

Windham Raymond School Department

Section 504 Handbook



An Access Guide

For

Students, Parents, and Teachers

TABLE OF CONTENTS

Introduction

General Information

Qualified Individual with a Disability (Definitions).....	1
Student Provisions.....	5
Staff Considerations for Referral.....	8
Local Procedures.....	9
General Procedural Obligations.....	10
Local Policy Statement.....	12
Grievance Procedures.....	13
Discipline.....	14

Appendix

IDEA/Section 504 Flow Chart

IDEA/Section 504 Comparison Chart

Discrimination under 504

Parent/Student Rights

Introduction

During the past two decades, school personnel have become increasingly familiar with processes, procedures and programming resulting from the **Individuals with Disabilities Education Act** which was most recently revised in 2004 (IDEA 2004). As an educational community, we are more knowledgeable about our right and obligation to refer students for evaluation when we suspect that they may be eligible for Special Education and related services under one of thirteen handicapping conditions set forth in the statute. We have come to understand much about the process of evaluation, eligibility determination, Individual Education Plan (IEP) development and educational placement. We are also beginning to understand the limitations of this law and its regulations in addressing the complex needs of students with a broad range of disabilities.

As we have struggled to provide appropriate and comparable educational opportunities for our students, we have begun to turn our attention to other disability laws that may regulate and guide our efforts. In recent years, an increasing focus has been placed on the role of **Section 504** of the Rehabilitation Act of 1973 in addressing individual student needs. While most of us have a cursory knowledge that Section 504 is a vehicle of support for students with disabilities, there has been misunderstanding and uncertainty about its scope and applicability to students in our schools.

This handbook is intended to provide information to educators and parents about Section 504. The scope and intent of the law is explained, and comparisons are provided between the requirements under Section 504 and those under IDEA. A local referral procedure is described and sample forms are included. Questions about the information in this handbook can be directed to:

Misty Gilheany
504 Coordinator
and Special Education Teacher Leader
228 Windham Center Road
Windham, ME 04062
892-1800

GENERAL INFORMATION

Section 504 of the Rehabilitation Act has been a federal law since 1973. While the focus, for many years, was in the area of employment, in the last decade the Office for Civil Rights has become actively involved in advocacy and enforcement in the field of education of individuals with disabilities. In 2008, Section 504 was revisited and amended. The Americans with Disabilities Amendments Act (ADA AA) broadened the scope of who qualifies under section 504, though it did not alter the school districts substantive obligations under 504.

This powerful law is a broad-based civil rights statute which prohibits the discrimination against person with disabilities, including both students and staff members, by school districts receiving federal financial assistance. “Section 504 ensures that a child with a disability has equal access to an education. The child may receive accommodations or modifications” to ensure access.

It is important to realize that section 504 is **not** an aspect of Special Education. Rather, it is a civil rights law which must be enforced by the general public education system. Students who are identified with disabilities under the Individual with Disabilities Education Act are also eligible for protections under Section 504; however, all individuals considered to have disabilities under Section 504 may not be eligible under IDEA. Instead, these children require a response from the regular education staff and curriculum.

QUALIFIED INDIVIDUAL WITH A DISABILITY

In order to be covered under the provisions of section 504, there must be a finding the person is an “individual with a disability” and he/she must be “qualified” in the area in question. There are three categories under which a person may be considered an “individual with a disability”:

- A person who has a physical or mental impairment which substantially limits one or more major life activity;
- A person who has a record of such an impairment; or
- A person who is regarded as having an impairment

[29 U.S.C 706(8)(B); 42 U.S.C. 12102(2)]

While the first category is one that requires definitive action, the remaining two categories exist largely to prohibit negative actions against an individual because of a perceived or unsubstantiated disability. For example, a person who has had some history of heart problems which have been remedied cannot be denied access to activities of any sort simply because school officials fear that the person may have another heart problem.

An example of a person “regarded” as having a disability might be one who is HIV positive with no apparent manifestation of the AIDS virus. As long as that person remains healthy and able to perform all of life’s activities, he/she cannot be regarded as having a disability which may result in inappropriate prohibition from a school service or activity.

Physical or Mental Impairment

The Section 504 regulations define “physical or mental” impairment by example:

- A. A physical impairment is, “any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hermic and lymphatic; skin and endocrine.
- B. A mental impairment is defined as “any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.”

