

## Key points:

- Develop evaluation guidelines for students with medical conditions
- Initiate 504 process whenever homebound services considered
- Develop relationship with consulting medical provider in area

## Know when extended absences due to medical conditions trigger 504 evaluation

OCR reminded a Wyoming district that it has a duty to evaluate students who have frequent or excessive absences as the result of a medical condition. *Laramie County (WY) Sch. Dist.*, 51 IDELR 169 (OCR 2008).

The student in this case missed most of the 2007-08 school year because of illnesses. He was placed on “homebound” status at several points during the year and, at the beginning of the spring semester, his parent requested a 504 plan. The district established a plan but did not evaluate the student or identify accommodations he required. OCR concluded the district discriminated against the student when it failed to evaluate him in a timely manner and to develop a 504 plan that addressed his unique needs.

Train staff to consider key elements such as evaluation procedures, homebound placement and medical data when deciding how to handle students with frequent or excessive absences as the result of a medical condition.

“The most difficult thing for coordinators with 504 is getting school staff to recognize that [an issue like the one in this case] is a 504 issue at all,” said Linda Yoder, a school attorney with Shipman & Goodwin LLP in Hartford, Conn. Districts need systems in place to make certain these students are referred when necessary. Not every child with a medical condition will qualify for 504 services, but making the referral and going through the process is important, she said.

Clearly articulate a process that facilitates communication between the school, family and medical professionals responsible for a student’s treatment, advised Eloise McGarry, director of support services for Rutland (Vt.) City Public Schools. This will help ensure staff members evaluate students with medical conditions in a timely manner. Training and documentation also are essential elements to meeting this duty, she said.

*Special Ed Connection® related story and SmartStart:*

- Consider these key elements when serving students with medical conditions (Aug. 13)
- SmartStart: Placement Decisions for Students Disabled Due to a Medical Condition

Melissa Greenwood covers Section 504 issues for LRP Publications.

August 13, 2009

Copyright 2009© LRP Publications

## Consider these key elements when serving students with medical conditions

Cumulating “excused” absences for a student with a medical condition may not prompt staff members to refer him for a 504 evaluation unless you have set clear guidelines and trained staff to implement them, said Linda Yoder, a school attorney with Shipman & Goodwin LLP in Hartford, Conn.

Here are some key elements school staff should consider when deciding how to serve students with medical conditions.

- **Evaluation procedures.** The Section 504 regulations do not impose a specific timeline for conducting evalu-

ations. However, OCR has stated that districts must conduct evaluations within a reasonable amount of time. As such, develop guidelines for handling students with medical conditions who are chronically absent, advised Eloise McGarry, director of support services for Rutland (Vt.) City Public Schools.

To start, determine a set number of medical-related excused absences that, when surpassed, trigger a referral to a student study team, Yoder said. The SST then can determine if the student should be referred for a Section 504 or IDEA evaluation, she said. You might consider a 10-day cut-off point, but adopt a number that meets your district's unique needs.

In addition to setting this number, train staff members, such as school nurses and attendance clerks, to follow proper procedures if they notice a student has reached the 10-day limit, she said.

- **Homebound placement.** Homebound placements are often deemed appropriate for students with disabilities who are unable to attend school for medical reasons, whether on a permanent or temporary basis. Complete the 504 process anytime you're considering homebound or home-tutoring services for a student with a medical condition, Yoder said. This will provide proper documentation and also will help ensure the student's placement is reviewed, she added.

- **Medical data.** Districts must ensure that placement decisions are made by a group of people knowledgeable about the child, the meaning of the evaluation data and the placement options. 34 CFR 104.35 (c)(3). More districts are developing consulting relationships with physicians to help them better understand evaluation data for students with medical conditions, Yoder said. In many cases, educators are asked to make medical decisions for students, so soliciting input from a consulting medical provider makes sense, she said. This person can help them determine when it is appropriate to place a student with a medical condition in a homebound placement and when it is appropriate to bring him back to school. A consulting medical provider also can weigh in on the appropriateness of accommodations and provide detailed information about a student's condition, she said.

August 13, 2009

Copyright 2009© LRP Publications