

NONDISCRIMINATION

It is the policy of the Elgin School District (the "District") not to discriminate, in violation of federal or state law, on the basis of race, color, national origin, ancestry, religion, sex, age, or disability in admission to, access to, treatment in, or employment in any service, program, or activity sponsored by the District.

Inquiries or complaints regarding compliance with this policy or the nondiscrimination requirements of the Americans With Disabilities Act, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1975, Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, or Title IX of the Education Amendments of 1972 should be directed to the School District's Civil Rights and Section 504 Coordinator who is the Superintendent of the Elgin Local School District, 4616 Larue Prospect Road West, Marion, Ohio 43302, telephone 740-382-1101. The Superintendent may designate a building principal or other administrator of the School District to respond to any such inquiries or complaints.

Notification that the School District provides equal educational opportunities shall appear on all program materials and literature related to the District's educational programs and activities.

SECTION 504 NONDISCRIMINATION GRIEVANCE PROCEDURE

In accordance with Federal law, as well as the Elgin School District ("District") policy on Nondiscrimination, any individual (students, employees, or third parties) who believes that he or she has been discriminated against in violation of the Nondiscrimination Policy or Section 504 may, in writing, file a grievance that states in detail the alleged discrimination using the Section 504 Grievance Form. The written grievance shall be filed with the Civil Rights and Section 504 Coordinator who is the Superintendent of the Elgin School District or with a building Principal of the School District. The Superintendent's address is Elgin School District, 4616 Larue Prospect Road West, Marion OH 43302. If the grievance is filed with a Principal, the Principal should immediately notify and send a copy of the written grievance to the Superintendent.

The District will maintain the confidentiality of all parties involved in the grievance to the extent possible consistent with the district's legal obligations and the necessity of investigating the allegations. Retaliation against any individual who files a grievance or participates in an investigation is prohibited. The knowing or malicious submission of a false grievance may subject the complaining party to discipline or other action.

Informal Procedure

Many concerns can be solved by an informal meeting with the grievant and other involved parties. The complainant is encouraged to discuss the matter with the involved parties in order to obtain a satisfactory resolution before initiating a formal grievance.

A complainant may initiate an informal complaint by discussing the concern with the Superintendent or a Principal. Upon receiving an informal complaint, the Superintendent or Principal or other designee of the Superintendent will investigate the complaint.

Within 10 school days of receiving an informal complaint, the Superintendent or Principal or Designee will provide the complainant with a written response that includes the results of the informal investigation and a resolution, if applicable. The investigation and review may include interviewing the complainant and any other individual(s) whom the investigator deems necessary, as well as gathering any other evidence regarding the complaint.

The informal investigation and review is an optional step, and a complainant may initially, or at any time, file a formal complaint without the need for an informal investigation and review. The informal procedure is not a required first step for the complainant.

Formal Grievance Investigation and Review

In the event that the grievant does not wish to pursue the informal procedure, or in the event that the informal procedure does not produce a result satisfactory to the grievant within 10 school days of the date the written grievance is received by the Superintendent or Principal, the following steps should be followed to initiate a formal investigation and review procedure. When a written grievance is received, a designee of the Superintendent, which may include but is not limited to, a Principal of the School District will conduct a formal investigation and review.

If the Superintendent or Principal is the subject of the complaint, an alternate administrator will be assigned to investigate.

1. If it is not resolved informally, the designee will conduct an investigation including an interview of the grievant, the accused individual, any witnesses, and any other relevant individuals. The grievant may present information or evidence to the designee for consideration. The designee will issue a written decision within 20 school days of the date the written grievance is received by the Superintendent or Principal. If the grievance is found to be merited, the decision should include any appropriate corrective action, including to prevent recurrence, in compliance with applicable law, Board policy, and/or the Student Code of Conduct. Necessary parties, including the grievant and accused individual, will be informed of the decision.
2. If the grievant or other party involved in the grievance (the accused) is not satisfied with the designee's decision, the grievant or other party involved in the grievance may present a formal appeal in writing, within 7 school days of the post-mark date on the decision or, if personally delivered, of receipt of the designee's decision, to the Superintendent requesting a review of the designee's decision. The specific reasons for the appeal and the remedy sought through the appeal must be stated. The appeal must be received in the office of the Superintendent within the 7 school day timeline.

