


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  
Organizations, Parents and Individuals Concerned with Special Education

From: Christopher Suriano 

Subject: Guidelines for Determining a Student with a Disability's Need for a One-to-One Nurse

The purpose of this memorandum is to provide guidance to assist Committees on Preschool Special Education (CPSE) and Committees on Special Education (CSE) in determining if a student requires full-day (continuous) one-to-one nursing services to meet his/her unique individual needs. While some students may need the support of a full-day (continuous) one-to-one nurse to receive a free appropriate public education (FAPE), for other students, based on their specific health needs, assignment of a full-day (continuous) one-to-one nurse may not be necessary. A CPSE/CSE recommendation for a full-day (continuous) one-to-one nurse should only be made after a comprehensive discussion of other nursing options are considered and there is clear documentation as to why those options will not meet the health and medical needs of the student.

### **School Health Services and School Nurse Services**

Section 200.1(ss) of the Regulations of the Commissioner of Education defines "school health services" and "school nurse services" as follows:

*School health services* means health services provided by either a qualified school nurse or other qualified person (e.g., licensed practical nurse (LPN) or aides) that are designed to enable a student with a disability to receive a free appropriate public education as described in 200.1(su)6(p)5) Operated and State

*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

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services in order to attend school. Based on the individual needs of the student, the

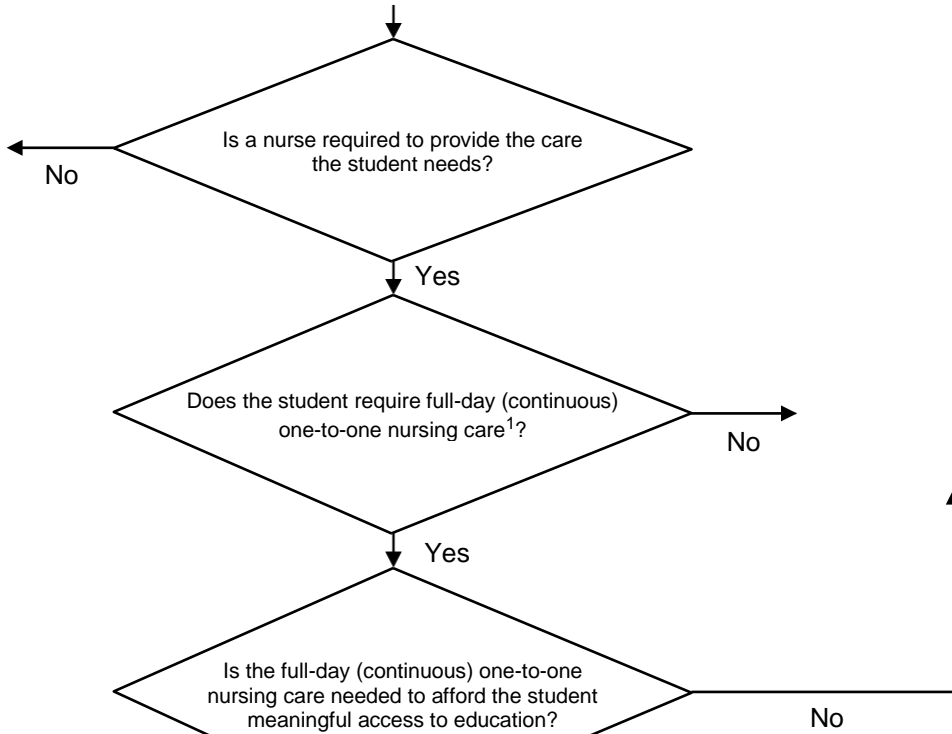


## **Provision of School Nurse Services**

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](#) 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





Go to [Part 2](#) recommendation options, select Option 2  
**OR**  
 If student is transported to and from school by a parent/guardian or designee or other means (e.g., ambulette or ambulance), o 19(o)3

Go to [Part 2](#) recommendation options, select Option 2  
**OR**  
 obtain written documentation

Go to [Part 2](#) recommendation options, select Option 3. Complete all one-to-one nursing questions.

## Part 2

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

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

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**Persons Involved in Decision-making:**

### **Recommendation Options:**

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

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