



OFFICE OF SPECIAL EDUCATION  
ASSISTANT COMMISSIONER

January 2019

To: District Superintendents  
Superintendents of Schools  
Public School Administrators  
Superintendents of State-Operated and State-Supported Schools  
Executive Directors of Approved Private Schools  
Charter School Administrators  
Nonpublic School Administrators  
Directors of Special Education  
Directors of Pupil Personnel Services  
Chairpersons of Committees on Special Education  
Chairpersons of Committees on Preschool Special Education



- ◁ *School nurse services* means services provided by a qualified school nurse pursuant to Education Law section 902(2)(b)<sup>1</sup> that are designed to enable a student with a disability to receive FAPE as described in the IEP of the student.

## **FAPE Responsibility for School Nurse Services**

The Individuals with Disabilities Education Act (IDEA) requires that FAPE be made available to students with disabilities through the provision of special education and related services, including school health services and school nurse services. For some students, nursing services, including the assignment of a full-day (continuous) one-to-one nurse, may be a required related service for the student to receive FAPE<sup>2</sup>. Additionally, students may need nursing services to attend school in accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. If it is determined that school health services and/or school nurse services, including assignment of a full-day (continuous) one-to-one nurse, are required related services for a student with a disability, those services must be provided at no cost to the parents and are the fiscal and programmatic responsibility of the school district of residence.

## **Considerations for Determining if a Student with a Disability Needs Full-day (Continuous) One-to-One Nurse Services**

The CPSE/CSE determination as to whether a student needs school health services or school nurse services as a required related service to receive FAPE must be made on an individual basis. This decision should include the student's parent. The types and amounts of services to be provided must be individually determined based on each student's unique needs and documented within the student's IEP. In developing an IEP, the CPSE/CSE must consider current evaluation information about the student.

Evaluation information must be obtained in all areas of the student's disability or suspected disability (including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, vocational skills, communicative status and motor abilities) and provide instructionally relevant information as to the unique educational needs of the student. In determining the educational needs of the student, the CPSE/CSE must draw upon information from a variety of sources, including parent input and teacher recommendations, as well as information about the student's physical condition (including the health of the student), social or cultural background, and adaptive behavior and ensure that information obtained from all these sources is documented and carefully considered. This information may include information from a physician, such as a written order to the school nurse from a student's health care provider. Students with disabilities who have a one-to-one nurse at home may require nursing

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<sup>1</sup> Section 902(2)(b) of the Education Law: Any such board or trustees may employ one or more **school nurses, who shall be registered professional nurses**, as well as other health professionals, as may be required. Such registered professional nurses and other health professionals shall aid the director of school health services of the district and shall perform such duties, including health instruction for the benefit of the public schools as may be prescribed by such board or trustees, in compliance with each such health professional's practice act.

<sup>2</sup> Cedar Rapids School District v. Garret F. 526 U.S. 66 [1999].

services in order to attend school

[Medicaid Healthcare Provider Policy and Billing Handbook](http://www.oms.nysed.gov/medicaid/handbook/sshsp_handbook_9_march_21_2018_final.pdf) ([http://www.oms.nysed.gov/medicaid/handbook/sshsp\\_handbook\\_9\\_march\\_21\\_2018\\_final.pdf](http://www.oms.nysed.gov/medicaid/handbook/sshsp_handbook_9_march_21_2018_final.pdf)).

- < **Supplementary Aids and Services/Supports for School Personnel on Behalf of the Student:** As appropriate to the student's needs, IEP recommendations for nursing services could be noted as supplementary aides and services (e.g., for administering and/or monitoring medication needed by the student during school hours) or "medical alerts" (e.g., for nursing treatment or procedures that may be related to certain medical conditions such as allergic reactions); or supports for school personnel (e.g., consultation with staff regarding the effects of medication).
- < **Special Transportation:** Additionally, if a student requires nursing services when being transported to and from school, this would be documented under the "Special Transportation" section of the IEP. Transportation personnel should be informed of any special information regarding the student that might impact on the health and safety of the student during transportation. Schools will also need to develop plans for how the student's care will be provided by a nurse while on the school bus/vehicle.

Due to the frequency of changes (1-19-2016) (3/1/16) (7/2/16) (9/19/16) (10/19/16) (1/15/17) (4/15/17) (e)-3

## **Provision of School Nurse Services**

In order to meet the needs of students for whom school health services or school nurse services are recommended, the school can employ a nurse for these students or contract with a third party (e.g., nursing agency, Board of Cooperative Educational Services, self-employed nurses). The memorandum *School Responsibility in Hiring Self-Employed Nurses* (<http://www.p12.nysed.gov/sss/documents/selfemployednurses.pdf>) provides details on school responsibilities related to ensuring appropriate nursing services are provided.

Whether the school employs a full-day (continuous) one-to-one nurse or contracts with a third party for such nurse, the school remains responsible for the health and safety of the student and ensuring the care provided to the student is appropriate and done in accordance with healthcare provider orders. This includes a plan for an appropriately trained and qualified substitute nurse that can meet the needs of the student. This ensures that the student receives the recommended IEP services of a full-day (continuous) one-to-one nurse.

### **Additional Information**

Please see *Provision of Nursing Services in School Settings* Including One-to-One Nursing Services to Students with Special Needs for specific information on nursing activities/tasks, use of contracted nurses in schools, etc., along with Questions & Answers on nursing services in schools.