Superintendent's Appeal Review

Upon receipt of the appeal, the Superintendent will review the appealing party's position and the entire record.

1. The Superintendent may meet with the individuals involved in the grievance and may gather additional evidence.
2. The Superintendent may attempt to resolve the grievance informally.
3. If it is not resolved informally to the satisfaction of the grievant and the appealing party (if a person other than the grievant) within 15 school days of the receipt of the appeal, the Superintendent will issue a written decision. If the grievance was found to be merited, the decision should include any appropriate corrective action in compliance with applicable law, Board policy, and/or the Student Code of Conduct. Necessary parties, including the grievant, will be informed of the decision.

Complaint to the Office for Civil Rights

A complainant has the right to file a formal complaint with the Office for Civil Rights at any stage in the grievance procedure or instead of filing a grievance:

UNITED STATES DEPARTMENT OF EDUCATION
Office for Civil Rights
Suite 750
600 Superior Avenue, East
Cleveland, OH 44114

SECTION 504 PROCEDURES

Section 504 of the Rehabilitation Act of 1973 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 physical or mental impairment which substantially limits one or more major life activities. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.
2. Has a record of such impairment.

Or

3. Is regarded as having such an impairment.

The School District acknowledges its responsibility under Section 504 to avoid discrimination in policies and practices regarding its personnel, students, and others. No discrimination, harassment, or retaliation against any person with a disability shall knowingly be permitted in any program or practices in the School District.

Students and Section 504

Under Section 504, for any student who, because of a mental or physical impairment which substantially limits a major life activity (“disability”), needs or is believed to need accommodations, special education or related services, the School District has the responsibility to identify, evaluate and, if the student is determined to be eligible under Section 504, provide access to appropriate educational accommodations or services. The procedures under the Individuals With Disabilities Education Act (IDEA) may be used to meet Section 504 requirements. As used in these procedures, “school days” are days in the regular school year in which students are in attendance.

I. REFERRAL PROCEDURE FOR SECTION 504

Any student who, because of a mental or physical impairment which substantially limits a major life activity (“disability”), needs or is believed to need accommodations, special education or related services may be referred by a parent or guardian, teacher, or school district administrator to the building Intervention Assistance Team (IAT). The referral shall be made in writing using the School District Section 504 Referral Form, which is available from the Guidance Office or the Principal.

Upon receipt of a Section 504 referral, the IAT shall be convened as promptly as possible after receipt of the referral to determine what action is appropriate. The IAT will take one of the following actions:

1. Determine that there is no evidence of a disability under Section 504 or
2. Determine that there is a suspected disability and refer for an evaluation under the IDEA or Section 504. If there is a suspected disability, the IAT will typically refer the student

for an IDEA evaluation. There may be circumstances in which the IAT determines that a 504 evaluation other than an IDEA evaluation may be appropriate such as cases involving possible health accommodations with no other academic concerns. In such a case, the IAT shall develop a Section 504 evaluation plan that addresses the student's suspected disability and needs.

The IAT must make a decision as to whether the Student is suspected as a student with a disability under Section 504 and if so, initiate an evaluation for eligibility. Interventions can not be used instead of or to delay the evaluation process.

The parent shall receive written notice of the action taken by the IAT as well as a copy of the Parent/Student Rights information under IDEA or Section 504 (procedural safeguards), as appropriate.

II. EVALUATION PROCEDURES

When evaluating a student pursuant to Section 504, the ameliorative effects of mitigating measures, with the exception of ordinary eyeglasses and contact lenses, will not be considered in making an eligibility determination. This includes a student who is taking medication as a mitigating measure who is to be evaluated as if the student were not taking medication.

IDEA Evaluation

If the IAT determines that the student should be evaluated pursuant to the IDEA, a referral will be made for an evaluation under the IDEA, the procedures for an IDEA evaluation will be followed, and the applicable IDEA forms will be used. Once the IDEA evaluation is completed, the IDEA evaluation team will first determine if the student qualifies as a student with a disability under the IDEA; if so, an IEP will be developed for the student.

