

**AUGUSTA SCHOOL DEPARTMENT AUGUSTA, MAINE
SECTION 504 OF THE REHABILITATION ACT OF 1973**

SECTION 504 POLICY STATEMENT

Section 504 of the Rehabilitation Act ("Section 504") is a federal law which prohibits discrimination against persons with a disability in any program receiving federal financial assistance. Section 504 defines a person with a disability as anyone who:

1. Has a mental or physical impairment which substantially limits one or more major life activities (major life activities include activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working);
2. Has a record of such an impairment; or
3. Is regarded as having such impairment.

Students may be disabled under Section 504 even though they do not require services pursuant to the Individuals with Disabilities Education Act (IDEA).

Policy:

It is the policy of the Augusta School Department to provide a free and appropriate education to each student with a disability within its jurisdiction, regardless of the nature and severity of the disability. The Augusta School Department prohibits discrimination against any person with a disability in any of the programs and practices in the school system.

It is the intent of the Department to ensure that students who are disabled within the definition of Section 504 are identified, evaluated and provided with appropriate educational services. Due process rights of students with disabilities and their parents under Section 504 will be enforced.

The Family Educational Rights and Privacy Act (FERPA) also specifies rights related to educational records. This act gives the parent or guardian the right to: 1) inspect and review his/her child's educational records; 2) make copies of these records; 3) receive a list of all individuals having access to those records; 4) ask for an explanation of any item in the records; 5) ask for an amendment to any report on the grounds that it is inaccurate, misleading, or violates the child's rights; and 6) a hearing on the issue if the school refuses to make the amendment. For more information see Policy No. JO (FERPA).

If there are questions, please feel free to contact the building principal or the Department Section 504 Coordinator, Donna Madore, at 40 Pierce Drive Suite 3, Augusta (207) 626-2464, who has been designated to carry out the Department's responsibilities under Section 504.

**AUGUSTA SCHOOL DEPARTMENT
AUGUSTA, MAINE
SECTION 504 OF THE REHABILITATION ACT OF 1973**

**SECTION 504 PROCEDURES FOR IDENTIFICATION, INTERVENTION, AND
IMPLEMENTATION**

Referral:

The Section 504 process begins when any person, such as a school staff member, parent/guardian, or other knowledgeable and interested professional submits a request to the building principal or Section 504 Coordinator that a child be evaluated to determine if he/she qualifies for assistance under Section 504 because the person knows or suspects that, due to a physical or mental impairment, the student needs special education or related aids or services to participate in or benefit from the department's education program.

Decision to Evaluate:

Within 7 days of receiving a referral under Section 504, the building level Section 504 Coordinator (building administrator or counselor) must form a Section 504 Team and set a date for a meeting within a reasonable time. The team will be comprised of the building Section 504 coordinator, building principal, parent/guardian, counselor, teacher, and any other parties with necessary information or knowledge concerning the student.

Team members will be notified of the meeting date and time and will be asked to bring any relevant data concerning the student that could help the team make a decision about the eligibility of the student under Section 504. This information may include but not be limited to classroom performance data, achievement test data, any results from psychological testing, etc. The building administrator or counselor will make sure that current vision and hearing screening results are available for the team to review. At the meeting the team will consult and determine whether to evaluate the student under Section 504. Notice of the team's decision will be provided to the student's parent/guardian, on the Notice of Action form, and a copy of Notice of Parent/Student Rights and the Department's grievance procedures will be provided to the parent/guardian. If an evaluation is recommended, parental consent will be obtained prior to the evaluation.

If the team knows or suspects that the student is eligible as a disabled student under the IDEA, is an English language learner, or has other needs, the team will refer the student for evaluation under those processes.

