**Dispatch:**

**Maine’s Public Preschool Programs and Section 504 of the Americans with Disabilities Act**

The following information is provided to ensure that all Maine school districts are aware that Section 504 applies to **public 4-year old programs**. If districts are in partnership with Head Start programs, both entities are responsible for adhering to the requirements of this law. *Section 504 does not fall under the jurisdiction of Child Development Services (CDS)*. The Office of Civil Rights (OCR) enforces Section 504 in programs and activities that receive federal financial assistance from the US Department of Education (ED) and the US Department of Health & Human Services (DHHS).

**To be protected under Section 504, a student must be determined to: (1) have a physical or mental impairment that substantially limits one or more major life activities; or (2) have a record of such impairment; or (3) be regarded as having such impairment**. Section 504 requires that school districts and Head Start agencies provide a free appropriate public education (FAPE) to qualified students in their jurisdictions who have a physical or mental impairment that substantially limits one or more major life activities.

In the educational context, OCR has been given administrative authority to enforce Section 504. Section 504 is a Federal statute that may be enforced through the Department's administrative process or through the Federal court system. In addition, a person may at any time file a private lawsuit against a school district or Head Start agency.

For SAUs in partnership with Head Start, it is strongly recommended the two entities work together to meet the needs of any student who may qualify for Section 504 accommodations and that the details of the requirements are outlined in the annual Memorandum of Understanding (MOU) between the school and the Head Start agency.

For a thorough explanation of Section 504, please refer to the following websites:

US Department of Education: <http://www2.ed.gov/about/offices/list/ocr/504faq.html>

US Department of Health & Human Services<http://www.ada.gov/doj_hhs_ta/child_welfare_ta.html>