If the student does not qualify as a student with a disability under the IDEA and if the Parent or School District personnel believe that the student may qualify as a student with a physical or mental impairment that substantially limits a major life activity (disabled) under Section 504, the procedures below for a "504 Evaluation Other Than an IDEA Evaluation" should be used to determine if the student qualifies under Section 504. In such a case, the IDEA evaluation data can be used for the Section 504 eligibility determination and the Section 504 Team meeting may directly follow the IDEA eligibility meeting and include some or all of the same Team members as long as the requirements below for the composition of a 504 Team are met.

504 Evaluation Other Than an IDEA Evaluation

Although an IDEA evaluation will typically be used when a student is referred as a suspected disabled student under Section 504, there may be circumstances in which the IAT has determined that a 504 evaluation other than an IDEA evaluation may be appropriate such as cases involving possible health accommodations with no other academic concerns. In such a case, the IAT shall develop a Section 504 evaluation plan that addresses the student's suspected disability and needs. The 504, rather than IDEA, procedures for an evaluation will be followed

and the applicable 504 forms will be used. The evaluation will include any necessary assessments to make an eligibility determination at no cost to the Parent.

The evaluation tests, assessments, or other evaluation materials must be validated for the specific purpose for which they are being used, administered by appropriately trained personnel, tailored to assess specific areas of educational need and selected and administered to best ensure that the test results accurately reflect the factors the test purports to measure. Interpretations of the evaluation data should rely upon information from a variety of sources including, as appropriate for an individual student, aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior.

If the parent refuses to give written consent to conduct an initial evaluation, no evaluation will be conducted.

The evaluation will be completed within thirty (30) school days of receipt of written consent from the Parent to conduct the evaluation.

When an evaluation has been completed, a Section 504 Team meeting will be scheduled; the Parent will be invited to participate as a member of the 504 team. The Section 504 Team meeting should be held within thirty (30) school days of receipt of the Parent's consent to conduct the evaluation., unless there is good cause to extend the deadline and the parent is notified and agrees to the extension in writing.

Prior to any Section 504 Team meeting, the Parent will be provided notice of the time, date and location for the meeting. The Section 504 Team shall include persons knowledgeable about the child, the meaning of evaluation data, and placement options.

During the Section 504 Team meeting, the 504 Team shall complete the District form entitled "504 Evaluation Team Report" to document the evaluation data and information. In interpreting evaluation data, the 504 Team shall carefully consider the evaluation and other relevant information and determine if the student qualifies as a student with a physical or mental impairment that substantially limits a major life activity (disability). All team members should sign the 504 Team Report form. Dissenting members should attach a written explanation as to their reasons for dissent.

If the Section 504 Team determines that the student is eligible under Section 504, the Section 504 Team should initiate the placement, services, and accommodation procedures as outlined below

If the Section 504 Team determines the student is not eligible under Section 504 (i.e. does not have a physical or mental impairment that substantially limits a major life activity), the School District shall provide written notice of this determination to the Parent along with a copy of the form entitled "Section 504 Parent/Student Rights in Identification, Evaluation and Placement" (procedural safeguards).

III. PLACEMENT, SERVICES, AND ACCOMMODATION

If the student qualified as a student with a disability under the IDEA, an IEP will be developed for the student and IDEA procedures will be followed.

If the student qualified under Section 504 as a student with a physical or mental impairment that has a substantial limit on a major life activity (disability), the 504 Team will determine if the student requires any accommodations or services related to the disability in order to receive a free appropriate public education in the least restrictive environment under Section 504. The services must be designed to meet the individual educational needs of the student. The Section 504 Team shall include persons knowledgeable about the child, the meaning of evaluation data, and placement options.

If the Section 504 Team determines that the student needs an accommodation/services plan, it shall convene to complete the district form entitled "Section 504 Student Accommodation/Services Plan." The Section 504 Plan may be developed immediately following the meeting held to discuss the evaluation results and determine Section 504 eligibility; however, the 504 Team shall meet to complete the 504 Student Accommodation/Services Plan no later than fifteen (15) school days after the Section 504 eligibility determination is made, and the Parent will be provided prior notice of the meeting. In making placement decisions, including any accommodations or services, the Section 504 Team shall consider the assessment data, teacher recommendations, teacher recommendations, and other relevant data. The placement decision will be made with consideration to the least restrictive environment in academic and non-academic settings and comparable facilities.