Evaluation:

If the team determines that an evaluation under Section 504 is warranted, and parental consent has been obtained, the building principal/Section 504 coordinator will see that an evaluation of the student is conducted accurately by qualified persons and that the evaluation completely assesses the specific areas of the student's educational needs. Pursuant to Department policy, tests and evaluation materials will be validated for the specific purpose used, and will be administered by trained personnel. Tests and other evaluation materials will include those tailored to assess specific areas of educational need, rather than general intelligence quotients, and will be administered and selected so as best to ensure that the test results accurately reflect

the student's aptitude or achievement level (or whatever factor the test purports to measure) rather than reflecting the student's impaired sensory, manual or speaking skills, if any (except where those skills are the factors that the test purports to measure).

The parent/guardians may also choose to have the student independently evaluated, at their own expense.

Eligibility determination:

After the student has been evaluated, the 504 team will review the evaluation data and determine if the student is eligible for services under Section 504. The team will include persons knowledgeable about the student, the student's evaluation data, and placement options. In making its determination, the team will consider data from a variety of sources, including any relevant information submitted by the parent/guardian.

If the team determines that the student is not eligible as a disabled student under Section 504, the parent/guardian will be provided with a Notice of Action form, a copy of the eligibility decision, a copy of Notice of Student Rights, and a copy of the Department's Grievance Procedures.

If the team determines that the student is eligible as a disabled student under Section 504, the team will provide the parent/guardian with a Notice of Action/Consent Form informing the parent/guardian of the team's decision, a copy of the eligibility decision, a Notice of Parent/Student Rights and a copy of the Department's grievance procedures.

Development of 504 Plan:

Upon determination of eligibility, the team will meet to develop a Section 504 Accommodation Plan for the delivery of all needed services. The plan may be developed at the same meeting where eligibility is established. The parent/guardian will be provided with a Notice of Action/Consent form, a copy of the Section 504 plan, a copy of the Notice of Parent/Student Rights and Department Grievance Procedures. Parental consent will be obtained prior to initial placement of the student.

Annual review:

The student's Section 504 plan will be reviewed on an annual basis to ensure that the plan is meeting the student's needs. If the team determines that a student's plan needs revision, the team will provide the parent/guardian with a Notice of Action form, a copy of the revised plan, a copy of the Notice of Parent/Student Rights and Department Grievance Procedures.

Student Re-evaluation:

The team will periodically re-evaluate the student to determine his/her continued eligibility as a disabled student under Section 504, and will review whether the student's educational needs have changed. Before re-evaluation the team will provide the parent/guardian with a Notice of Action form, as well as a copy of the Notice of Parent/Student Rights and Department Grievance Procedures. Re-evaluations must occur at least every three years and before any significant change in the student's placement. If at some point in time the team finds that a student no longer qualifies for services under Section 504, the parent/guardian will be given a copy of the decision along with a Notice of Action form, and the Notice of Parent/Student Rights and Department Grievance Procedures.

Reporting:

For the purpose of reporting summative data, the building principal or the 504 building coordinator will keep a record of the students being served under Section 504. This data will indicate the name, grade level, disabling condition and briefly describe modifications made to ensure equal educational opportunity.

This information will be sent on a quarterly schedule to the Department Section 504 Coordinator at the Office of the Superintendent so that a consolidated department report can be filed. The data for this report should be sent to the Department Section 504 coordinator no later than November 30th, January 31st, April 30th and May 31st of each school year.

**AUGUSTA SCHOOL DEPARTMENT
SECTION 504 OF THE REHABILITATION ACT OF 1973**

NOTICE OF ACTION/CONSENT FORM

Date: _____

Student's Name: _____

DOB: _____

Student ID No.: _____

To: _____
(Name of parent/guardian/adult student)

I. Notice of Action: The purpose of this notice is to inform you that we are:

Proposing to Initiate a/an
 Declining Change

Mark all items that apply:

evaluation 504 plan eligibility
 re-evaluation disciplinary action other: _____

Description of proposed or declined action: _____

Reason why we are proposing or declining to take the action: _____

Signature: _____ Date: _____
(name/title of responsible department staff)

II. Parent Consent: (Required only for initial evaluation and initial placement)

- Yes, I do consent to an initial evaluation of my child.
- No, I do not consent to an initial evaluation of my child
- Yes, I do consent to initial placement of my child on a Section 504 plan.
- No, I do not consent to initial placement of my child on a Section 504 plan.