[34 C.F.R. 104.3]

When considering whether or not a person has a physical or mental impairment, regulations provide additional guidance for clarification. Some important points to consider are:

- Specific learning disabilities should have the same meaning under Section 504 as it has under the Individual with Disabilities Education Act.
- While the DSM-IV is a relevant source in determining whether a condition is a mental impairment, the guidelines do not recognize all conditions in the manual as mental disorders.
- Most specifically, an individual who is actively engaged in the use of drugs is not protected under section 504, in spite of its consideration as a mental impairment in the DSM-IV.

Substantially limit

Whether or not one qualifies for protections under 504 will often focus on the issue of how the disability *substantially limits* a major life activity. Guidance on determining substantial limitation is actually provided in the employment regulations of the ADA AA. Those regulations define *substantially limits* as:

- Unable to perform a major life activity that the average person in the general population can perform; or
- Significantly restricted as to the condition, manner, or duration under which an individual can perform a particular major life activity as compared to the condition, manner or duration under which the average person in the general population can perform that same major life activity.

When assessing the substantial limitation, the following three factors must be considered in the determination

1. The nature and severity of the impairment;
2. The duration or expected duration of the impairment;
3. The permanent or long term impact, or the expected permanent or long term impact of, or resulting from, the impairment.

It is important to note that an impairment does not need to be permanent to be considered a qualifying disability. While specific time limits are not defined in relation to substantial limitation, there has been some guidance that an impairment can become a disability under this act if it lasts for more than several months.

Major Life Activities

The law defines major life activities as functions such as:

- Caring for one's self
- Performing manual tasks
- Walking
- Seeing
- Hearing
- Speaking
- Breathing
- Learning
- Working
- Eating
- Sleeping
- Standing
- Lifting
- Bending
- Reading
- Concentrating
- Thinking
- Communicating
- Operation of a major bodily function

This list is straight forward; however, it is not to be considered an exhaustive list of all possible major life activities.

It is important for schools to note that a disabling condition only needs to impact one major life activity, and that activity does not necessarily need to be "learning".

STUDENT PROVISIONS: IDENTIFICATION, EVALUATION, PLACEMENT

Identification

Section 504 requires that school systems identify and locate students with disabilities who may be in need of special education or accommodations under 504 in order to have equal access to their education. RSU 14 has a “Childfind” policy which fulfills this requirement.

Evaluation

If a school system suspects that a child may, as a result of a disability, need special educations, related services, or individually identified aids and services in order to have access to his/her education, the school unit must provide a pre-placement evaluation. The unit additionally is responsible for maintaining standards and procedures for evaluating students suspected of having a qualifying disability. These procedures ensure that

- The student in question is thoroughly evaluated in the area of the suspected disability;
- Evaluation is derived from a variety of sources;
- Must review areas of educational need
- Any tests relied upon for information are validated for their intended purpose;
- A process is developed to ensure periodic reevaluation;
- All available evaluation information is reviewed by a “group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options,” [34 C.F.R. 104.35] prior to any recommendations for placement, services, or accommodations;
- A team review of evaluation data prior to any significant change in placement or services.

Placement

Students with disabilities who are determined to be eligible under section 504 are entitled to a “Free Appropriate Public Education” (FAPE). Section 504 regulations define “appropriate education” as

the provision of regular or special education and related aids and services that (i) are designed to meet the individual educational needs of persons with disabilities as adequately as the needs of persons without disabilities are met and (ii) are based upon adherence to procedures that satisfy the requirements of Secs. 104.34, 104.35 and 104.36

[34 C.F.R. 104.33]

This definition implies two standards: (1) the individual’s educational needs must be addressed in a way that is reasonable calculated to result in a program of services that will provide educational access and (2) all procedural safeguards are met. More will be said later about procedural safeguards.

In essence, the program of services for students with disabilities must be “comparable” to those for students without disabilities. A program is considered comparable when it is designed in a way that is reasonable calculated to confer some education benefit.

Note: The best way to assess comparability of programs for students with disabilities with education for students without disabilities is for public school systems to have a clear understanding of what is considered “appropriate” education for all students.