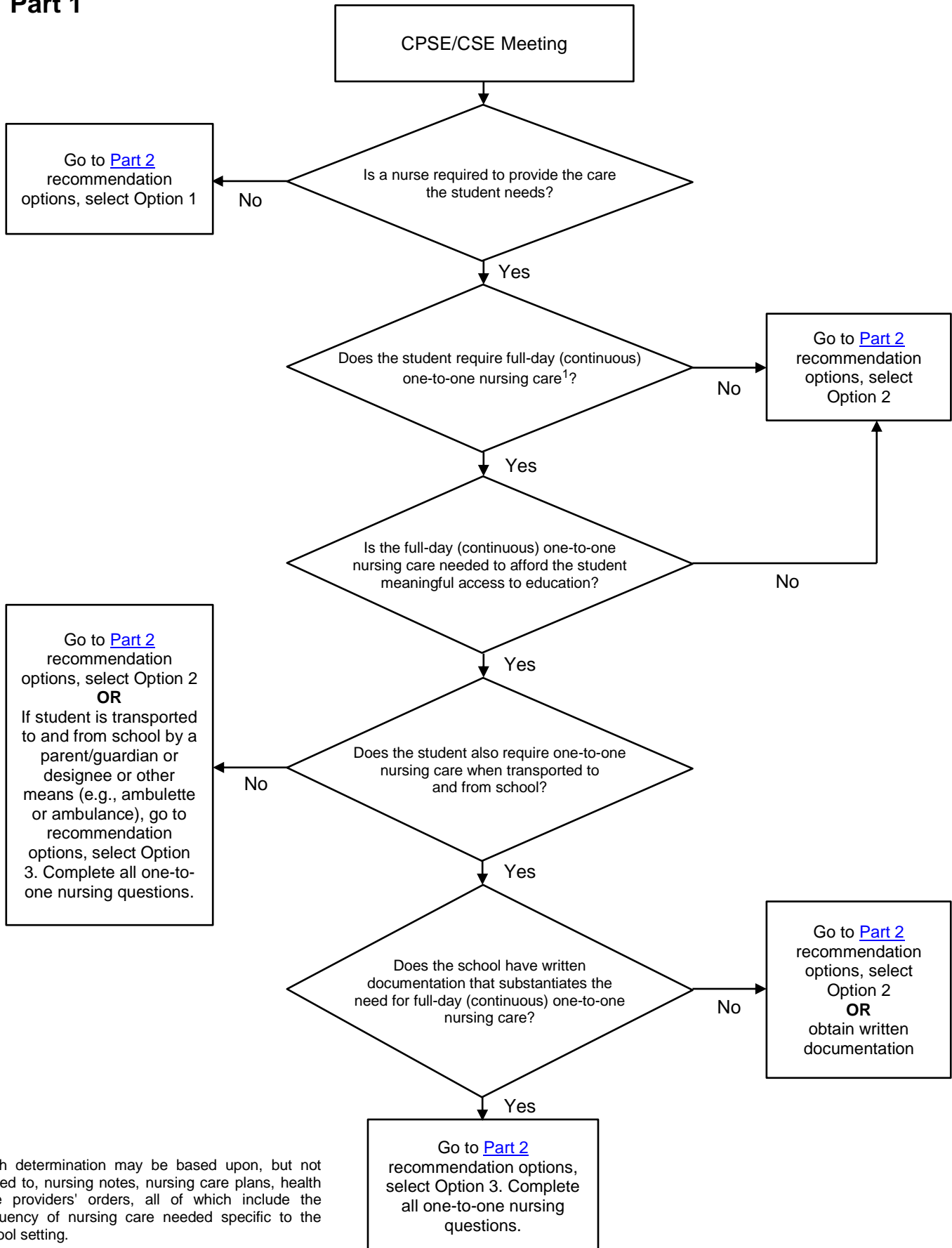
For information regarding the CPSE/CSE process specific to school health and school nurse services, please contact the Office of Special Education at 518-473-2878 or [speced@nysed.gov](mailto:speced@nysed.gov).

For information regarding the provision of school health services to students with special health care needs, please contact the



# Committee on Preschool Special Education (CPSE)/Committee on Special Education (CSE) School Nursing Decision-making Tool

## Part 1



## Part 2

Student: \_\_\_\_\_ Date: \_\_\_\_\_

Persons Involved in Decision-making: \_\_\_\_\_

### Recommendation Options:

Check one recommendation that is the most appropriate option in meeting the nursing needs of this student:

- 1. The care needs of this student can be met by a trained one-to-one aide, in consultation with the school nurse (RN) as needed.
- 2. Intermittent (periodic) nursing services will meet the needs of this student.
- 3. A *full-day (continuous) one-to-one* nurse will meet the needs of this student and should be recommended, including for transportation to and from school if necessary. Complete the questions below and on the following page.

### *Full-day (Continuous) One-to-one* Nursing Care Funding and Staffing Considerations

Questions	Yes	No	Comments/Evidence
1 After the school district's medical director and/or school nurse review written documentation, can the school's existing nursing staff fulfill the full-day (continuous) one-to-one nursing care for the student? If yes, skip question 2.	<input type="checkbox"/>	<input type="checkbox"/>	
2 If existing nursing staff cannot be utilized, has the school considered all options for securing full-day (continuous) one-to-one nursing services, such as hiring additional nursing staff, contracting from an authorized third party, or contracting with a self-employed nurse? (see <a href="http://www.p12.nysed.gov/sss/schoolhealth/schoolhealthservices/selfemployednurses.pdf">School Responsibility in Hiring Self-Employed Nurses</a> (www.p12.nysed.gov/sss/schoolhealth/schoolhealthservices/selfemployednurses.pdf)).	<input type="checkbox"/>	<input type="checkbox"/>	

3 If seeking Medicaid funding to fund the full-day (continuous) one-to-one nursing care in the school, has the school obtained **prior approval** from the Department of Health's Office of Health Insurance Programs