Signature: _____ Date: _____
(parent/guardian/adult student)

Copies to: Parent/guardian/adult student and Student Section 504 File
Enclosure: Notice of Parent/Guardian/Student rights.

**AUGUSTA SCHOOL DEPARTMENT
AUGUSTA, MAINE
SECTION 504 OF THE REHABILITATION ACT OF 1973**

**NOTICE OF PARENT/STUDENT RIGHTS
IN IDENTIFICATION, EVALUATION AND PLACEMENT
(SECTION 504 OF THE REHABILITATION ACT OF 1973)**

THE FOLLOWING IS A DESCRIPTION OF THE RIGHTS GRANTED BY FEDERAL LAW UNDER SECTION 504 TO STUDENTS WITH DISABILITIES. THE INTENT OF THE LAW IS TO KEEP YOU FULLY INFORMED CONCERNING DECISIONS ABOUT YOUR CHILD AND TO INFORM YOU OF YOUR RIGHTS IF YOU DISAGREE WITH ANY OF THESE DECISIONS.

YOU HAVE THE RIGHT TO:

1. Be informed about your rights under Section 504. The Department must provide you with written notice of your rights under Section 504 (this document represents written notice as required under Section 504). If you need further explanation or clarification of any of the rights described herein, contact the person named below for assistance.
2. Have your child take part in, and receive benefits from, public education programs without discrimination because of his/her disabling condition;
3. Receive notice before the department takes action with respect to identification, evaluation or placement of your child;
4. Refuse to consent for the initial evaluation and initial placement of your child;
5. Have your child receive free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have the school department make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities;
6. Have your child educated in facilities and receive services comparable to those provided non-disabled students;
7. Have your child receive special education and related services if s/he is found to be eligible and needs such services;
8. Have evaluation, educational, and placement decisions for your child made based upon a variety of information sources, and by persons who know the student, the evaluation data, placement data and placement options;
9. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the department;
10. Have educational and related aids and services provided to your child without cost except for those fees imposed on parents/guardians of non-disabled children;

11. Examine your child's educational records and obtain copies of those records at a reasonable cost unless the fee would effectively deny you access to the records;
12. Obtain a response from the department to reasonable requests for explanations and interpretations of your child's records;
13. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the school department refuses this request, it shall notify you within a reasonable time and advise your right to challenge the refusal;
14. Request mediation or an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program or placement. You and the student may take part in the hearing and have an attorney to represent you. Hearing requests must be made to the Superintendent of Schools and the District's 504 Coordinator. A date will be set for the hearing and you will be notified in writing of the hearing date, time and place.
15. If you disagree with the decision of the hearing officer, you have the right to seek review of that decision.
16. Ask for payment of reasonable attorney fees if you are successful on your claims;
17. You also have the right to file a local grievance or a complaint with the U.S. Department of Education Office for Civil Rights.

The person in the Augusta School Department who is responsible for assuring that the department complies with Section 504 is the Section 504 coordinator, Donna Madore, who may be contacted at: 40 Pierce Drive Suite C Augusta, Maine, (207) 626-2464.

**AUGUSTA SCHOOL DEPARTMENT
AUGUSTA, MAINE
SECTION 504 OF THE REHABILITATION ACT OF 1973**

SECTION 504 GRIEVANCE PROCEDURES

It is the policy of the Augusta Public Schools Board of Education to provide a free and appropriate public education (FAPE) to all students within its jurisdiction who are disabled consistent with the definitions set forth in Section 504 of the Rehabilitation Act of 1973 and of the Americans with Disabilities Act (ADA) of 1990. No student solely by reason of his or her disability as defined in these Acts, shall be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity operated by the school department.