In making placement decisions subsequent to review of appropriate evaluation information, the 504 team must adhere to the following requirements:

- The local school unit must provide those supplementary aids and services that are necessary for a student to be educated with non-disabled students to the maximum extent appropriate (Least Restrictive Environment)

[34 C.F.R. 104.34(a)]

- The local school unit must provide all non-academic services [e.g. transportation services, recreation services, health services, food services, library services, counseling, special interest groups or clubs, other extracurricular activities for which essential eligibility requirements are met, etc] in such a manner as is necessary to afford students with disabilities an equal opportunity for participation in such services and activities.

[34 C.F.R. 104.34(a)]

**WHEN SCHOOL STAFF SHOULD CONSIDER THE EXISTENCE OF A
HANDICAP AND POSSIBLE SECTION 504 PROTECTION**

- **When suspension or expulsion is being considered for any student**
- **When retention is considered for any student**
- **When a student shows a pattern of not benefitting from the instruction being provided**
- **When a student is not demonstrating a positive change as a result of RTI**
- **When a student returns to school after a serious illness or injury**
- **When a student is evaluated and is found not to qualify for Special Education services under IDEA**
- **When a student exhibits a chronic health condition**
- **When a student is identified as “at risk” or exhibits the potential for dropping out of school**
- **When substance abuse is an issue (Just a note that active substance abusers are not protected under Section 504; the concern would be one of looking for a possible underlying mental health issue that may be leading to, or contributing to, the substance abuse issues.)**
- **When a disability of any kind is suspected**

**LOCAL PROCEDURES FOR CONSIDERATION
OF SERVICES UNDER SECTION 504**

<u>SCHOOL CONCERN</u>	<u>PARENT/OTHER CONCERN</u>
<ol style="list-style-type: none"> 1. When any school personnel suspects that a Student may have a disability that will qualify him/her for accommodations under Section 504 (e.g. mental health concerns that are interfering with school attendance etc), that student should first be discussed with the building level RTI team 2. If it is determined that a Section 504 Committee meeting is necessary, the building 504 coordinator shall be contacted to set up the meeting with parent and appropriate members. A Section 504 referral form shall be completed. 3. The Section 504 Committee shall review existing evaluation data and determine <ul style="list-style-type: none"> -the child is eligible under Section 504 -the child is not eligible under Section 504 -more information is needed before a determination can be made, or -a referral for a special education evaluation is more appropriate 4. If the student is found eligible under Section 504, the committee must decide whether or not the student needs accommodations or modifications to access his/her learning environment. If he/she does, an accommodation plan must be developed. 5. If more information is needed, secure parental consent for the gathering of that evaluation information and reconvene upon completion of all evaluations. 6. When the 504 committee reconvenes, they will again review the information from a variety of sources, including recent evaluation data, and determine whether or not the student is eligible under section 504. If eligible and accommodations are needed for the child to access his/her education, an accommodation plan is developed. 7. If referral for a special education evaluation is recommended, then parents should be advised of their rights, a referral form should be completed, consent for evaluation should be signed by the parent and a special education professional should be contacted immediately to be assigned to this student's case. 	<ol style="list-style-type: none"> 1. When a parent or someone outside the school setting suspects that a student has a disability that will qualify him/her for accommodations under section 504, the building coordinator should be notified to set up a Section 504 committee meeting to review the concerns and any available, appropriate evaluation data from a variety of sources. A Section 504 referral form shall be completed. 2. The Section 504 Committee shall review existing evaluation data and determine whether <ul style="list-style-type: none"> -the child is eligible under Section 504, -the child is not eligible under Section 504 -more information is needed before a determination can be made, or -referral for a special education evaluation is more appropriate. 3. If the student is found eligible under section 504, the committee must decide whether or not the student needs accommodations or modification to access his/her learning environment. If he/she does, an accommodation plan must be developed. 4. If more information is needed, secure parental consent for the gathering of that evaluation information and reconvene upon completion of all evaluations. 5. When the 504 committee reconvenes, they will again review the evaluation data from a variety of sources, including recent evaluation data, and determine whether or not the student is eligible under section 504. If eligible and accommodations are needed, a plan must be developed. 6. Of referral for special education evaluation is recommended, then parents should be advised of their rights, a referral form should be completed, consent for evaluation should be signed by the parent and a special education professional should be contacted immediately to be assigned to the student's case.

GENERAL PROCEDURAL OBLIGATIONS

Written Process

Each school system has an obligation to define, in writing, the process it will use in addressing requests under Section 504. This handbook and, in particular, the sections describing local policy and local referral procedures, serves as such documentation.

