

INCLUDE DISCUSSION OF TIERED INTERVENTIONS IN 504 PLANS

- **School Districts/Charter Schools must not consider the corrective effects of any mitigating measures, such as medication, prosthetic limbs, or learned behavioral modifications.**
 - Tiered interventions are mitigating measures, therefore the team, cannot consider them when making eligibility decisions.

- **OCR supports the use of general education interventions**
 - Using the Tiered Interventions to help struggling students achieve academic success and lesson the misclassification is highly encouraged and considered best practice and adequately aligns with OCR's policy regarding the Section 504 evaluation process.
 - **KEEP IN MIND:** In general education the intervention plan is appropriate **for students who do not have disabilities or who are not suspected of having a disability.** However,
 - OCR notes, when a student is **believed to have a disability**, the school **must** conduct an evaluation.
 - If the district/Charter School can adequately show that a student is successfully progressing under a formal tiered intervention model, using researched based interventions, it may have NO duty to evaluate the student for Special Education and/or related services.

- **504 Procedures should address your district's Intervention Process after or in conjunction with the evaluation process**
 - In the Muscogee County (GA) School District case, OCR didn't classify general education interventions as mitigating measures or question their use rather they focused on gaps in the district's process.
 - Procedural clarity is very important

- **Planning Steps**
 - To ensure procedural clarity and parents clearly understand your district/charter schools' intervention process follow the steps outline:
 1. **Outline in your 504 procedures**
 - Research based interventions
 - Standards for student learning and behavioral success
 - Outline how long the district/charter school will use interventions before referring the student for an evaluation

 2. **Best Practice: Hold the Section 504 meeting(s) when the parent(s) request them. Also, invite parents to RTI meetings, when your district's procedures call for the tiered approach to addressing the needs of the struggling student.**

3. **Conduct 504 evaluations simultaneously with the intervention process when requested by parents.**
 - RTI efforts **DO NOT** eliminate the need for the evaluation.
 - Parents always have the right to request an evaluation.

4. **Evaluate and determine eligibility when tiered interventions do not result in the required improved academic performance.**

5. **Remember – to give parent(s) their procedural safeguards at the *1st Section 504 meeting* also when the 504 team determines *eligibility*.**

6. **Develop and provide a parent brochure that provides an abridgment describing the *tiered interventions, referral process, evaluation and placement procedures, including the due process and civil rights complaint process*.**

- Adapted and condensed from: Sec. 504 Compliance Advisor, February 2011