Grievance Procedures

The Augusta School Department has adopted this internal grievance procedure to provide a local avenue for persons with disabilities to raise concerns about whether the Augusta School Department is fully meeting its obligations under state and federal laws to protect persons with disabilities. These procedures are intended to meet the requirements of Section 504 of the Rehabilitation Act (34 CFR § 104.7(b)) and the federal Americans with Disabilities Act (28 CFR § 35.107(b)).

Questions about this grievance procedure should be directed to the ADA/Section 504 Coordinator, Donna Madore, who may be contacted at: 40 Pierce Drive Suite C Augusta, Maine, (207) 626-2464.

Step One

A person with an identified disability, or someone acting on that person's behalf, may file a written grievance regarding compliance with state or federal disabilities laws with the building principal where the grievance arose, or with Section 504 coordinator. If filed with the Section 504 Coordinator, then that person shall forward the grievance to the appropriate building principal. No grievance shall be heard if it involves actions that occurred more than 60 days prior to the filing of the grievance. The grievance should be in writing and explain why the complainant believes that an issue is raised under state or federal disabilities laws. The grievance should include the name and address of the person filing and briefly describe the allegedly discriminatory action, identify the date the action occurred and the name(s) of persons responsible/involved. Persons are encouraged to use the Department's complaint form.

The building principal after consultation with the Section 504 Coordinator shall respond in writing to the grievance within fifteen (15) working days of receipt. Extensions of fifteen (15) working days may be allowed if necessary to fully address the issues raised by the grievance.

The building principal may schedule an informal meeting with the parent/guardian within fifteen (15) working days to clarify the parties' concerns and attempt resolution of the issues raised.

Step Two

If dissatisfied with the response to the grievance, the complainant may obtain review of the building principal's decision by the Superintendent.

The complainant must request a review by the Superintendent within fifteen (15) working days of the decision by the building principal. The Superintendent, after consultation with the Section 504 Coordinator, shall respond in writing to the grievance within fifteen (15) working days. Extensions of fifteen (15) working days may be allowed when necessary to fully address the issues in the grievance. The Superintendent's written response shall be forwarded to the complainant and to the Section 504 Coordinator.

Finality

The decision of the Superintendent shall be final.

Other redress:

Nothing in this grievance procedure in any way forecloses a person with a disability from seeking redress for their concerns at any time through other legal avenues, such as through the Office for Civil Rights, the Department of Justice, the Maine Human Rights Commission or the Maine Department of Education.

Questions about other legal avenues available for persons with disabilities to pursue compliance concerns under various disabilities laws should be directed to the Section 504 Coordinator, Donna Madore, who may be contacted at: 40 Pierce Drive Suite C Augusta, Maine, (207) 626-2464.

This notice is available in large print and on audio tape from the Section 504 Coordinator.

Section 504 Impartial Hearing Procedures

Hearing and Mediation:

A parent/guardian may pursue mediation and/or an impartial hearing to resolve an issue regarding the identification, evaluation or placement of a student. Mediation and/or an impartial hearing must be requested within thirty (30) days of the decision/action complained of.

Mediation

Mediation is available to complainants seeking a hearing. The Department encourages mediation to resolve issues. Mediation will be voluntary on the part of all parties. The costs for mediation and or the hearing are borne by the Augusta School Department.

Impartial Hearing

A student and person acting on behalf of the student may take part in the hearing and be represented by an attorney.