Continuing Notice of Nondiscrimination

Schools have an obligation to ensure that internal communications and external notifications frequently include a statement of nondiscrimination, including nondiscrimination based on disability. The Windham Raymond School District – RSU14 includes response to statements of nondiscrimination in its interview process for all employees. Additionally, staff and community will receive annual notice through memos and local newspapers respectively.

Statement of Student/Parent Rights

A comprehensive written statement of Student/Parent Rights under Section 504 needs to be made available to parents at three different times throughout the referral/identification process:

- When referral is made to the Section 504 committee
- When establishing eligibility under Section 504
- When developing a 504 accommodation plan and
- When making a significant change in that plan

A copy of Student/Parent Rights is included in the appendix of this handbook.

Written Grievance Procedures

Regulations governing Section 504 require that school units have a formal, written grievance procedure through which complaints can be made and addressed at the local level. The grievance procedure for RSU 14 is located on page 13 of this handbook.

Impartial Hearing at Parent Request

As another avenue for resolution of disagreement which may arise from Section 504 decisions, parents may request an impartial hearing. The school unit can select the impartial hearing officer with the stipulation being that the person serving in this capacity cannot be employed by, or under contract with, the school district. Regulations do not require that selection of the hearing officer be a mutually agreed upon decision between the school system and the parents/guardians.

Section 504 Coordinator

Regulations require that school systems appoint an individual to be responsible for oversight of Section 504 implementation and compliance. In the RSU 14 Windham/Raymond School District, this person is Misty Gilheany and she can be reached at 207-892-1800.

PROPOSED LOCAL POLICY STATEMENT FOR SECTION 504

It is the policy of the RSU 14 Board of Education to provide a free and appropriate public education to each student with a disability who resides within its jurisdiction, regardless of the nature or severity of the disability.

It is the intent of the Windham/Raymond School Department (RSU 14) to ensure that students who have disabilities (are handicapped) within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated and provided with appropriate educational services. Students may be disabled (handicapped) under this policy even though they do not require services pursuant to the Individuals with Disabilities Education Act.

Local written procedures will be maintained to ensure enforcement of due process safeguards for students with disabilities under Section 504 and their parents.

PROPOSED SECTION 504 GRIEVANCE PROCEDURE

The Windham/Raymond School District-RSU 14 has adopted an internal grievance procedure providing for the prompt and equitable resolution of complaints alleging any action prohibited by section 504 of the Rehabilitation Act of 1973. Section 504 prohibits discrimination of the basis of disability by any program or institution that is the recipient of federal financial assistance.

Complaints should be addressed to:

Misty Gilheany
District Coordinator for Section 504
228 Windham Center Road
Windham, ME 04062
207-892-1800

1. A complaint must be filed in writing, contain the name and address of the person filing it, briefly describe the alleged discriminatory action and identify the date the incident occurred and the name(s) of the person(s) involved.
2. A complaint must be filed within 30 days of the time that the complainant becomes aware of the alleged discrimination.
3. Unless the matter can be promptly resolved informally, an investigation will be conducted by the District Section 504 Coordinator.
4. A written determination of the validity of the complaint and a description of the resolution, if any, shall be issued by the District Section 504 Coordinator and a copy sent to the complainant no later than 45 days after its filing.
5. The Windham/Raymond School Department Section 504 Coordinator will maintain files and any records relating to the complaints filed.
6. The complainant can request a reconsideration of the case in instance where he/she is dissatisfied with the resolution. The request for reconsideration should be made within 30 day to the Superintendent of Schools.
7. The right of a person to a prompt and equitable resolution of the complainant filed will not be impaired by the person's pursuit of other correction such as requesting an impartial hearing of filing a complaint with the U.S. Office of Civil Rights.
8. These rules will be rendered to protect the rights of the interested persons, to meet appropriate due process standards and to ensure that the Windham/Raymond School Department complies with Section 504 and its regulations.

DISCIPLINE UNDER SECTION 504

Short Term Removals:

When disciplinary action is required, students who are eligible for accommodations under Section 504 have similar protections to students identified under IDEA. In response to a violation of school rules or codes of conduct that may call for an out of school suspension, the statute permits removals of 10 consecutive days or less. There is no requirement for a meeting prior to making this determination. There is also no requirement to conduct evaluations or make manifestation determinations in instance of short term removals.

Note: In every case, the discipline must be consistent with discipline imposed on non-disabled students.

