

General Education Interventions & Section 504 Plans

(How can I get help for a child who struggles with academics and/or behaviors, but doesn't qualify for special education?)

What help is a child entitled to if struggling in school?

- Regular education interventions target all struggling students. They are often implemented in a “tiered intervention” model, with interventions aimed at helping all students first, followed by interventions that begin to focus more specifically on the needs of individual students who are struggling.
 - Multi-Tiered System of Supports (“MTSS”) is the name of the regular education intervention process used throughout North Carolina.
 - MTSS can be used to address both academic and behavior concerns.
- All students should also have access to high quality behavior intervention plans as needed to help therapeutically address school misbehavior. These can be part of the MTSS process or a separate intervention.

What is a Section 504 plan?

- **Section 504** of the Rehabilitation Act of 1973 is a disability anti-discrimination law that provides protections for students with disabilities to make sure they have equal access to the school environment.
 - A student qualifies for a Section 504 plan if they have a disability that “substantially limits one or more major life activity,” including learning.
 - Section 504 also covers temporary disabilities.
 - A Section 504 plan puts into place “accommodations” that are needed to ensure that the student’s disability doesn’t make it more difficult for them to participate in the school environment and access the school curriculum than their non-disabled peers.
 - Accommodations can include physical accommodations like ramps to enable a student to access particular parts of the school, or can include academic accommodations such as giving a student with ADHD the opportunity to take a test in a separate room to minimize distractions or giving that student extra time to complete a test.
 - Students with 504 plans are entitled to Manifestation Determination Reviews (“MDRs”) when facing a suspension that is longer than 10 days, or a shorter suspension that is related to previous patterns of behaviors and results in more than 10 *total* days of suspension that school year.
 - A student cannot be suspended if the behavior that led to the suspension was (1) closely related to their disability; or (2) caused by the school not implementing their 504 plan.
 - A Section 504 plan should be reviewed regularly.



GOLD STAR TIP: What is the difference between an IEP and a Section 504 plan?



Both an Individualized Education Program (IEP) and a Section 504 plan serve students with disabilities, and both provide needed accommodations.

Only students with IEPs receive specially designed instruction (e.g., in an inclusion, resource, or separate class setting). This specially designed instruction may include direct teaching in academics, social-emotional skills, organization/study skills, functional skills, communication skills, etc.

In general, an IEP offers more legal protections than a Section 504 plan.

Advocates for Children’s Services of Legal Aid of North Carolina

For additional resources: www.legalaidnc.org/acs

To apply for legal services: **1-866-219-5262**



You may want to contact a lawyer if your child is denied needed behavior interventions.

The information included here is not legal advice and does not cover all rights and remedies, or apply in every situation