1. Hearing request must be made to the Superintendent of Schools. The following details the procedure:
 - a) If the parent/guardian disagrees with the identification, evaluation, educational placement, or the provisions of a free appropriate public education for his or her child then the parent/ guardian may make a written request for a hearing to the Superintendent of Schools, indicating the specific reason(s) for the request. A copy of the request may be filed with the nearest Regional Office for Civil Rights.
 - b) The Department may initiate a hearing regarding the identification, evaluation or educational placement of the student or the provision of a free appropriate public education to the student. The Department shall notify the parent/guardian of the specific reason(s) for the request.
 - c) A hearing shall be conducted within sixty (60) instructional days after the request unless the hearing officer grants an extension, and at a time and place reasonably convenient to the parent. Upon receipt of the parent's or Department's request for a hearing the local Superintendent or designee shall designate the independent hearing officer.
 - d) During the pendency of the hearing, unless the Department and the parent/guardians of the child agree otherwise, the child involved in the proceeding shall remain in his or her present educational placement. If there is a dispute regarding this present placement, the hearing officer shall order an interim placement. In the absence of an agreement, the hearing officer shall determine the child's placement during the proceedings.

- e) The child and the parent/guardian shall have the right to legal counsel and or other representation of their own choosing. The decision of the hearing officer shall be based solely upon the evidence presented at hearing.
- f) A tape recording or other verbatim record of the hearing shall be made. At a reasonable time prior to the hearing, during school hours, the parent/guardian or the parent's representative shall be given access to all records of the local school district and any of its agents or employees pertaining to the child, including all test and reports upon which the proposed action may be based. The parent/guardian or parent's representative shall have the right to compel the attendance, to confront, or to cross examine any witness who may have evidence upon which the proposed action may be based. The parent/guardian or parent's representative and Department shall have the right to present evidence and testimony, including expert medical, psychological or educational testimony. Introduction of any evidence at the hearing that has not been disclosed to both parties at least (5) days before the hearing is prohibited, subject to the discretion of the hearing officer.
- g) Within thirty (30) instructional days after the hearing, the hearing officer shall render a decision in writing. Should the parent/guardian be represented by legal counsel and ultimately prevail on the issues at the hearing, the parent/guardian may be entitled to payment of all or part of the attorney fees and the costs incurred by the parent/guardian.
- h) The hearing officer's decision is final unless appealed by a party to the hearing.

Review Procedures

Any party aggrieved by the findings and decision made in a hearing may appeal the decision in a court of competent jurisdiction.

Other Redress

Nothing in this policy in any way forecloses a person with a disability from filing a complaint with the U.S. Department of Education, Office for Civil Rights at any time, or seeking other available means of redress.

AUGUSTA SCHOOL DEPARTMENT
SECTION 504 OF THE REHABILITATION ACT OF 1973

GRIEVANCE FORM

Date _____
Your Name: _____ School: _____
Your Address: _____ Your Phone No.: _____

Student's Name: _____
Student's relationship to you: _____

Please describe your concerns and why you believe they raise an issue under Section 504. Please include a description of what happened, when and where it happened, and who was involved. (Please attach additional pages if necessary):

Explain the steps you have already taken to resolve the issue, if any:

Describe what resolution to your concerns you would like to see:

Please attach any documents or other information that you think will help with the investigation of your complaint.

AUGUSTA SCHOOL DEPARTMENT
AUGUSTA, MAINE

NOTICE OF SECTION 504 MEETING

Date: _____

Dear Parents:

This is an invitation and confirmation of a scheduled Section 504 meeting regarding your child, _____ . The Parent/Student Rights in Identification, Evaluation and Placement document and a copy of District 504 Grievance Procedures are enclosed in this envelope.