Long Term Removals:

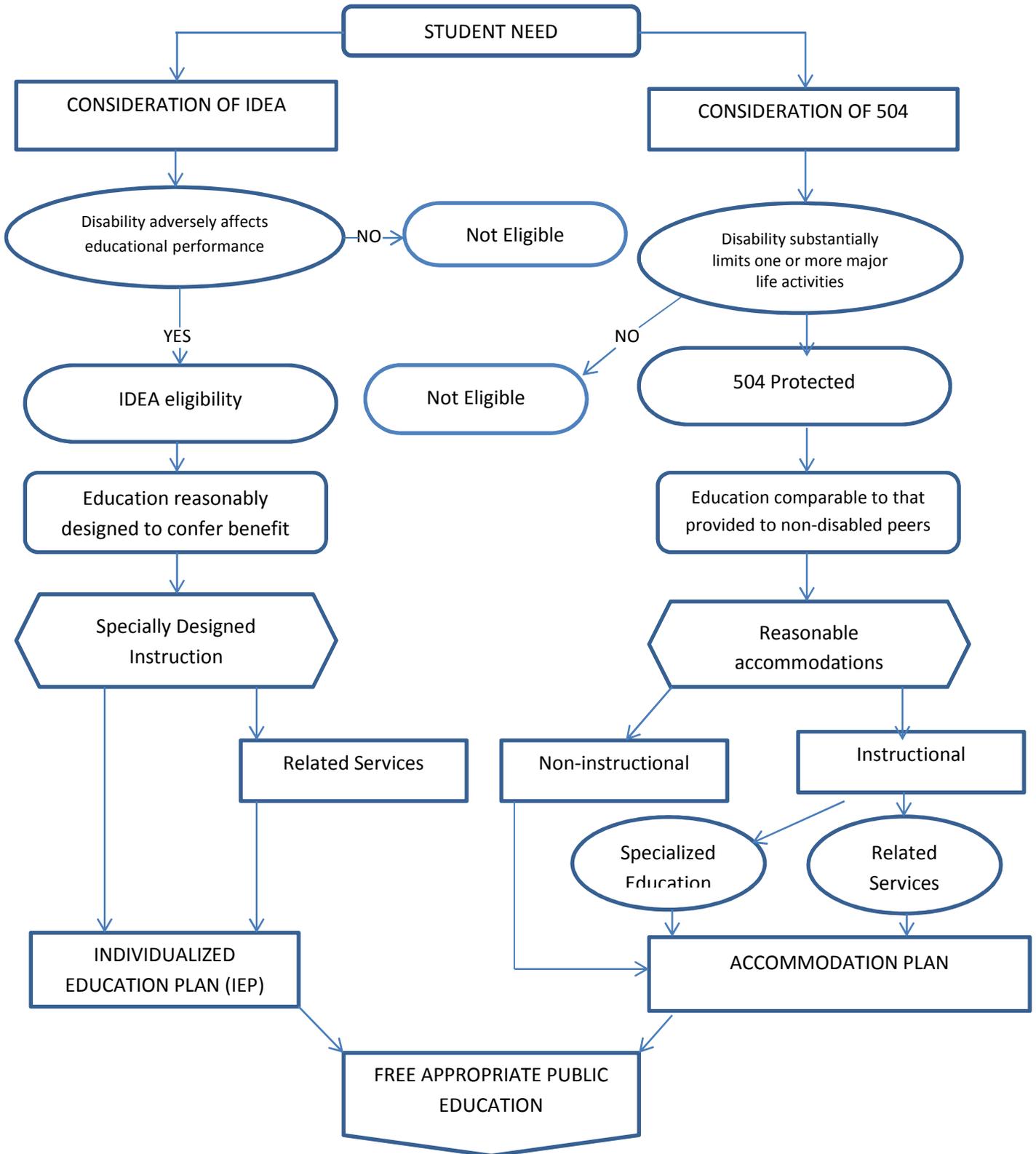
For more serious violations which may require a long term suspension of more than 10 consecutive school days, a manifestation determination is required. If the manifestation determination is that the behavior in question is a manifestation of a student's disability, then the student may not be suspended for longer than 10 consecutive school days without provision of educational services. If the behavior is determined not to be a manifestation of a student's disability, then he/she can be disciplined in accordance with the school policies that apply to non-disabled students.