At the end of the meeting, the 504 Team members will sign their names to the Student Accommodation/Services Plan. A copy shall be provided to the parents as well as a copy of "Section 504 Parent/Student Rights in Identification, Evaluation, and Placement."

Under Section 504, parental written consent is required for implementation of the initial placement/initial 504 Plan. Parental consent is not required for subsequent changes in placement or the 504 Plan. If a Parent refuses consent for the initial placement/initial 504 Plan or disagrees in writing with the subsequent placement or 504 Plan, the parent will be provided a copy of "Section 504 Parent/Student Rights in Identification, Evaluation, and Placement" (procedural safeguards).

IV. ANNUAL REVIEW OF 504 ACCOMMODATION/SERVICES PLAN

Student 504 Accommodation/Services Plans will be reviewed at least annually.

V. REEVALUATIONS FOR SECTION 504 STUDENTS

Section 504 re-evaluations should be completed at least once every three years, more often if conditions warrant a reevaluation, and prior to a significant change of placement.

VI. TERMINATION OF SECTION 504 ELIGIBILITY

After a reevaluation, the Section 504 Team may determine that the student is no longer eligible for services or no longer requires any accommodations or services under Section 504. If this occurs, the Section 504 Team must provide written notice of such a determination to the Parent along with a copy of “Section 504 Parent/Student Rights in Identification, Evaluation, and Placement.”

VII. NONACADEMIC SERVICES

Students with disabilities have an equal opportunity to participate in nonacademic and extracurricular services and activities of the School District.

VIII. DISCIPLINE

For a student identified under the IDEA, IDEA discipline procedures will be followed.

When a student with a disability under Section 504, but not under the IDEA, is suspended or expelled from school for more than ten consecutive school days or for a series of suspensions that is each ten or fewer days in duration but exceeds ten days in the aggregate and creates a pattern of exclusions, Section 504 discipline requirements will be followed. These procedures include a manifestation determination which is the reevaluation for a significant change in placement in the context of discipline.

ELGIN SCHOOL DISTRICT

Section 504 Referral Form

Referral form must be returned to: _____
Name/Title

School: _____ Date: _____

Student: _____ Birthdate: _____

Parent: _____ Phone (H): _____

Address: _____ Phone (W): _____

Referred by: _____ Grade: _____
(Printed Name and Title)

1. Reason for referral (including identification of mental or physical impairment(s)):

2. Accommodations and interventions attempted (attach appropriate documentation):

3. Has the student ever previously been referred, evaluated, and/or received services pursuant to the IDEA or Section 504? Yes No If yes, explain:

Signature of Referring Person Date

Signature of School District Personnel Receiving Referral Date Received

Printed Name of School District Personnel Receiving Referral

Section 504 Referral Form – Page 2

Student Name _____

Action Taken by IAT with regard to Section 504 Referral

_____ No disability is suspected under Section 504 and the Student will not be referred for an evaluation.

_____ The Student is suspected as being a disabled student under the IDEA and will be referred for an IDEA evaluation.

_____ The Student will be evaluated to determine if the Student qualifies as a disabled student under Section 504.

Signature, and Printed Name and Title of IAT Members Making 504 Referral Decision

Name/Title Date

cc: Student's File
Parent

ELGIN SCHOOL DISTRICT

Notice of Intent to Conduct a Section 504 Evaluation

Student: _____ Grade: _____
School: _____ Date: _____

Dear _____:

Your child has been referred for a 504 evaluation to determine if he or she qualifies as a student with a disability according to Section 504 of the Rehabilitation Act of 1973. We are requesting your permission to assess your child in order to determine if your child has a disability under Section 504. Under Section 504, a disability is defined as a mental or physical impairment that substantially limits one or more major life activities. If your child is found to have a disability under Section 504, there will then be a determination as to whether your child requires any special education, related aids and services, or accommodations under Section 504. The assessment and any identified necessary services will be provided at no cost to you. The evaluation plan is enclosed and may also include a medical evaluation (if necessary), review of school records, existing school information, teacher information, and any information that you provide to us. Please return this form with your signature so that we may proceed with the evaluation. If we do not receive your written consent, we will not evaluate your child for eligibility under Section 504.