This meeting was mutually agreed upon by the school and parents to be held:

Student: _____ Date: _____

Location: _____ Time: _____

A. The purpose of this meeting:

Discuss need for an evaluation

Discuss Evaluation Results

Discuss Identification

(15) Day Program Review

Discuss Annual Review

Discuss Misconduct/infraction
as it relates to disability

B. The following people may be included in the meeting:

1. School Principal _____
2. Guidance Counselor _____
3. Evaluation Specialist(s) _____
4. Other Specialist(s) _____
5. General Education Teacher(s) _____
6. School Nurse _____
7. Parent(s) _____
8. Student _____
9. Interpreter _____
10. 504 Coordinator _____

AUGUSTA SCHOOL DEPARTMENT
AUGUSTA, MAINE

DETERMINATION MINUTES AND
NOTIFICATION OF SECTION 504 ELIGIBILITY

Student's Name: _____

Grade: _____

Building Principal: _____

Date: _____

Building Counselor: _____

Building: _____

Section 504 Team Members

NAME

TITLE

NAME	TITLE

Please checkmark sources of evaluative data considered in this determination:

<input type="checkbox"/> Record Review	<input type="checkbox"/> Teacher Observations
<input type="checkbox"/> Standardized Tests	<input type="checkbox"/> Student Work Samples
<input type="checkbox"/> Medical Evaluation	<input type="checkbox"/> Other (please specify)

1. Please specify the suspected physical or mental impairment: _____

2. Please checkmark the major life activity that is suspected to be substantially limited.

Seeing	Hearing	Self Care	Breathing
Walking	Learning	Manual Tasks	Working

The term "substantially limits" means that the student is unable to perform a major life activity that an average student of approximately the same age can perform. Or the student is significantly restricted as to the condition, manner or duration under which a particular life activity is performed as compared to the average student of approximately the same age. The impairment must be substantial and somewhat unique when compared to the average student of approximately the same age.

3. After considering the data, please describe the specific substantial limitation that the student is unable or significantly restricted to perform on the lines below. Consider those and then place an X on the scale provided below regarding the specific degree of substantial limitation in a major life activity (line 2) the impairment (line 1) has caused.

3a. Discussion

3b. Determination

Negligible	Mild	Moderate	Substantial	Extreme
1	2	3	4	5

If the degree of limitation is determined to be less than 4, then the student is not eligible for the anti discrimination protections under Section 504 of the Americans with Disabilities Act. If another copy of the Parent/Student Rights in Identification, Evaluation and Placement document and District 504 Grievance Procedures are needed again, please provide parents with another copy.

If the limitation is determined to be 4 or more, then the student is eligible for the anti-discrimination protections of Section 504. Please develop an accommodation plan that is reasonably calculated to provide the student with educational benefit, but not to a degree that fundamentally alters the class and provides the student with unfair advantage over other students.

AUGUSTA SCHOOL DEPARTMENT

AUGUSTA, MAINE

SECTION 504 IDENTIFICATION, EVALUATION AND PLACEMENT DATA

QUARTERLY ACTIVITY

2004-2005 SCHOOL YEAR

For the purpose of reporting summative data, the building principal or the 504 building designee will keep a record of the students being served under Section 504. This data will indicate the name, grade level, disabling condition and briefly describe modifications made to ensure equal educational opportunity. This information will be sent on a quarterly schedule to the District Section 504 Coordinator at the Office of the Superintendent so that a consolidated district report can be filed. The data for this report should be sent to the District Section 504 coordinator *no later than November 30th, January 31st, April 30th and May 31st* of each school year.

Date	Activity Code (I), (E), or (P)	Student	Grade	Condition	Accommodations

Principal's Signature _____ Please Circle Quarter *November 30th, January 31st, April 30th and May 31st*

**AUGUSTA SCHOOL DEPARTMENT
AUGUSTA, MAINE**

**NOTICE OF SECTION 504 PLACEMENT
ACCOMMODATION PLAN**

**Student:
Date of Birth:
School:
Grade:
Counselor:**

**Date Program Begins:
Date Program Ends:
Meeting Date:
Annual Review Date:
Building Administrator:**

Parent/Guardian Name/Address:

Participants:

Brief description of disability:

Service(s) to be provided:

Staff positions responsible:

Frequency of each service required:

Describe any classroom, playground, and/or transportation accommodations that are needed:

Annual goals: