Medical Needs and Rights at School

Children with special health care needs have rights regarding school attendance, which can include private duty nursing.

Denial of health-related services is a denial of FAPE (Free Appropriate Public Education.)

What are Individual Health Plans?

Individual Health Plans, or IHPs, are plans that can be attached to IEPs or 504 plans. The IHP details the student's medical needs throughout the school day. IHPs need to be updated annually with the IEP, or more often if the student's health condition changes. IHPs should include the student's medical condition(s), medications, allergies, medical equipment and an emergency plan describing when to call 911.

IDEA (Individuals with Disabilities Education Act) special education regulations requires medical services (except those from a physician) to be included as related services. Although mental health needs are usually covered by IDEA requirements such as: functional behavioral assessments, manifestation determinations, and behavioral intervention plans that include positive behavioral interventions and supports; mental health support needs can also be included in IHPs to address conditions like PANDAS (see resources).

Who creates the IHP and how?

Families can create an IHP but it has to be approved by the school nurse. The parent can bring a copy to the IEP team at the annual meeting. It helps if the family can get a brief doctor's note supporting the health needs included in the proposed IHP.

School districts must provide PDNs if needed

If a student has complex medical needs, they may require one-to-one private duty nursing (PDN) as a related service provided by the school district. Students with ventilators, or tracheotomies are most frequently in need of PDN. If a student has other health needs such as a feeding tubes, PDN must be considered as well. Again, health services include anything up to but excluding physician services. Two Supreme Court cases reinforced the right to PDN. Tatro vs. Irving covered clean intermittent catheterization. Garret F. vs. Cedar Rapids IA required PDN for a student who used a ventilator.

Resources on what is needed for IHPs, including templates

There are many resources available on IHPs.

- Exceptional Parent magazine
<https://reader.mediawiremobile.com/epmagazine/issues/203755/viewer?page=35>
- NJ American Academy of Pediatrics publication (page 32)
<https://www.flipsnack.com/ade8d7f569b/0201-njpediatrics-journal-winter-r4/full-view.html>
- Disability Rights NJ has a toolkit "Students with Life Threatening Health Conditions" found at <https://disabilityrightsnj.org/wp-content/uploads/TOOLKIT-students-w-health-revised.pdf>.
- Other resources include a color-coded basic IHP template
<https://familiestogetherinc.org/forms/F2F/IHP%20core%20form.pdf>
- For help in Spanish, contact PACER Sr. Villaseñor at (952) 838-1371 or email JVillasenor@Pacer.org.

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Sample IHPs for specific conditions can be found at these links:

- ❖ [Asthma IHP](#)
- ❖ [Asthma Action Plan](#)
- ❖ [Diabetes IHP](#)
- ❖ [Food Allergy IHP](#)
- ❖ [Seizure IHP](#)
- ❖ [Seizure IHP sample #2](#)

Sample IHPs for other conditions can be found at :

<https://www.txsno.org/tsnoresources/ihptemplates>

Mental health sample - overview of PANDAS for school nurses and sample IHP:

<https://aspire.care/wp-content/uploads/ASPIRE-School-Nurse-Packet-for-PANS-PANDAS.pdf> and sample IHP <https://aspire.care/wp-content/uploads/IHCP-Sample-2-pages-.pdf>.

Supreme Court Cases on PDN

Wrightslaw has an explanation of both cases that required one-to-one nursing:

Tatro vs. Irving

<http://www.wrightslaw.com/law/caselaw/ussupct.tatro.htm>

Garret F. vs. Cedar Rapids

http://www.wrightslaw.com/law/caselaw/case_Cedar_Rapids_SupCt_990303.htm

A note on self-administration of medication

Information on delegation of medication administration, including students who self administer can be found at:

<https://www.nj.gov/education/broadcasts/2023/dec/13/DelegationofMedicationAdministrationinSchoolSettings.pdf>

Highlighted Information

IHPs can be attached to either IEPs or 504 plans. These plans include what is medically required during the school day for the student. This can include private duty nursing for children with medical complexity. Any support or service that is not provided by a physician can be covered in an IHP. Some children may be able to self-administer their medication which should be noted in the IHP. If a school district doesn't follow an IHP, this is a denial of a free, appropriate public education.

Learn more:

Federal regulations governing school health as related services can be found in IDEA at <https://sites.ed.gov/idea/regs/b/a/300.34>.

New Jersey State regulations governing school health services are in Subchapter 2. General Provisions for School Health Services found at

<https://www.nj.gov/education/code/current/title6a/chap16.pdf>.

Go online for answers to these questions:

What is an IHP?

Who is responsible for an IHP?

Can IHPs be used for mental health?

Can students help create their IHP?

How can schools address the health workforce shortage?

Is a nurse needed one-to-one or intermittently?

How can doctors help with IHPs?



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