

Resource Brochure for the Primary Care NP: Educational Laws & Regulations

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Background

- Collaboration from family, health care professionals, & educators is necessary to support the health of children & youth with special healthcare needs (CYSHCN) in the school⁸
- Nurse practitioners (NP) have an essential role in both the primary care and educational setting in caring for CYSHCN
 - Healthcare provider
 - Advocate
 - Educator
 - Collaborator
 - Leader
 - Consultant

More Background

- Advocacy is a major component of nursing
 - Unable to do successfully do this without understanding of the laws applicable to CYSHCN
- Both the school nurse AND the NP are responsible for making sure accommodations/services are available to the child in order to optimize the child's health and learning⁸
- 2009/10 National Survey of Children with Special Health Care Needs⁹:
 - 17.5% of parents reported that their child's medical, behavioral, or other health conditions/emotional, developmental or behavioral problems interfere with the child's ability to attend school on a regular basis (21,284)⁹

Individuals with Disabilities Education Act of 2004 (IDEA)⁶

- Specifies a child with a disability as:
 1. A child who has been evaluated in accordance with this act as having ≥ 1 of the following:
 - Autism
 - Deaf-blindness
 - Deafness
 - Emotional disturbance
 - Hearing impairment
 - Intellectual disability
 - Multiple disabilities
 - Orthopedic impairment
 - Other health impairment: limited strength, vitality, or alertness due to chronic or acute health problems such as lead poisoning, asthma, ADHD, diabetes, a heart condition, hemophilia, leukemia, nephritis, rheumatic fever, sickle cell anemia, & Tourette syndrome
 - Specific learning disability
 - Speech or language impairment
 - TBI
 - Visual impairment including blindness
 - Developmental delay (ages 3-5 only)
 2. Disability adversely affects educational performance
 3. Because of the disability & adverse impact the child needs special education & related services.

Section 504 of the Rehabilitation Act of 1973¹⁰

- Federal law protecting rights of individuals with disabilities in programs & activities that are federally funded by the U.S. Department of Education
- States that an individual with a disability cannot be discriminated against based upon their disability under any federally funded program or activity (public or private)
 - A person with a disability is defined as:
 - Has a physical or mental impairment that substantially limits a major life activity;
 - Has a record of such an impairment; or
 - Is regarded as having such an impairment

- Major life activities under Section 504 (not exhaustive)¹⁰:
 - Seeing
 - Hearing
 - Speaking
 - Walking
 - Breathing
 - Performing manual tasks
 - Learning
 - Caring for oneself
 - Working
 - Reading
 - Concentrating
 - Thinking
 - Sleeping
 - Eating
 - Major bodily functions (immunity, cell growth, digestion, bowel, bladder, neurological, brain, endocrine, reproductive)

- All Students who qualify are entitled to a free appropriate public education (FAPE) & related services⁶
 - Transportation & such developmental, corrective, and other supportive services required to assist child benefit from special education
 - Speech-language pathology
 - Audiology
 - Interpreting
 - Psychological
 - PT
 - OT
 - Recreation
 - Early identification & assessment
 - Counseling
 - Orientation & mobility
 - Medical
 - School health
 - School nurse
 - Social work in school
 - Parent counseling & training

American Academy of Pediatrics: Recommendations

- As advocates, pediatricians should be aware of the federal laws in regards to educational, personal, and transition services¹
- “The pediatrician is in an excellent position to lead the process of educating parents and their children with special health care needs with developmentally appropriate anticipatory guidance to foster independence beginning soon after the initial diagnosis¹”
- “Pediatricians should familiarize themselves with suitable community resources and understand their state’s laws that mandate public school intervention for children identified as high risk of school or learning problems²”

The Problem

- Research is lacking in terms of how (if any) information about the care of those with disabilities is being incorporated within NP programs¹¹
- Not enough content or exposure to people with disabilities in undergraduate nursing programs¹¹
- Can't rely on the school in terms of recognizing the need or implementing evaluation/plan
- Children who qualify for IEP or Section 504 plan may be missed if school nurse is new to school nursing or not well versed in these laws & regulations
- Institute of Medicine, National Council on Disability Report, & WHO World Report on Disability recommend allocating more attention to the health care of people with disabilities within education and training programs of health professionals¹¹

Implications

- Assist in role as an advocate & educator
- Empower the family to be an advocate for their child & play an active role in the care team
- Promote communication between family, school, and NP
 - Not just completing paperwork
- Facilitate comprehensive, coordinated, accessible, family-centered care

Conclusions

- The NP regardless of his/her place of practice can enhance the student's attainment of goals related to their health care plan that significantly impact the student's education
- This brochure will help NP better understand and be better aware of the laws & regulations applicable to their patients in the school setting
- It will indirectly benefit the families in that they will become more knowledgeable about the laws & regulations
- Strengthen rapport between the NP and the family/child

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