Please read the enclosed Section 504 Parent/Student Rights Identification, Evaluation and Placement sheet, complete the "Parent Response" portion of this form, and return the original to me.

Sincerely,

Signature/Printed Name/Title Date

Address Telephone

PARENT RESPONSE

DIRECTIONS TO PARENT: Please **check** one of the options below, **sign** this form, **keep** a copy, and **return** the original.

- I give permission for the district to proceed with a 504 evaluation as proposed.
- I need further information. Please contact me to schedule a meeting to explain the reasons for the assessment.
- I do not give permission for the district to proceed with the assessment as proposed.

Parent Signature Daytime Telephone Month/Day/Year

cc: Student file
Parent

ELGIN SCHOOL DISTRICT

Section 504 Parent/Student Rights in Identification, Evaluation, and Placement

The following is a description of the rights granted by federal law to students with disabilities or suspected disabilities under Section 504.

You have the right to:

1. Have your child take part in, have access to, and receive benefits from public education programs without discrimination because of his/her disability;
2. Have the school district advise you of your procedural rights under Section 504;
3. Receive notice with respect to identification, evaluation, or placement of your child and a meaningful opportunity to provide input into such decisions;
4. Refer your child for an evaluation if you suspect your child is disabled under Section 504 and grant consent for the evaluation ;
5. Have your child receive a free appropriate public education if your child is found to be eligible under Section 504. This includes the right to be educated with nondisabled students to the maximum extent appropriate. It also includes the right to have the school district provide necessary accommodations or services;
6. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who are knowledgeable about the student, the meaning of evaluation data, and placement options;
7. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the school district;
8. Examine all relevant records relating to decisions regarding your child's identification, evaluation, and placement;
9. As authorized under Section 504 regulations, request an impartial hearing related to actions regarding your child's identification, evaluation, or placement. You and your child may participate in the hearing and have an attorney represent you. An appeal (review process) of the impartial hearing decision is also available;
10. File a grievance with the School District.
11. File a complaint with the Office for Civil Rights (OCR), United States Department of Education, 600 Superior Avenue East, Suite 750, Cleveland, OH 44114.

Questions? Contact the Elgin School District Section 504 Coordinator who is the Superintendent, or your building Principal at Elgin School District, 4616 Larue Prospect Road West, Marion, OH 43302, Telephone 740-382-1101.

ELGIN SCHOOL DISTRICT

Section 504 Notice of a Meeting

Student: _____ Grade: _____
School: _____ Date: _____

Dear: _____:

A Section 504 Team meeting will be held on:

_____ at _____ in _____.
Date Time Location/Room

The purpose of this meeting is to:

- Discuss the results of an evaluation
- Develop an initial 504 plan if eligible
- Conduct a manifestation determination related to a code of conduct violation and discipline

- Annual review of 504 plan
- Other: (specify)

The following individuals are anticipated to be in attendance:

- Parent(s)/Guardian(s)
- Student
- Classroom Teacher
- Guidance Counselor
- School Principal
- School Psychologist
- Other

You may also bring additional persons to the meeting.

Please call me if you have any questions or if you would like to reschedule the time.

Sincerely,

Name Position Telephone

cc: Parent
Student's File

ELGIN SCHOOL DISTRICT

Section 504 Evaluation Team Report

Page 1 of 2

Student's Name:

Date of Birth:

Grade and building:

Attach a summary of the evaluation information supporting the eligibility determination.

The Section 504 Team has determined that the student:

_____ DOES have a physical or mental impairment that substantially limits a major life activity (has a disability under Section 504)

_____ DOES NOT have a physical or mental impairment that substantially limits a major life activity

Nature of the Disability (if any):

Effect of the Disability (if any) on the Student in the School Setting:

ELGIN SCHOOL DISTRICT

504 Team Evaluation Report

Page 2 of 2

Student's Name: _____

The Section 504 Team recommends that:

_____ Although eligible, the student can be served appropriately in the regular education program without the need for accommodations or services under Section 504.

