

**Student Identification and Services under Section 504 (§504)**

A student may be referred for a §504 evaluation and eligibility determination by school personnel, parents, or the student. School personnel may include teachers, special educators, guidance counselors, school nurses, or administrators. However, no evaluation can begin without the written permission of the parents, foster parents, or legal guardians of the student; or the student if he/she has reached the age of majority. Mental or physical health professionals may refer students for an evaluation through the student's parents, legal guardians, or the student if he/she is 18 years old.

Referral forms and a statement of parental rights may be obtained from the Office of Special Services for M.S.A.D.#30. The Coordinator of Special Services will assist parents or school personnel in completing referral forms upon request.

If school personnel believe the student may be in need of special education services, related services, or classroom modifications, in order to benefit from her/his school programs, the school shall evaluate the student within 45 school days after the receipt of the signed Consent for Evaluation by the Office of Special Services. Upon completion of the evaluation and receipt of the written summary by the Office of Special Services, a copy of the report will be provided to the family and teachers of the student, as well as the person who completed the referral. A §504 Team will be scheduled and convened to determine if the student is eligible for services under §504 of the Rehabilitation Act of 1973. The Team will include the parents or guardians, referring party, teachers who are knowledgeable about the student, Coordinator of Special Services, administrators, the student when appropriate, and others invited by any of these parties.

The Team will consider the evaluations, classroom performance, and input from Team members in determining whether the student is eligible for services under §504 of the Rehabilitation Act of 1973. If the student is found to be eligible and in need of accommodations, the parents or guardian sign a Consent for Placement form, the Team will develop an Individualized Accommodation Plan. The Team's decision shall be by consensus. If no consensus can be reached, a school official with authority to commit school resources shall make the decision and notify the family of their right to request a hearing.

Student progress will be assessed with the same frequency as for students without disabilities. The §504 Team will meet annually to review and update the Individualized Accommodation Plan, or more frequently if significant changes are under consideration.

In addition to this referral process, there are three other ways that students may be found eligible for services under §504:



### **M.S.A.D.#30**

1. Students who are referred for a special education evaluation and found ineligible under the Individuals with Disabilities Education Act will be considered for eligibility under §504;
2. Students who are dismissed from services under the Individuals with Disabilities Education Act because a re-evaluation finds them to be ineligible, will be considered for eligibility under §504; and
3. If the school feels strongly that an evaluation needs to be completed and the parents or guardians of the student refuse to give written permission, the school may go to due process to determine if an evaluation may be done without parental permission. Parents have a right to attend this due process hearing, and to have legal counsel.

M.S.A.D.#30 has a grievance procedure as one means for a student with a disability, and/or someone acting on that student's behalf, to appeal a decision of the §504 Team. Parents/guardians also have the right to file a complaint with the federal Office of Civil Rights, or request an impartial hearing on decisions or actions regarding their child's identification, evaluation, or educational program or placement; and to take part in the hearing with their child and an attorney. Questions regarding how to request a hearing may be forwarded to the M.S.A.D.#30 Office of Special Services, or to the Maine Department of Education in Augusta.

Cross Reference: IHBAL - R - Grievance Procedure for Students with Disabilities

Adopted: October 30, 2001