

TO: AEA Chief Administrators  
LEA Superintendents  
AEA Directors of Special Education  
AEA and LEA School Nurses and School Nurse Consultants  
FR: David Tilly, Deputy Director  
Jeff Berger, Deputy Director  
CC: Melissa Walker  
Ann Feilmann  
Fred Kinne  
Nicole Proesch  
Thomas Mayes  
DA: March 11, 2015  
RE: Intersection of Section 504/ADA and Individual Health Plans

This memorandum is to remind school officials about the relationship between Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) as well as the Americans with Disabilities Act) and individualized health plans or IHPs (and a student is covered under Section 504 if the student (1) has a physical or mental impairment that (2) substantially limits the student (3) in a major life activity. School officials must comply with the requirements for IHPs as well as the requirements imposed by Section 504.

This is a key area of focus for the United States Department of Education. We are aware of these cases and want to inform Iowa educators so they may avoid the mistakes made by their colleagues in other states.

Individualized health plans (IHPs) should be developed under Section 504 procedural safeguards in addition to the requirements for IHP development. An IHP for a 504-eligible student must meet the requirements.

As a related matter, it would be inappropriate for a school to have a blanket rule that prohibits the development of IHPs for students who are not eligible for Section 504 services.

Second, if a student has an IHP but has not been evaluated for eligibility under Section 504, school officials must determine whether the student might be eligible under Section 504. Based on the totality of the circumstances, if a student with an IHP might have a physical or mental impairment that might be substantially limiting in a major life activity then the student must be evaluated in accordance with Section 504 regulations. Failure to do so may result in enforcement action under Section 504.

Third, in determining whether a student is or might be eligible under Section 504, it is inappropriate to limit the major life activities to academics. A substantial limitation in any major life activity caused by a physical or mental impairment results in Section 504 coverage.

