



IHPs versus Section 504 plans: Understanding the difference, and why it matters

As a general premise, a Section 504 plan is developed in order to ensure equal access to an educational program, said Julie Fay, a school attorney at Shipman & Goodwin LLP in Hartford, Conn. A Section 504 plan is compliant with federal law and regulations under 504, and it's designed to provide accommodations and services a student needs to access his educational program.

Individual health plans, or IHPs, meanwhile, are designed to make sure students with medical and health needs are getting the proper health services they need while in school, Fay said. These plans are not uniform from state to state. How they are developed is largely a product of state law and guidance from within the state from a medical perspective. IHPs are generally overseen by school nurses.

"A healthcare plan is something a nurse can put together on her own and instructs purely medical issues in terms of care and safety that only the nurse is responsible for," Fay said. For example, medical doses or feeding tube procedures. On the other hand, if what needs to be on the document are responsibilities of others in the building, such as teachers or building administrators, then that lends itself to being a 504 plan, which includes services, accommodations, and things other people outside of medical staff need to do for the student, she said.

Determining if a student should get one or both

"A student may require one or the other or sometimes both," Fay said. "If both are appropriate, they need to reference each other. It should be clear as to what information goes in what." A whole host of medical conditions might cross over and require both a healthcare plan and a 504 plan, Fay said. Diabetes is an example of one that might, depending on the circumstances.

A student with diabetes might need the ability to access the school nurse and leave the classroom as needed, Fay said. He might require accommodations to be able to self-test his blood sugar, or an emergency backpack with insulin may need to be available in the classroom. Accommodations might be required on field trips to ensure that the student's medical needs are being met. All of this involves both the teacher and the building administrator. "That would lend itself more to a 504 plan," Fay said.

Meanwhile, a healthcare plan for a student with diabetes would have the dosage of insulin appropriate to the student should he experience an emergency. It would include how the insulin is to be administrated and more medical information specific to medical care that the student requires, she said.

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Life-threatening food allergies that rise of the level of substantially limiting a major life activity might also require both plans, Fay said. A nurse would have the healthcare plan that includes information about the student's epinephrine auto-injector dosage, while the 504 plan might detail precautions to minimize the student's contact with nuts, such as tables being wiped down before eating lunch and those types of things, she said.

Why does it matter?

The Office for Civil Rights is likely to turn a critical eye to any district that has a policy or practice of providing IHPs to students with a particular health issue, such as diabetes, instead of determining their eligibility for a 504 plan. For example, OCR ruled that an Ohio district's plan of addressing the needs of students with diabetes strictly through health plans and conducting 504 evaluations only when parents specifically requested them violated Section 504. *Forest Hills (OH) Local Sch. Dist.*, [58 IDELR 114](#) (OCR 2011).

"One of the questions I get sometimes is, 'Why does it matter, if [what's] on a healthcare plan or 504 plan is fundamentally the same?'" Fay said. "The difference is procedural safeguards, protections afforded to families [and] students they get with a 504 that they don't get with a healthcare plan."

Just because a specific student's health needs can be accommodated with an IHP does not necessarily mean the district is relieved of its obligation to create a 504 plan for the student. The key is whether the IHP, regardless of its title, was developed in accordance with procedures that satisfy the requirements of Section 504 implementing regulations at [34 CFR 104.34](#), [34 CFR 104.35](#), and [34 CFR 104.36](#).

The focus of a healthcare plan is what a child needs to have his medical needs met, she said. There's no obligation to provide FAPE, and no mechanism for a parent who disagrees with the healthcare plan to challenge it, as there is with a 504 plan. "This is why families and schools should be affording 504 plans when appropriate," Fay said.

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