Note: A series of removals of less than 10 consecutive school days may constitute a pattern that could be interpreted as a significant change in program or services. A significant change in a student's Section 504 plan cannot be made without prior notice to the parent and committee review of updated evaluation information.

If a Section 504 student is currently engaging in the illegal use, or trafficking, of alcohol and/or drugs, they do not have the right to protections under Section 504.

APPENDIX

I.D.E.A./SECTION 504 FLOW CHART



<u>COMPONENT</u>	<u>IDEA</u>	<u>SECTION 504</u>
Special Education vs. Regular Education	A student is only eligible to receive IDEA services if the multidisciplinary team determines that the student is disabled under one of more of the specific qualifying conditions and requires specially designed instruction to benefit from education.	<p>Related services independent of any special education services as defined by IDEA, may be the reasonable accommodation.</p> <p>A student is eligible as long as s/he meets the definition of qualified handicapped person; ie, (1) has or (2) has had a physical or mental impairment which substantially limits a major life activity or (3) is regarded as handicapped by others. It is not required that the handicap adversely affect educational performance, or that the student need special education in order to be protected.</p>
Funding	Provides additional funding for eligible students.	Does not provide additional funds. IDEA funds may not be used to serve children found eligible only under Section 504.
Accessibility	Requires that modifications must be made if necessary to provide access to a free appropriate education.	Has regulations regarding building and program accessibility, requiring that reasonable accommodations be made.
Procedural Safeguards	Both require notice to the parent or guardian with respect to identification, evaluation, and/or placement. IDEA procedures will suffice for Section 504 implementation.	
	Requires written notice	Does not require written notice but a district would be wise to do so.
	<p>Delineates required components of written notice.</p> <p>Requires written notice prior to any change of placement.</p>	<p>Written notice not required, but indicated by good professional practice.</p> <p>Requires notice only before a “significant change” in placement.</p>

<u>COMPONENT</u>	<u>IDEA</u>	<u>SECTION 504</u>
Evaluations	<p>A full comprehensive evaluation is required, assessing all areas related to the suspected disability. The child is evaluated by a multi-disciplinary team or group.</p> <p>Requires informed consent before an initial evaluation is conducted.</p> <p>Requires reevaluation to be conducted at least every three years.</p> <p>A reevaluation is not required before a significant change in placement; however, a review of current evaluation data, including progress monitoring, is strongly recommended.</p> <p>Provides for independent educational evaluation at district expense if parent disagrees with evaluation obtained by the school as hearing officer concurs.</p>	<p>Evaluations draws on information from a variety of sources in the area of concern; decisions made by a group knowledgeable about the student, evaluation data and placement options.</p> <p>Does not require consent, only notice. However, good professional practice indicates informed consent.</p> <p>Requires periodic reevaluations. IDEA schedule for reevaluation will suffice.</p> <p>Reevaluation is required before a significant change in placement.</p> <p>No provision for independent evaluations at district expense. District should consider any such evaluation presented.</p>
Placement Procedures	<p>When interpreting evaluation data and making placement decisions, both laws require districts to:</p> <ol style="list-style-type: none"> a. Draw upon information from a variety of sources. b. Assure that all information is documented and considered c. Ensure that the eligibility decision is made by a group of persons including those who are knowledgeable about the child, the meaning of the evaluation data and placement options. d. Ensure that the student is educated with his/her nonhandicapped peers to the maximum extent appropriate (least restrictive environment). 	
	<p>An IEP review meeting is required before any change in placement.</p>	<p>A meeting is not required for any change in placement.</p>

<u>COMPONENT</u>	<u>IDEA</u>	<u>SECTION 504</u>
Grievance procedure	Does not require a grievance procedure, nor a compliance officer.	Requires districts with more than 15 employees to (1) designate an employee to be responsible for assuring district compliance with Section 504 and (2) provide a grievance procedure for parents, students, and employees.
Due Process	Both statutes require districts to provide impartial hearings for parents or guardians who disagree with the identification, evaluation, or placement of a student.	
Exhaustion	<p>Delineates specific requirements.</p> <p>Requires the parent or guardian to pursue administrative hearing before seeking redress in the courts.</p>	<p>Requires that the parent have an opportunity to participate and be represented by counsel. Other details are left to the discretion of the local school district. Policy statements should clarify specific details.</p> <p>Administrative hearing not required prior to OCR involvement or court action; compensatory damages possible.</p>
Enforcement	<p>Enforced by the U.S. Office of Special Education Programs. Compliance is monitored by the State Department of Education and the Office of Special Education Programs.</p> <p>The State Department of Education resolves complaints.</p>	<p>Enforced by the U.S. Office of Civil Rights.</p> <p>State Department of Education has no monitoring, complaint resolution or funding involvement.</p>

