

The 'medical model' vs the 'educational model'

School districts sometimes tell parents they cannot or will not provide certain services for an eligible child with a disability because the service reflects a “medical model. We are a school so we follow an educational model.”

The educational model versus medical model argument is a fabricated construct that school districts sometimes use to avoid their responsibility to provide certain services to a student. There are also many districts who believe that such an argument has a sound legal basis. It does not. There is no reference to either an educational model or a medical model in special education law. A discussion about whether a given service is part of a medical or educational model is irrelevant to the special education decision making process.

To be clear, it was never Congress' intent that schools be responsible for the full range of a student's medical care. It is well established that services which meet the “medical services exclusion” are not the responsibility of a school district.

Medically excluded services are those services that must be performed by a licensed physician. This was established by the landmark U.S. Supreme Court case *Cedar Rapids v. Garret F.*, 526 U.S. 66 (1999) as follows:

“The scope of the ‘medical services’ exclusion is not a matter of first impression in this Court. In *Tatro* we concluded that the Secretary of Education had reasonably determined that the term ‘medical services’ referred only to services that must be performed by a physician, and not to school health services. 468 U. S., at 892-894.”

If you are requesting a service for a child and the school district refuses to provide it using the argument “that's a medical model, we follow an

educational model” the best way to redirect the conversation is to politely point out that:

1. Special education law does not recognize an educational versus medical model distinction. Rather, special education law requires that districts provide eligible students with disabilities a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living.¹

2. The relevant discussion, then, is one that explores the question: does the service meet the “**medical service**” exclusion established by the **United States Supreme Court**. This is done by asking a simple question:

“Can the requested service be performed or provided only by a licensed physician?”

If the answer is yes, the school is not responsible for providing it. If the answer is no, the school is responsible for providing it *if* it is recommended by the Team as necessary in order for the student to receive a FAPE.

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¹ 20 U.S.C. § 1400(d)