_____ A 504 plan will be developed to determine appropriate accommodations or services.

_____ The student will be referred for an IDEA evaluation.

_____ Other (Specify)

Reasoning:

Agreeing team members:

Signature	Title	Date
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_____	_____	_____
_____	_____	_____
_____	_____	_____

Dissenting team members (must attach written reason for dissent):

Signature	Title	Date
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_____	_____	_____
_____	_____	_____

cc: Student's file
Parent

Section 504 Student Accommodation/Services Plan

Name of Student _____

Date of Meeting _____

Meeting Participants:

Name	Title

Parent Signature

For the INITIAL provision of placement and the INITIAL provision of a Section 504 Plan ONLY the Parent must provide written consent before the Plan can be implemented. The Parent should sign below for the INITIAL 504 Plan ONLY:

____ I give consent for the initial provision of placement, accommodations, and/or services under Section 504 as provided in this 504 Plan.

____ I DO NOT give consent for the initial provision of placement, accommodations, and/or services under Section 504 as provided in this 504 Plan.

Parent Signature _____ Date _____

For any Section 504 Plan SUBSEQUENT TO THE INITIAL 504 Plan, if the Parent DISAGREES with the Plan, the Parent should indicate such disagreement below.

____ I DISAGREE with the proposed 504 Plan.

Parent Signature _____ Date _____

cc: Student's file
Parent

ELGIN SCHOOL DISTRICT

504 Termination of Accommodations/Services

Student's Name: _____ Date: _____

Student's Date of Birth _____

The Section 504 Team met and determined that the student referenced above is NO LONGER ELIGIBLE FOR OR NO LONGER REQUIRES ACCOMMODATIONS OR SERVICES UNDER SECTION 504 for the following reasons:

Signatures of Section 504 Section 504 Team Members

Agree with Determination:

Signature	Title	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____

Disagree with Determination: (must attach written reason for disagreement)

Signature	Title	Date
_____	_____	_____
_____	_____	_____

cc: Student's file
Parent

504 MANIFESTATION DETERMINATION REVIEW

CHILD'S INFORMATION

CHILD'S NAME _____ DATE OF BIRTH: _____

NATURE OF THE CHILD'S DISABILITY

NATURE OF THE BEHAVIOR SUBJECT TO DISCIPLINARY ACTION:

DETERMINATION OF THE RELATIONSHIP OF THE BEHAVIOR OF CONCERN TO THE STUDENT'S DISABILITY

1. In relationship to the behavior subject to disciplinary action
 - a. Did the 504 team review relevant information about the student and the student's 504 Plan? Yes No
 - b. Did the 504 team review relevant information presented by the parents? Yes No
 - c. Did the 504 team determine that the conduct in question was caused by/or had a direct and substantial relationship to the child's disability? Yes No

The behavior is a manifestation of the student's disability, if the 504 team indicated "Yes" on item c of 1 above.

CONCLUSION

The behavior is or is not a manifestation of the student's disability.

DATE OF MANIFESTATION DETERMINATION REVIEW: _____

Meeting Date _____

Signature:

Title:

Signature:

Title:

Signature:

Title:

Signature:

Title:

ELGIN SCHOOL DISTRICT

Section 504 Grievance Form

Please fill out this form completely and sign and date the bottom before delivering it to the Civil Rights Coordinator who is the Superintendent of the Elgin School District, or with a building principal of the Elgin School District .

Date _____ School Building _____

Request Initiated by (Please Print) _____

Daytime Phone _____

Street City State Zip

Complainant is: Student, Employee, Parent
 Other Person (Title): _____)

I. State the nature of the grievance. (Please be specific.)

II. What do you think should be done to correct this situation? (Please be specific.)

Would you like for the School District to pursue an informal procedure to attempt to resolve this complaint prior to initiating a formal investigation? The informal process is an optional procedure and you may file a formal grievance initially or at any time.

____ Yes, I would like to pursue an informal procedure at this time. I understand that if I am not satisfied with the result of the informal process, I can still file a formal grievance.

____ No, I do NOT want to pursue informal procedures and want to initiate a formal grievance at this time.

Signature of the Complainant: _____ Date: _____

Received by: _____ Date: _____