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## FACT SHEET

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### HEALTH CARE NEEDS OF STUDENTS ATTENDING PUBLIC SCHOOLS

There are three primary options for students with health care needs who need accommodations within the public school. Students may qualify for a **health plan**, a **Section 504 plan**, or an **Individual Education Program (IEP)** under the Individuals with Disabilities Education Act (IDEA). This fact sheet will give you basic information about each plan and offer advocacy tips.

#### HEALTH PLAN

A health plan is created by the parent and the school and outlines specific accommodations that the student will receive based on the student's health needs. Keep in mind that each health plan should be tailored to suit your student's individual health needs.

This plan:

- ✓ Is usually developed by the school nurse, other school staff, and the parent.
- ✓ Applies best to situations where the disability may be temporary (i.e. a broken bone) or situations where the disability does not significantly impact the student's education.
- ✓ Can be used to allow a student to carry and administer his or her own medication.

## **BUT**

This plan:

- ✓ Does not give the parent a right to request a due process hearing if the school does not follow the plan.
- ✓ May not be adequate to address more chronic or severe health needs.

## **SECTION 504 PLAN**

The second option is a Section 504 plan. This plan is based on Section 504 of the Rehabilitation Act of 1973. Section 504 makes it illegal for any group receiving federal money to discriminate against a person with a disability. This includes all public schools in South Carolina.

This plan:

- ✓ Is appropriate if the disability substantially limits the student's seeing, breathing, hearing, walking, talking, learning, ability to perform manual tasks, or caring for personal needs.
- ✓ Has ways to ensure enforcement and compliance by the school district (namely by filing a complaint with the US Department of Education's Office of Civil Rights or asking for an administrative due process hearing).
- ✓ Can include accommodations needed to allow the student to attend regular education school.
- ✓ May be highly beneficial for a child with chronic or more severe health needs.

## **BUT**

- ✓ School districts may resist giving your student a 504 plan (in which case you can request an administrative due process hearing).
- ✓ Regular classroom accommodations under a Section 504 plan may not be adequate to address the needs of a student who with severe disabilities. Special education services may be necessary.

**Advocacy Tip**-The first step that you can take to obtain a Section 504 plan is to write a letter to the school and the school district. Include information from your child's doctor about the disability and request a meeting to create a Section 504 plan.

## **IEP (Individual Education Program)**

The final option for parents of a student with health care needs is to seek educational services under IDEA and obtain an IEP.

This plan:

- ✓ Provides the most services for the student and the most safeguards to ensure the district follows the plan.
- ✓ May be necessary if your student's health care needs cause the student to need specialized instruction (special education).

## **BUT**

- ✓ This plan is often the most difficult to get the district to agree to develop.
- ✓ This plan may take longer to obtain because it requires that the district take more steps (such as conducting comprehensive evaluations of your child).
- ✓ This plan is applicable only to students with one of the following disabilities: mental retardation, hearing impairment, speech or language impairment, visual impairment serious emotional disturbance, physical disability, autism, traumatic brain injury, specific learning disabilities or other health problems; **AND** the problem must adversely affect the student's education.

**Advocacy Tip:** The first step to obtaining an IEP is to send a letter to the school and school district requesting that your child be evaluated because you suspect that he/she has a disability. (See P&A's "Education Evaluation" fact sheet.)

Sources for the information in this fact sheet:  
29 U.S.C. § 794 and 34 C.F.R. § 104.1 (et al)  
20 U.S.C § 1401 (et al)  
S.C. Code Ann. § 59-63-80 (1976)

This information is meant only as a brief introduction to the options available to parents of students with health care needs.

**If you need additional information on the issues discussed in this fact sheet, please call the P&A Help Line: 1-866-275-7273 (voice) or 1 866 232-4525 (TTY)**

This publication provides legal information, but is not intended to be legal advice. The information was based on the law at the time it was written. As the law may change, please contact P&A for updates.

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