DISCRIMINATION UNDER SECTION 504

Discrimination under Section 504 occurs when a recipient of federal funds:

1. Denies a handicapped person the opportunity to participate in or benefit from an aid, benefit or service which is afforded non handicapped students (e.g., district practice of refusing to allow any student on an IEP the opportunity to be on the honor roll; denial of credit to a student whose absenteeism is related to his/her handicapping condition; expelling a student for behavior related to his/her handicapping condition; refusing to dispense medication to a student who could not attend school otherwise).
2. Fails to afford the handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is equal to that afforded others (e.g. applying a policy that conditions interscholastic sports eligibility on the student's receiving passing grades in five subjects without regard to the student's handicapping condition).
3. Fails to provide aids, benefits, or services to the handicapped person that are as effective as those provided to nonhandicapped persons (e.g. placing a student with a hearing impairment in the front row as opposed to providing her with an interpreter)
Note: "Equally Effective" means equivalent as opposed to identical. Moreover, to be equally effective, an aid, benefit, or service need not produce equal results; it must merely afford an equal opportunity to achieve equal results.
4. Provide different or separate aids, benefits or services unless such action is necessary to be as effective as the aids, benefits or services provided to nonhandicapped students (e.g. segregating students in separate classes, schools, or facilities, unless necessary).
5. Aids or perpetuates discrimination by providing significant assistance to an agency, organization, or person that discriminates on the basis of handicap (e.g. sponsoring a student organization that excludes persons with handicaps).
6. Denies a person with handicaps the opportunity to participate as a member of a planning or advisory board strictly because of his/her handicapping condition.
7. Otherwise limits the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others (e.g. prohibiting a person with a physical handicap from using a service dog at school).
8. In determining the site or location of a facility, makes selections which effectively exclude persons with handicaps, denies them the benefits of, or otherwise subjects them to discrimination. In *Hendricks v. Gilhool*, EHLR 441:352 (1989), the Pennsylvania Department of Education was found to have violated this section and the EHA by allowing students with disabilities to be located in inferior facilities, such as trailers, wings in basements, and unnecessarily restrictive classrooms due to a lack of classroom space.

WINDHAM/RAYMOND SCHOOL DEPARTMENT: RSU 14

PARENT/STUDENT RIGHTS

(Section 504 of the Rehabilitation Act of 1973)

The following is a description of the rights granted by the Rehabilitation Act (Section 504) to students identified as disabled under that law. 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. Have your child take part in and receive benefits from public education programs without discrimination because of his/her disability;
2. Have the school district advise you of your rights under federal law;
3. Receive notice from the school with respect to identification, evaluation, educational program or placement of your child or the filing of a due process hearing;
4. Have your child receive a free appropriate public education. This includes the rights to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations necessary for your child to benefit from his/her educational program;
5. Have your child educated in comparable facilities and receive comparable services to those provided non-disabled students;
6. Have your child receive Special education and related services if your child is found to be eligible under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act;
7. Have evaluation, educational and placement decisions based upon a variety of informational sources and made by persons familiar with the students, the evaluation data and placement options;
8. Have your child receive an equal opportunity to participate in extra-curricular school activities;
9. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement;

10. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records;
11. A response from the school district to reasonable requests for explanations and interpretations of your child's records;
12. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading, or in violations of the privacy rights of your child. If the school district refuses the request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing;
13. File a grievance through local grievance procedures, file a complaint with the federal Office of Civil Rights, or request an impartial hearing on 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 represent you. Questions about how to request a hearing may be forwarded to the district's Section 504 coordinator, as listed below;
14. Have the decisions made by the hearing officers or others reviewed in state or federal court;
15. Information concerning low-cost or free legal counsel.

The person in this school district who is responsible for assuring that the district complies with Section 504 is:

Misty Gilheany
RSU 14 Windham/Raymond Schools
228 Windham Center Road
Windham, Maine 04062
(207) 892-1800

This notice can be made available in large print and on audio tape from the Section 504 Compliance Coordinator.

